



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

# **Planning Commission**

**Meeting Packet**

**February 26, 2024**

**6:30 p.m.**

**STAFF REPORT**

**TO:** Yamhill Planning Commission

**FROM:** Walt Wendolowski, Contract Planner

**SUBJECT:** Conditional Use/Variance/Variance File No. 24-02

**DATE:** February 19, 2024

**I. BACKGROUND INFORMATION**

- A. **APPLICANT:** Yamhill-Carlton School District.
- B. **PROPERTY LOCATION:** The subject property is located at 310 East Main Street and the County Assessor Map identifies the site as located within Township 3 South; Range 4 West; Section 04AC; Tax Lot 800.
- C. **ZONING:** Single Family Residential (R2).
- D. **PARCEL SIZE:** Approximately 5.3 acres.
- D. **EXISTING DEVELOPMENT:** The property contains the Yamhill-Carlton Intermediate School, fronts a public street, and public sewer and water facilities serve the property.
- E. **REQUEST:** The applicant is requesting the following: (1) Conditional Use to install an Electronic Message Center; (2) Variance to the square footage limitation for a free-standing sign for a public building; and (3) Variance to the free-standing sign height requirements for a public building.
- F. **DECISION CRITERIA:** Yamhill Municipal Code; Chapter 10.16 (Single Family Residential – R2); Chapter 10.64 (Signs); Section 10.64.220 (Sign Variances), and Chapter 10.108 (Conditional Use).

**II. APPLICATION SUMMARY**

- A. The School District wishes to modify the existing 14-foot free-standing sign located on East Main Street. The existing 4'x8' cabinet would be removed and replaced by a new 4'x8' cabinet with an LED display (electronic message center). The active area of the display would contain 16.319 square feet of area. The sign height would remain at 14 feet, three inches. Per section 10.64.030(L)(1), establishment of an electronic message center (EMC) is subject to a conditional use.

- B. Development Code Section 10.64.04 establishes the requirements for public and semi-public signs. Per subsection (A), only one freestanding monument sign shall be permitted, not to exceed eighteen square feet in sign area and five feet in height. The proposed sign requires Variances to these two standards:
1. Section 10.64.030(L)(2) establishes the maximum allowable size for an EMC with public facilities allowed up to twenty-four square feet of area. Per the requirements in (L)(3), the area is calculated at a rate two times that of non-EMC signs. The EMC sign area is therefore 32.6 square feet in area. Coupled with the 11.3 square foot header, the total sign area of the proposed sign is 43.0 square feet. A variance is required as this exceeds the eight square foot limitation.
  2. The revised sign will be fourteen feet, three inches in height. A variance is necessary as this exceeds the 5-foot height limitation.

As the variances relate to changes in the sign regulations, they are subject to provisions in Section 10.64.220. While the process follows in Chapter 10.100 (Variances), the criteria in this Section are specific to signs and therefore apply to this request.

- C. The core of the change involves replacing the existing cabinet with a new one containing an EMC. This is an alteration per Section 10.64.130 and requires a sign permit. However, a sign permit cannot be issued unless the City approves the conditional use and variances.
- D. For the record, the applicant submitted the necessary application forms and submittal. This hearing and process are consistent with the provisions in Chapter 10.104 (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 has determined that such conditions are necessary for the public health, safety, and general welfare, or to protect persons 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.

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 new sign replaces an existing height of similar height, area, and mass. 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: Again, this is effectively a sign replacement. The adequacy of streets and street improvements are 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: The site currently contains a 14+ foot free standing sign. The replacement sign contains the same approximate height, dimensions, and mass thereby limiting potential adverse impacts.

The primary difference between the two signs lies in the use of an electronic message center. In establishing the regulations, the City adopted provisions to ensure this type of sign will have minimal impact on neighboring properties. Compliance with the provisions outlined in Section VI of this report will minimize adverse impacts. The Commission may condition an approval to require compliance with these provisions.

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, compliance with the EMC design provisions would be required to ensure the sign protects the public health, safety, and general welfare.

### III. CRITERIA AND FINDINGS – VARIANCE FREE-STANDING SIGN HEIGHT REQUIREMENT FOR A PUBLIC USE BUILDING

- A. As stated earlier, the maximum allowable height for a free-standing sign involving a public or semi-public use is 5-feet. The proposed 14-foot 3-inch sign exceeds this limitation and therefore requires a variance to the sign regulations.
- B. A variance to the sign regulations is subject to provisions in Section 10.64.220. The following includes the specific criteria and findings:

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

FINDINGS: There are two possible unique circumstances. The first is the presence of the existing sign pole, in that, it is cost effective for the School district to use the pole to locate the new sign. Second, part of the sign's purpose is to display messages to the teachers, students, parents, and the public at large and that is visible from a reasonable distance. This is not possible with a 5-foot monument sign.

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: Except for the message sign, there will be no net change in the height, dimensions, or relative mass of the structure. Therefore, there is 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: Adverse impacts are not anticipated on traffic safety or public welfare as the new sign effectively copies the existing one. Benefits to public safety and welfare are likely, however, due to the message capability of the

sign. This can alert the public regarding school closures, events, city-wide emergencies, and other matters of importance to the public.

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

FINDINGS: The School does not have a special advantage as there is no change in height. Further, as a public entity, there is no special advantage relative to a competing business.

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

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

#### IV. CRITERIA AND FINDINGS – VARIANCE

##### FREE-STANDING SIGN AREA REQUIREMENT FOR A PUBLIC USE BUILDING

- A. As stated earlier, the maximum allowable sign area for a free-standing sign for a public use is eight square feet. The cabinet itself contains approximately 32 square feet in area and based on the calculation methodology in 10.46.030(L)(3) the proposed sign contains 43.9 square feet of area.
- B. A variance to the sign regulations is subject to provisions in Section 10.64.220. The following includes the specific criteria and findings:

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

FINDINGS: The prior variance recognize the height, bulk, dimensions, of the proposed sign are similar the existing improvements. While the new sign incorporates an EMC, the cabinet size will be unchanged so that the visible square footage is similar. The only significant difference is the use of the EMC. And as noted, the sign's purpose is to display messages to the teachers, students, parents, and the public at large. The message capability of the sign can alert the public to school matters and other issues. This is not possible with an eight square foot sign limitation.

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: Except for the message sign, there will be no change in the height, dimensions, or relative mass of the cabinet. The visible square footage remains unchanged.

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: As noted, adverse impacts are not anticipated on traffic safety or public welfare as the new sign effectively copies the existing one.

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

FINDINGS: The School does not have a special advantage as there is no change in the cabinet area. Further, as a public entity, there is no special advantage relative to a competing business.

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

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

## VI. RECOMMENDATION AND CONDITIONS OF APPROVAL

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

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

## V. PLANNING COMMISSION ACTION

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



## CONDITIONAL USE APPLICATION

CITY OF YAMHILL  
PLANNING DEPARTMENT  
CITY HALL  
YAMHILL, OREGON 97148  
(503) 662-3511

Date Rec'd: \_\_\_\_\_  
Docket Number: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Date Rec'd: \_\_\_\_\_

<b>APPLICANT IS</b>		<b>TITLE HOLDER OF THE PROPERTY INFORMATION</b>	
Legal Owner	( )	Name: _____	Phone #: _____
Contract Buyer	( )	Address: _____	
Option Holder	( )	<b>APPLICANT INFORMATION</b>	
Agent	( )	Name: _____	Phone #: _____
		Address: _____	

**LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THIS APPLICATION**

Property Address: \_\_\_\_\_ Size: \_\_\_\_\_ X \_\_\_\_\_ Total Area: \_\_\_\_\_  
Map #: \_\_\_\_\_ Lot #: \_\_\_\_\_ Block #: \_\_\_\_\_ Sub-Division: \_\_\_\_\_  
Total Area Involved: \_\_\_\_\_ Current Zoning: R-1 \_\_\_\_; R-2 \_\_\_\_; R-3 \_\_\_\_; C-3 \_\_\_\_; RLC \_\_\_\_; LI \_\_\_\_

### **INTRODUCTION**

This application is provided for the filing and review of all proposed conditional use permits in the City of Yamhill. The application is organized to correspond with the requirements of Yamhill City Municipal Code Chapters 10.128, and 10.104, which establishes standards and procedures for the issuance of conditional use permits in the City of Yamhill. These Chapters should be consulted when preparing this application.

The filing of this application will initiate a process which includes the following:

- A) Application submission to City Recorder or designated official.
- B) Scheduling of a public hearing with the City Planning Commission.
- C) Notification of affected citizens and agencies.
- D) City Review.
- E) Planning Commission hearing and discussion.

### **WHAT IS BEING REQUESTED?**

What is Requested: a) 16.32 SqFt of electronic reader-board.  
b) Pole sign of 14'-4". Existing pole sign measuring 14'-4" is in place. This project replaces the sign cabinet of equal size, does not modify existing pole structure.

Proposed Use(s) and sequence of construction: \_\_\_\_\_

Anticipated Timetable for Project: 1 day Start Day of permit approval Finish 2.5 months after permit approval.

Present Use of this property: Public School

Will fill or removal be required to develop this site: Yes \_\_\_\_\_ No x How Much \_\_\_\_\_

State specific reasons for this request and its effects on the surrounding area: \_\_\_\_\_

To communicate with students, parents, and community. Existing fixed-letter reader-board is has limitations in message length and is difficult to update.

No negative effects on surrounding area. This electronic message display will be a benefit to the community.

How will surface water be taken care of:

N/A

Total off-street parking spaces (paved 10' x 20') proposed:

N/A

Total employees and/or occupants: Present: N/A Proposed: N/A

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### APPLICANT'S CERTIFICATION

No title search or survey will be made by the City of Yamhill before this application is processed. It is the responsibility of the applicant for any permits to determine whether he has the legal right to use the property in question for the intended purpose. No permission for such use, either express or implied, is given by the City of Yamhill by the issuance of any permit.

**I HEREBY CERTIFY THAT ALL STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.**

**NOTE:** Attach detailed, accurate site plans (minimum of Ten copies are required). Other statements, plans, photos, data, etc., which would help to substantiate and clarify your request may also be submitted. Attach responses to all questions prior to submission to the City.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Owner's Signature

*Jay C*

\_\_\_\_\_  
Date of Application

## CONDITIONAL USE PERMIT APPLICATION

### CONDITIONAL USE PERMIT INFORMATION:

A Conditional Use is a use which is permitted in a zoning district due to its public convenience and necessity. Such a use is permitted only upon the approval of the Planning Commission after a public hearing and a finding that such a Conditional Use will not be detrimental to the comprehensive plan and surrounding property. Reasonable conditions can be attached to its approval to uphold the spirit and intent of the zoning regulations and mitigate any adverse effect upon the neighborhood properties.

In order for the application to be approved the applicant must provide substantiation for the request either in written form or in person at the hearing. The applicant has the burden of proving justification for the request; the more drastic the change or the greater the impact of the change in the neighborhood, the greater the burden on the applicant. The Planning Commission considers the following criteria to be relevant and will be considered in making its decision on the proposed conditional use:

- 1.) What, in detail, are you asking for?
- 2.) Does your request conform to the Comprehensive Plan?
- 3.) What are the present conditions in the neighborhood and how will your request change these?
- 4.) How will the public be benefitted by your request?
- 5.) Is there a public need for your request?
- 6.) Is there any other property in the general area of your request which is zoned for the use you are requesting, but is not being used that way?
- 7.) Do you think a mistake was made when the present zoning was put into effect?

### APPLICATION:

A complete Application includes the following items:

- 1.) The application form filled out as completely as possible. Give as thorough an explanation and justification as possible. If additional explanation or materials would assist or support the request, attach these and include them with the application form. All applications shall have the owner of the properties signature(s) on the application. The owner of the property shall be defined as being the legal owner, contract buyer, agent, or option holder.
- 2.) Ten copies of a Detailed Plot Plan of the property for which action is requested illustrating that which is being requested is required for all Conditional Use applications. Such a plot plan drawn to scale should illustrate the following minimum items:
  - A.) The date, north-point, scale, and a good and sufficient description to define the location and boundaries of the parcel.
  - B.) Approximate acreage of the parcel under a single ownership, or, if more than one ownership is involved.
  - C.) For land adjacent to and within the parcel, show locations, names, and existing widths of all streets and easements; and location and size of sewer and water lines, and drainage ways.
  - D.) Outline and location of existing and proposed structures and improvements including setback dimensions of existing and proposed structures and land features, along with the principal features of terrain and vegetation.
  - E.) Such additional information as required by the Planning Commission procedures.
- 3.) A list of the names and addresses, from the last preceding County Tax Roll, of all owners of property situated within 300 feet of the subject property, including public rights-of-ways, of the external boundaries of the affected property.

4.) Application Fee	\$ 500.00	
Professional Review Fee	\$ 1,000.00	* If Applicable
Appeal Fee	\$ 250.00	
Initial City Fee at Application	\$ 500.00	

- 5.) Make certain the Application is signed by the Legal Owner(s) of the affected property. (Proof of title may be required.)

### **SUBMISSION OF APPLICATION:**

A completed application shall be filed with the City Recorder at least thirty (30) days prior to the Planning Commission Meeting at which the Public Hearing will be conducted.

A minimum fee of \$500.00, for the Conditional Use Permit Application, shall be charged for application review upon filing of the application. Such fees shall be non-refundable. The applicant is advised that he will be subject to Professional Service Charges of Yamhill Municipal Code Section 10.128.230.

The City Recorder shall schedule a public hearing before the Planning Commission as established in the Yamhill Municipal Code. The Planning Commission shall review the application at their regularly scheduled meeting and determine whether the proposal is compatible with the City of Yamhill Comprehensive Plan and all other applicable regulations. The Planning Commission may require any conditions or modifications in the plan as are deemed necessary to carry out the Yamhill Comprehensive Plan.

### **PROFESSIONAL EXPENSES:**

10.128.230 Professional Expenses. In addition to any other fees prescribed by the City Council, there is imposed upon an Applicant before the Planning Commission or City Council, an additional fee for the professional review of the application. Said fee shall not exceed \$1,000.00 unless approved by majority vote of the Planning Commission or City Council. Said fee shall not exceed actual cost to City for professional services of planners, engineers, attorneys, or other professionals whose assistance is sought by the Planning Commission and/or City Council.

The City shall not bill for the first four (4) hours of the professional review performed by City Staff and the first four (4) hours of the professional review performed by the City Planner. Unless specifically included within the application fee, all services by the City Engineer and the City Attorney shall be covered under Professional Expenses. The City shall have the authority to impose the above said fee only in those cases where additional professional review, beyond four (4) hours, engineering review, and/or legal review, is required on the application. Prior to imposing said fee or beginning professional review of such projects, the City Recorder shall notify the Applicant that his application is subject to the Professional Review Fee and that the Applicant shall be liable for said fees. Such notifications may be made by printing said notification on the land use application to come before the Planning Commission and/or City Council. The City, after notification to Applicant of the professional review fee, shall provide the Applicant a period of not less than seven days in which to withdraw his application without being responsible for said fee. The City, at the request of the applicant may provide to the applicant an estimate of the Professional Review Fee however, such estimates shall not be binding in any way upon the City. An estimated Professional Review Fee may be charged at the time of initial or subsequent hearing if the governmental body has good cause to believe a fee will be required.

*The Professional Review Fee shall be collected from the applicant before final approval of the application. If estimated professional review fees have been collected by the City, and the Professional Review Fee actually charged to the City by a professional is less than the amount rendered by the Applicant, the City Recorder shall refund to the Applicant the balance of the fee paid beyond the professional fees actually charged the City. Likewise, if the estimated professional review fees paid by the applicant are insufficient to cover the amount assessed the City by the designated professionals, then the City Recorder will have the authority, prior to the Planning Commission or City Council acting upon the application, of collecting additional fees. (Ord. 350, '15.22, 1984) ...*

CITY OF YAMHILL  
PLANNING DEPARTMENT  
CITY HALL  
YAMHILL, OREGON 97148  
(503) 662-3511

VARIANCE/EXCEPTION APPLICATION  
DOCKET #: \_\_\_\_\_  
HEARING DATE: \_\_\_\_\_  
PRESENT ZONE: \_\_\_\_\_  
DATE REC'D: \_\_\_\_\_

**APPLICANT IS**

**TITLE HOLDER OF THE PROPERTY**

Legal Owner ( )  
Contract Buyer ( )  
Option Holder ( )  
Agent ( )

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THIS APPLICATION**

Location of Property: \_\_\_\_\_ Size: \_\_\_\_\_ X \_\_\_\_\_ Tax Lot: \_\_\_\_\_  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Sub-Division: \_\_\_\_\_ Total Area: \_\_\_\_\_  
Total Area Involved: \_\_\_\_\_ Current Zoning: R-1 \_\_\_\_\_; R-2 \_\_\_\_\_; R-3 \_\_\_\_\_

**INTRODUCTION**

This application is provided for the filing and review of all proposed variances/exceptions in the City of Yamhill. The application is organized to correspond with the requirements of Yamhill City Municipal Code Chapters 10.100, and 10.128, which establishes standards and procedures for the issuance of variances/exceptions in the City of Yamhill. These Chapters should be consulted when preparing this application.

The filing of this application will initiate a process which includes the following:

- A) Application submission to City Recorder or designated official.
- B) Scheduling of a public hearing with the City Planning Commission.
- C) Notification of affected citizens and agencies.
- D) City Review.
- E) Planning Commission hearing and discussion.

**WHAT IS BEING REQUESTED?**

± Exception: \_\_\_\_\_

b) Pole sign of 14'-4". Existing pole sign measuring 14'-4" is in place. This project replaces the sign cabinet of equal size, does not modify existing pole structure.

± Variance - Is the difficulty of this project due to unique circumstances such as shape or topography?

Yes \_\_\_\_\_ No ☒

± Lot Size Requirement: \_\_\_\_\_ Reduction to: \_\_\_\_\_

± Road Frontage Requirement: \_\_\_\_\_ Reduction to: \_\_\_\_\_

± Setback - Front Requirement: \_\_\_\_\_ Reduction to: \_\_\_\_\_

± Setback - Rear Requirement: \_\_\_\_\_ Reduction to: \_\_\_\_\_

± Setback - Side Requirement: \_\_\_\_\_ Reduction to: \_\_\_\_\_

± Other Requirement: \_\_\_\_\_ Reduction to: \_\_\_\_\_

± Miscellaneous: We are requesting permission to use a) 16.32 SqFt of electronic reader-board, and b) to have a pole sign measuring

14'-4" in height. There is a pole sign measuring 14'-4" already in place. This project replaces the sign cabinet of equal size, does not modify existing pole structure.

State the nature of the request and the practical difficulty and unnecessary hardship involved.

Why won't this request be detrimental to the surrounding area: \_\_\_\_\_

This electronic message display will serve the community as a communication tool. School closures, public events, goodwill messages (ie, holidays), etc.

There are no detrimental effects.

Auto-dimming technology prevents unnecessary brightness and glare in the evening.

### APPLICANT'S CERTIFICATION

No title search or survey will be made by the City of Yamhill before this application is processed. It is the responsibility of the applicant for any permits to determine whether he has the legal right to use the property in question for the intended purpose. No permission for such use, either express or implied, is given by the City of Yamhill by the issuance of any permit.

**I HEREBY CERTIFY THAT ALL STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.**

Applicants Signature \_\_\_\_\_

Date \_\_\_\_\_

Owners Signature \_\_\_\_\_

Date \_\_\_\_\_

 11-22-23

**NOTE:** Attach detailed, accurate site plans (minimum of Ten copies are required). Other statements, plans, photos, data, etc., which would help to substantiate and clarify your request may also be submitted. Attach responses to all questions prior to submission to the City.

## **VARIANCE/EXCEPTION APPLICATION**

### **VARIANCE/EXCEPTION INFORMATION:**

Where difficulty exist rendering compliance with the Zoning regulations impractical and such compliance would create unnecessary hardship to the owner or use of land or buildings, the Planning Commission may grant a variance/exception from the provisions of these regulations after the prescribed hearing and after an investigation; provided that substantially the following circumstances exist:

- 1.) Exception or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally created prior to the date of the zoning ordinance, topography, or other circumstances over which the applicant has no control.
- 2.) The variance/exception is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
- 3.) The variance/exception would not be materially detrimental to the purposes of this ordinance, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of the comprehensive plan policy.
- 4.) The variance/exception requested is the minimum variance/exception which would alleviate the hardship.

In granting a Variance/Exception, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of the zoning ordinance.

### **APPLICATION:**

A complete Application includes the following items:

- 1.) The application form filled out as completely as possibly. Give as thorough an explanation and justification as possible, keeping in mind the basis indicated above for granting a Variance/Exception. If additional explanation or materials would assist or support the request, attach these and include them with the application form. All applications shall have the owner of the properties signature(s) on the application. The owner of the property shall be defined as being the legal owner, contract buyer, agent, or option holder.
- 2.) Ten copies of a Detailed Plot Plan of the property for which action is requested illustrating that which is being requested is required for all Conditional Use applications. Such a plot plan drawn to scale should illustrate the following minimum items:
  - A.) The date, north-point, scale, and a good and sufficient description to define the location and boundaries of the parcel.
  - B.) Approximate acreage of the parcel under a single ownership, or, if more than one ownership is involved.
  - C.) For land adjacent to and within the parcel, show locations, names, and existing widths of all streets and easements; and location and size of sewer and water lines, and drainage ways.
  - D.) Outline and location of existing and proposed structures and improvements including setback dimensions of existing and proposed structures and land features, along with the principal features of terrain and vegetation.
  - E.) Such additional information as required by the Planning Commission procedures.
- 3.) A list of the names and addresses, from the last preceding County Tax Roll, of all owners of property situated within 200 feet of the subject property, including public rights-of-ways, of the



external boundaries of the affected property.

4.)	Application Fee	\$ 350.00	
	Professional Review Fee	\$ 1,000.00	* If Applicable
	Appeal Fee	\$ 250.00	
	Initial City Fee at Application	\$ 350.00	

- 5.) Make certain the Application is signed by the Legal Owner(s) of the affected property. (Proof of title may be required.)

### **SUBMISSION OF APPLICATION:**

A completed application shall be filed with the City Recorder at least thirty (30) days prior to the Planning Commission Meeting at which the Public Hearing will be conducted.

A minimum fee of \$350.00, for the Variance/Exception Application, shall be charged for application review upon filing of the application. Such fees shall be non-refundable. The applicant is advised that he will be subject to Professional Service Charges of Yamhill Municipal Code Section 10.64.230.

The City Recorder shall schedule a public hearing before the Planning Commission as established in the Yamhill Municipal Code. The Planning Commission shall review the application at their regularly scheduled meeting and determine whether the proposal is compatible with the City of Yamhill Comprehensive Plan and all other applicable regulations. The Planning Commission may require any conditions or modifications in the plan as are deemed necessary to carry out the Yamhill Comprehensive Plan.

### **PROFESSIONAL EXPENSES:**

10.128.230 Professional Expenses. In addition to any other fees prescribed by the City Council, there is imposed upon an Applicant before the Planning Commission or City Council, an additional fee for the professional review of the application. Said fee shall not exceed \$1,000.00 unless approved by majority vote of the Planning Commission or City Council. Said fee shall not exceed actual cost to City for professional services of planners, engineers, attorneys, or other professionals whose assistance is sought by the Planning Commission and/or City Council.

The City shall not bill for the first four (4) hours of the professional review performed by City Staff and the first four (4) hours of the professional review performed by the City Planner. Unless specifically included within the application fee, all services by the City Engineer and the City Attorney shall be covered under Professional Expenses. The City shall have the authority to impose the above said fee only in those cases where additional professional review, beyond four (4) hours, engineering review, and/or legal review, is required on the application. Prior to imposing said fee or beginning professional review of such projects, the City Recorder shall notify the Applicant that his application is subject to the Professional Review Fee and that the Applicant shall be liable for said fees. Such notifications may be made by printing said notification on the land use application to come before the Planning Commission and/or City Council. The City, after notification to Applicant of the professional review fee, shall provide the Applicant a period of not less than seven days in which to withdraw his application without being responsible for said fee. The City, at the request of the applicant may provide to the applicant an estimate of the Professional Review Fee however, such estimates shall not be binding in any way upon the City. An estimated Professional Review Fee may be charged at the time of initial or subsequent hearing if the governmental body has good cause to believe a fee will be required.

***The Professional Review Fee shall be collected from the applicant before final approval of the application. If estimated professional review fees have been collected by the City, and the Professional Review Fee actually charged to the City by a professional is less than the amount rendered by the Applicant, the City Recorder shall refund to the Applicant the balance of the fee paid beyond the professional fees actually charged the City. Likewise, if the estimated professional review fees paid by the applicant are insufficient to cover the amount assessed the City by the designated professionals, then the City Recorder will have the authority, prior to the Planning Commission or City Council acting upon the application, of collecting additional fees. (Ord. 350, '15.22, 1984) ...***





MANUFACTURING / INSTALLATION DETAILS



89975 Prairie Rd.  
Eugene, OR 97402  
541.485.5546 | esasigns.com

SHOP DRAWING #:  
**36032A**

CLIENT:  
Yamhill Carlton  
Intermediate School  
310 E. Main St.  
Yamhill, OR 97148

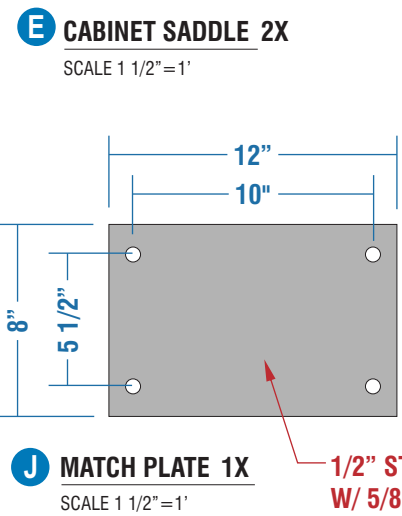
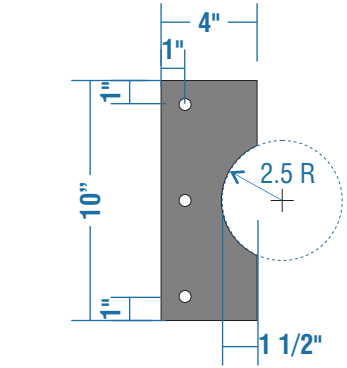
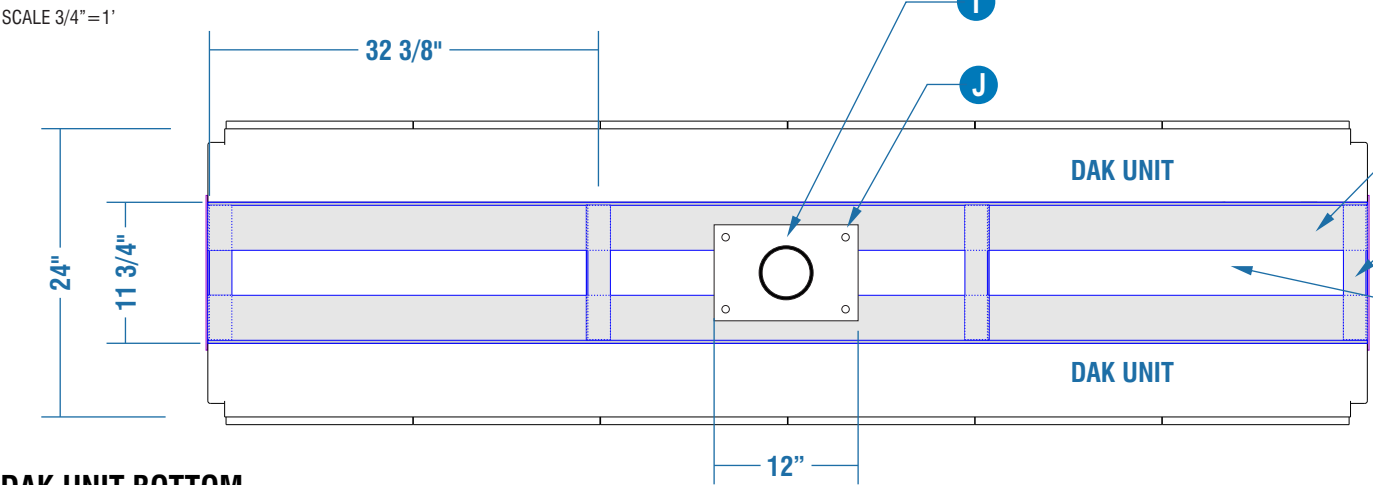
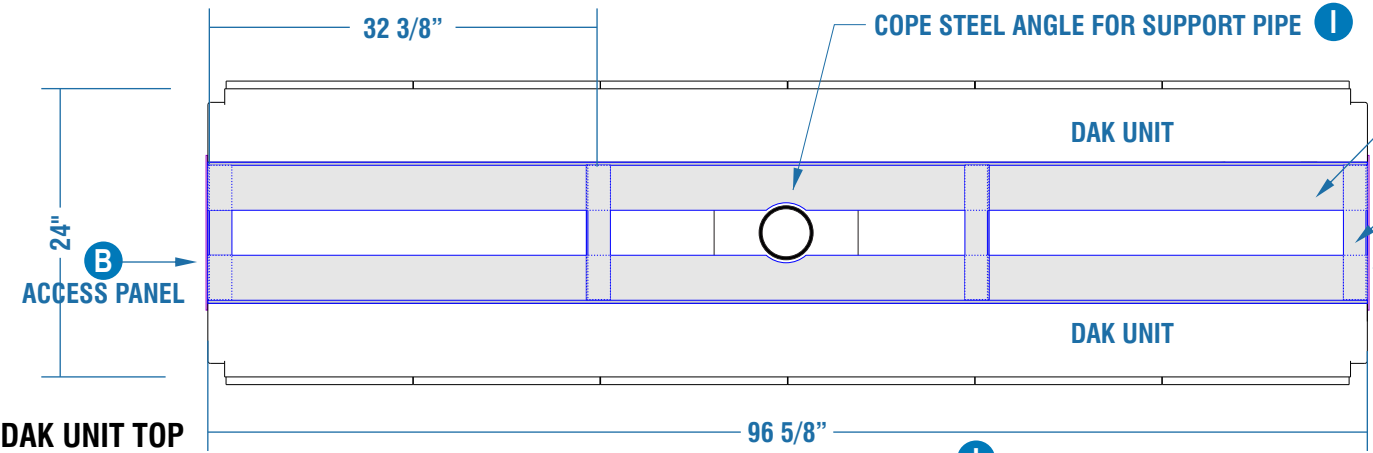
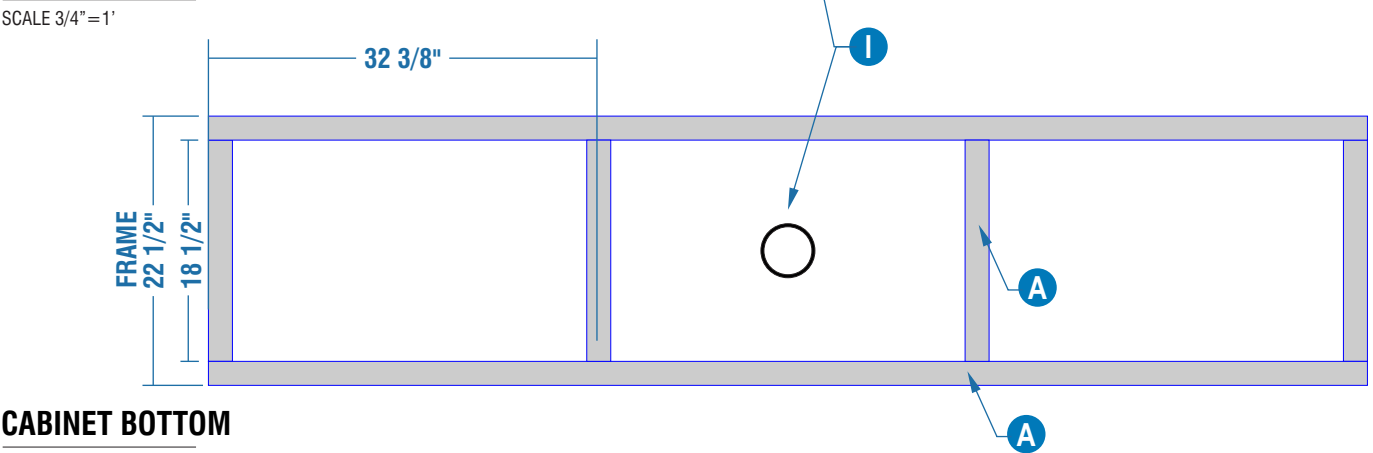
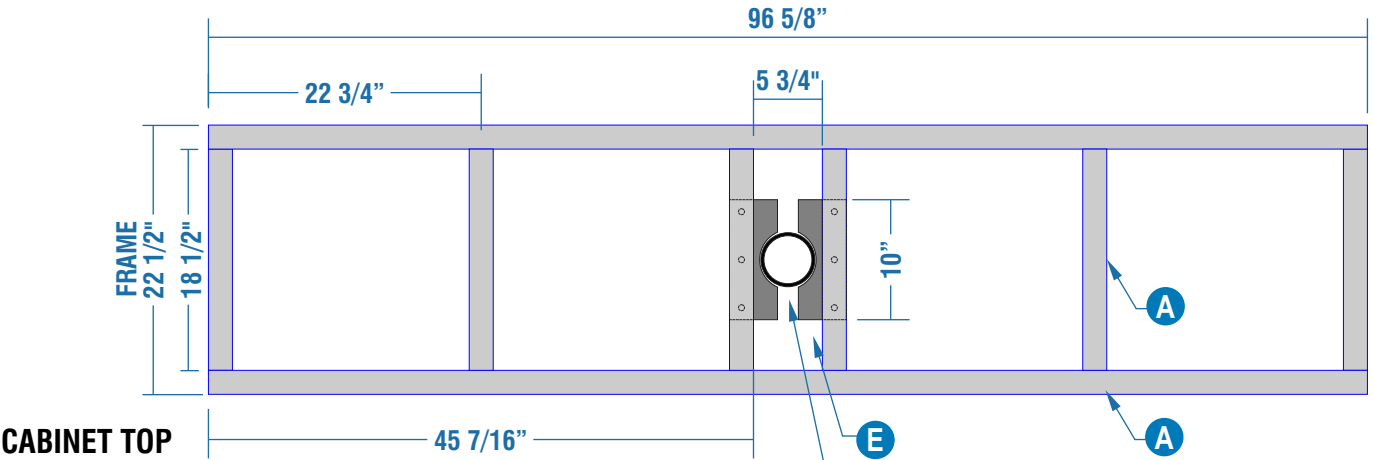
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**10/19/23**

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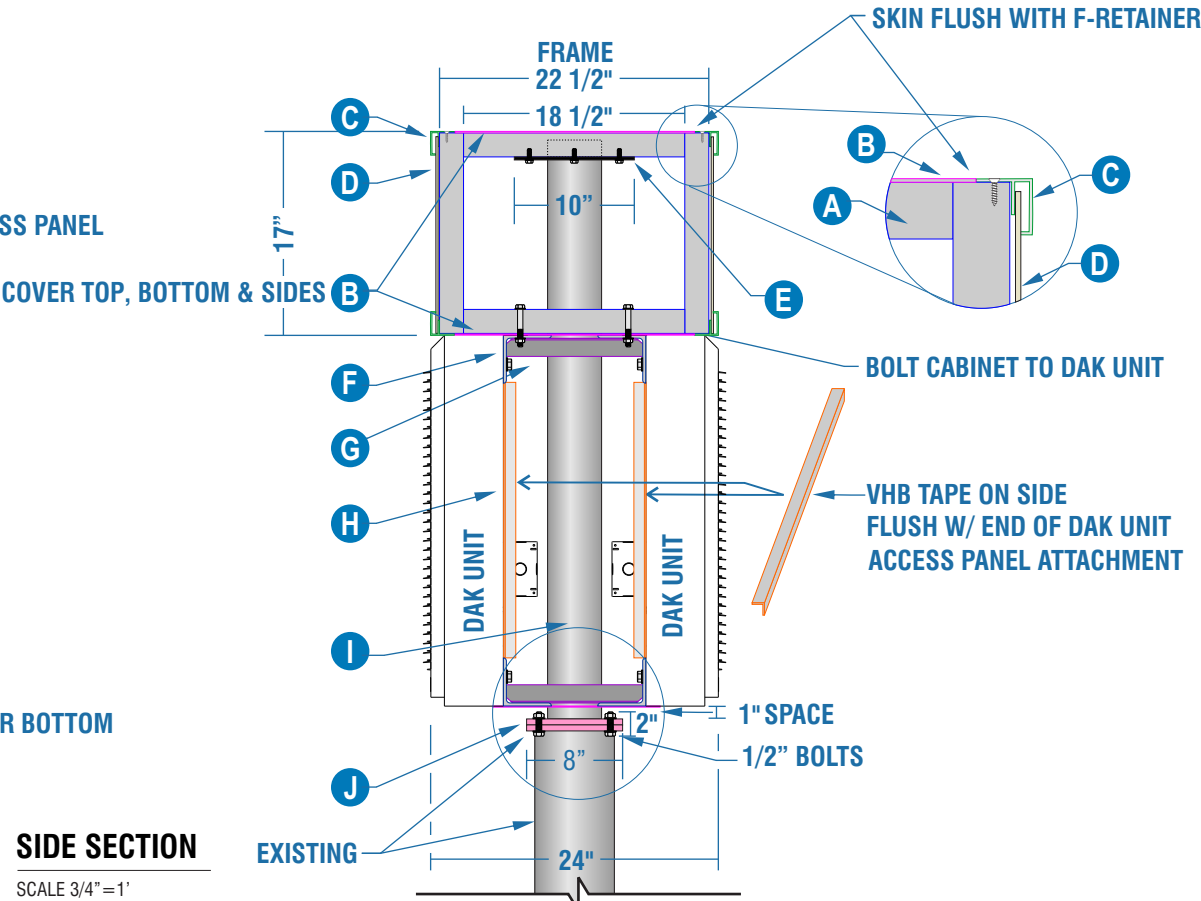
LEAD DESIGN: BL

SALES: BH

REVISIONS:



1/2" STEEL PLATE  
W/ 5/8" HOLES  
1/2" X 2" BOLTS  
CAPTIVATED NUTS ON TOP



TOP CABINET		
FRAME	A	ALUM SQ TUBE 2 X 2 X .125 (AL4554)
SKINS	B	ALUM SHEET .090 (AL4418) (TOP, BOTTOM & SIDES)
RETAINERS	C	SUN F-RETAINER 2 (EX5039) ATTACH W COUNTER SUNK SCREWS
FACES	D	POLYCARBONATE WHITE.177 (PL2597) QTY (2) CUT SIZE 16 3/4" X 96 1/2"
SADDLE	E	STEEL FLAT BAR 1/4" X 4" (St4203)
DAK UNITS USE SEPARATE CIRCUIT AND SWITCHES W/ LIQUID TIGHT CONDUIT		
SKINS	B	ALUM SHEET .090 (AL4418) (BOTTOM & SIDES)
STEEL	F	STEEL ANGLE - 4 X 4 X .250 (ST4163)
STEEL	G	STEEL ANGLE - 2 X 2 X .125 (St4143)
ALUM	H	ALUM ARCH ANGLE 1 X 1 X .125 (AL4726)
SUPPORT PIPE		
PIPE	I	STEEL 4" PIPE SCHEDULE 40 (ST4007)
MATCH PLATE	J	STEEL .500 PLATE (ST4103) QTY 1 PLATE
CABINET LIGHTING LED LIGHT AS NEEDED		
	K	FRANCE 24V-100W POWER SUPPLY (LE8744)
		TETRA POWERSTRIP D/F CABINET (LE8723)
		TETRA POWERSTRIP RAIL (LE8746)
		20 AMP TOGGLE SWITCH (EI6240) ON/OFF SAFETY PLATE (EI6241)
		CONDUIT 1/2" LIQUID TIGHT FLEXIBLE (EI6160)
		J-BOX HANDY 4"X2"X1.5" (EI6280) J-BOX COVER 4"X2" (EI6292)



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310 E. Main St.  
Yamhill, OR 97148

DATE OF SHOP DRAWING:  
**10/19/23**

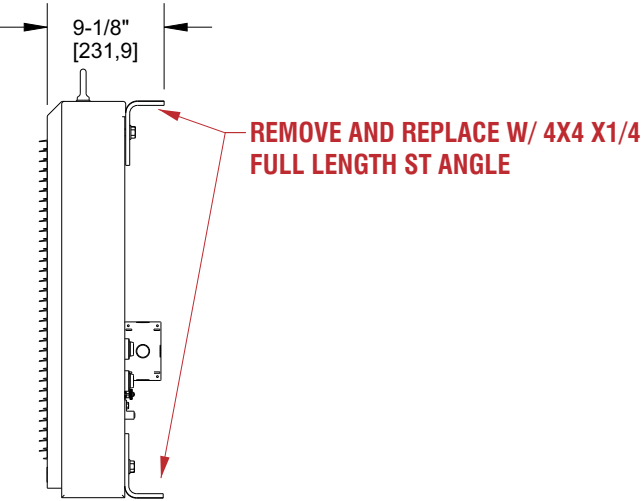
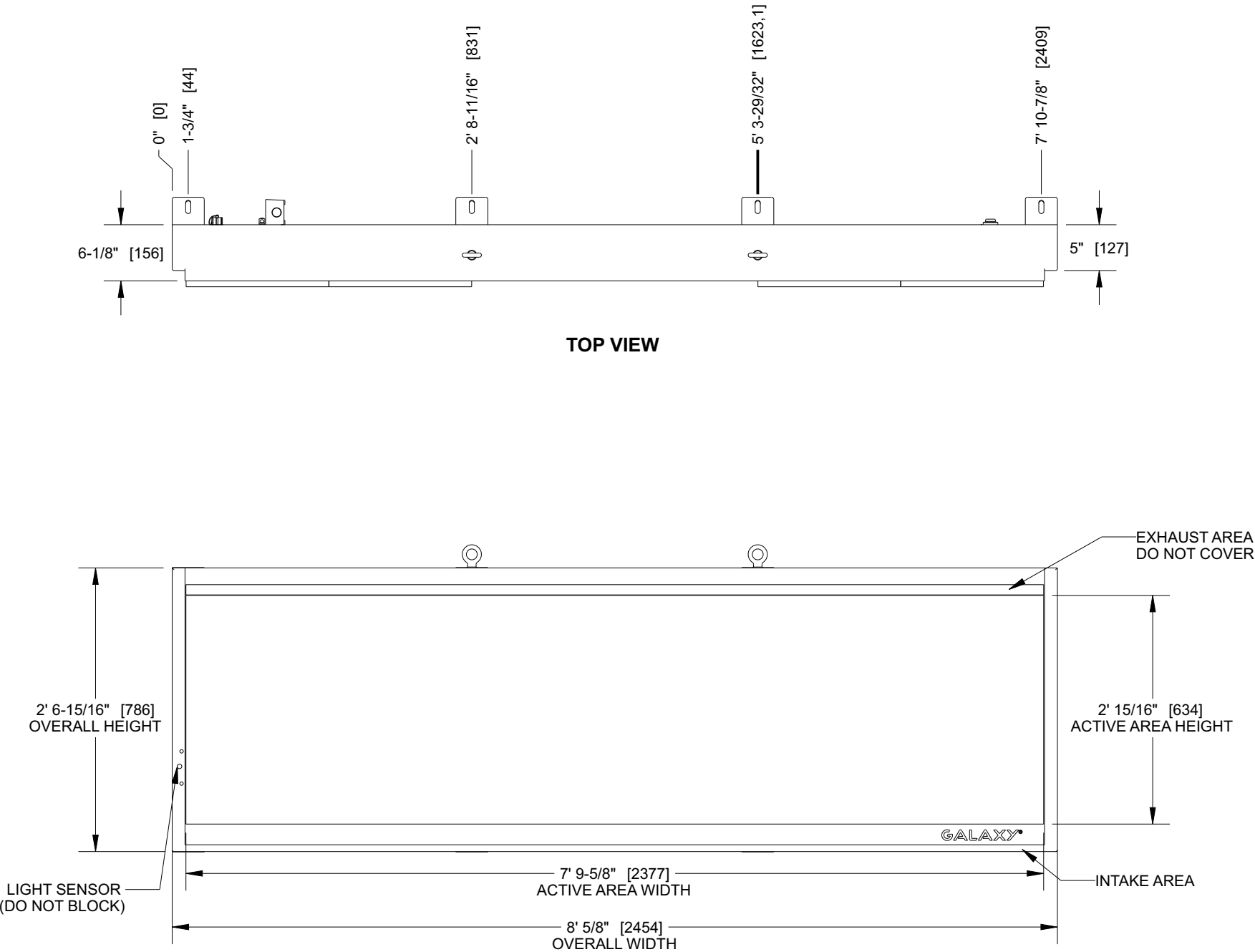
PROD. DETAILS: LP

LEAD DESIGN: BL

SALES: BH

REVISIONS:

DAK UNIT DETAIL



PRIMARY POWER

POWER RATING PER SINGLE FACE: FOR SIZING ELEC.SERVICE MAX REQ'D SHOWN			
TECHNOLOGY	COLOR	MAX WATTS	120VAC 1PH 50/60Hz (2 WIRES + GND) DOMESTIC
			LINE 1 (AMPS)
GS6	RGB	670	5.59
WEIGHT		150 LBS [69 KG] (APPROX)	
120 VOLT DAK UNIT #1 (5.59 AMPS) DAK UNIT #2 (5.59 AMPS) UPPER SIGN (1.6 AMPS)			

## ATTACHMENT A

### Conditional Use Criteria

#### 10.104.030 Circumstances for Granting Conditional Uses.

The Planning Commission may prescribe restrictions or limitations for the proposed conditional use. Any reduction or change of the requirements of the title must be considered as varying the title and must be requested and viewed as such. The Planning Commission shall impose conditions only after it has determined that such conditions are necessary for the public health, safety and general welfare, or to protect persons or improvements in the area. The Planning Commission may prescribe such conditions it deems necessary to fulfill the purpose and intent of this title. The Planning Commission shall analyze the following criteria and incorporate such into their decision:

1. Written response to the Conditional Use decision criteria. The conditional use application is to permit the establishment of an electronic message center. It is pertinent that YCIS continues to make improvements to stay current and up to date. A digital sign is the appropriate upgrade from the current reader board and will allow easy and effective communication to our school district and community, all while maintaining the appropriate new Yamhill City Sign Ordinances.
2. Written response to the Variance decision criteria. The variance request is to exceed the 5-foot height limitation for a public sign. The new YCIS digital sign will be the same size as the current sign and be placed on top of the existing pole. The existing pole already exceeds the 5-foot height requirement. Using the existing pole is necessary because it will allow proper use and display of the digital sign and prevent expensive and undue construction for a new pole.

(A) There is a public need for the conditional use;

- a. Yes, a digital Yamhill Carlton Intermediate School (YCIS) reader board will give valuable information to the Yamhill Carlton community about local and school events. The current sign is broken and outdated and does not function as such.

(B) There is an inadequacy of other property to satisfy the public need;

- a. YCIS is the only Yamhill Carlton Intermediate School property in Yamhill and is the only school in the YC District without a digital sign. There is no other property to place a digital sign.

- (C) The conditional use conforms to the Comprehensive Plan, all other provisions of this title, and any applicable street or highway plans;
- a. The YCIS digital sign does not interfere with street or highway plans. The digital sign does conform to the Comprehensive Plan.
- (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;
- a. Yes. The new digital sign will be replacing an existing sign of the same size and height.
- (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;
- a. Yes. This new digital sign is replacing an existing sign of the same size and height.
- (F) The proposed use will have minimal adverse affect on abutting property or the permitted uses thereof;
- a. The digital sign can be programmed to turn off in the evening and on in the morning at an appropriate designated time. The sign will also be used to convey information for the YCIS school and community and not used for flashy or high movement advertising or entertainment.
- (G) The conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare.
- a. Yes. The YCIS understands the importance of having a digital sign that does not burden the surrounding public and is not a visual or light nuisance.

#### Variance Criteria

##### 10.100.030 Findings Required for Granting a Variance.

The Planning Commission may grant a variance when it appears from the application, and the facts permitted at the public hearing, and by investigation that:

- (A) There are unnecessary, unreasonable hardships or practical difficulties which can be relieved only by modifying the requirements of this title, and is the minimum relief to relieve the hardship;
- a. Correct, the current reader board at the YCIS is broken, outdated and no longer functional as a means of communication to our school and community. A digital

reader sign is the appropriate replacement for the old sign. The current variance is to not exceed 5 foot height limitation, however, the new digital reader sign will replace the current sign which is already in place on top of an existing pole.

Please see pictures showing current and proposed new sign. The new digital sign will also be the same size as the current sign that is in place.

(B) There are exceptional or extraordinary circumstances or conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to the land, buildings, or uses in the same zone; however, nonconforming land, uses, or structures in the vicinity shall not in themselves constitute such circumstances or conditions.

a. This question does not seem applicable to the upgrading of the YCIS reader board.

(C) That granting the application will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises;

a. The YCIS digital sign will not cause injury or be materially detrimental to the Yamhill community. The sign will be programmed to meet all new city ordinances for light, movement, strength of illumination and activity during the day. This digital sign will not be a nuisance to the community of Yamhill. It will display information much like the high school reader board. The new digital sign will be the same size and mounted to the existing pole that is already in front of the YCIS.

(D) That such variance is necessary for the preservation and enjoyment of the substantial property rights of the petitioner; and

a. Correct. The YCIS needs to maintain current and up to date technology which includes delivering information on a digital reader board. The YC Intermediate School is the last school in the district to have a digital reader board upgrade.

(E) That the granting of the application will not, under the circumstances of the particular case, adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant; and

a. Correct. There will be no adverse health affects from a reader board update.

(F) That granting of the application will be in conformance with the intent and purpose of this title and any officially adopted Comprehensive Plan.

a. Correct. The YCIS digital sign will conform to the city ordinances for proper sign display and be utilized for relaying information to the community only. Not entertainment purposes.



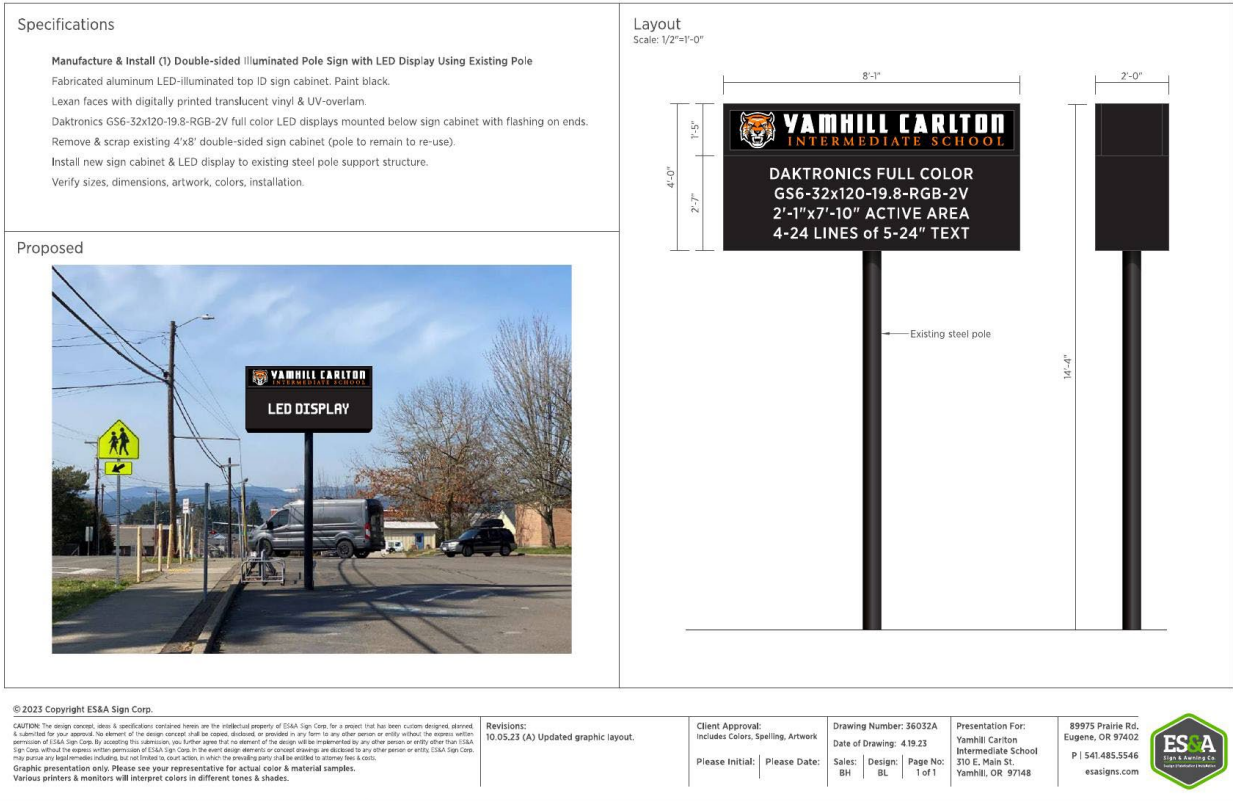


14'-4"

EXISTING SIGN

8'-0"

4'-1 1/2"



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Graphic presentation only. Please see your representative for actual color & material samples.

Various printers & monitors will interpret colors in different tones & shades.

Revisions:

10.05.23 (A) Updated graphic layout.

Client Approval:

Includes Colors, Spelling, Artwork

Please Initial: Please Date:

Drawing Number: S6032A

Date of Drawing: 4.19.23

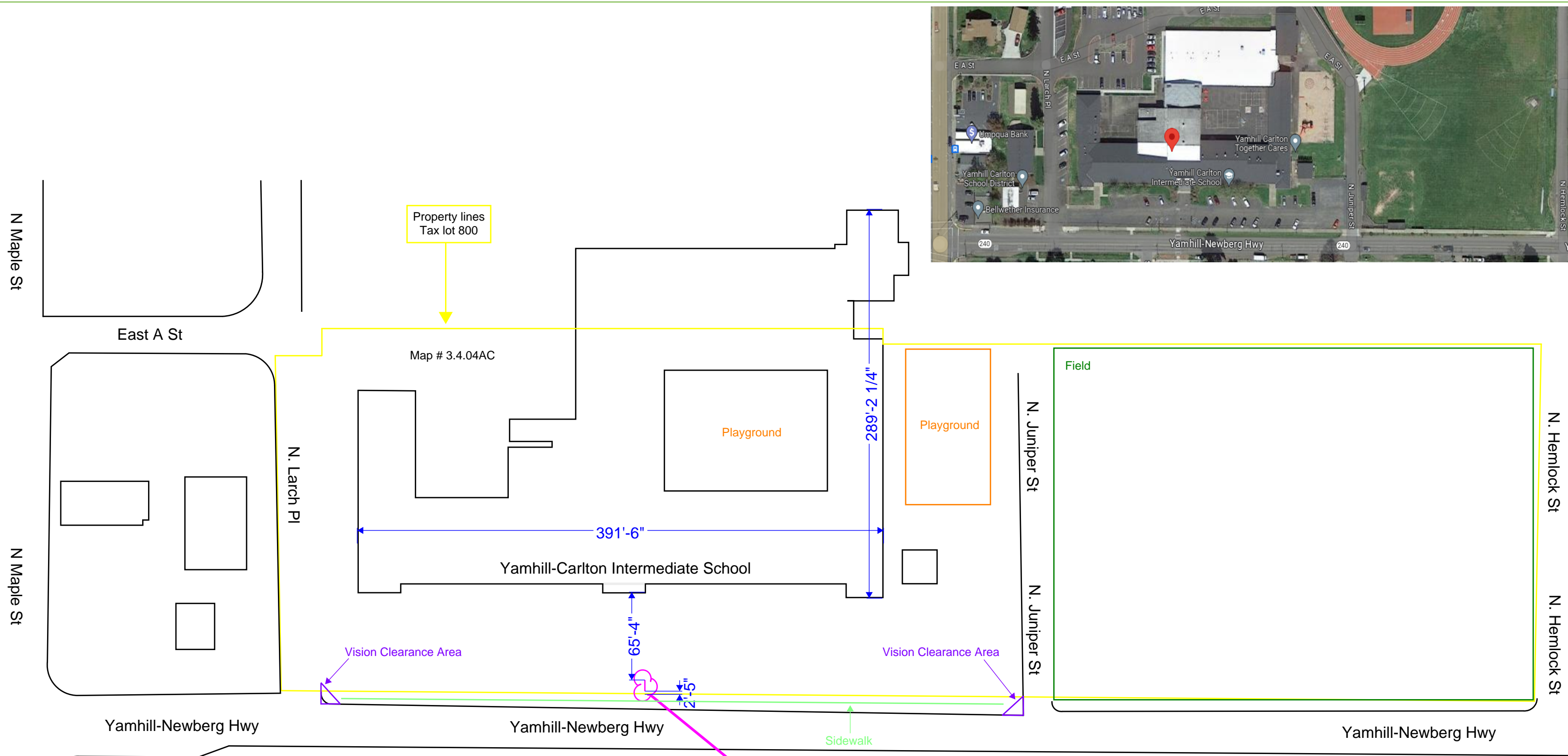
Sales: BH Design: BL Page No: 1 of 1

Presentation For:


Yamhill Carlton Intermediate School  
310 E. Main St.  
Yamhill, OR 97148

89975 Prairie Rd.  
Eugene, OR 97402  
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Proposed new sign cabinet to be installed on existing pole (Design 36032A)

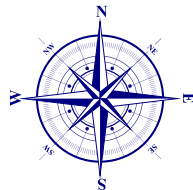


**YAMHILL CARLTON**  
 INTERMEDIATE SCHOOL

DAKTRONICS FULL COLOR  
 GS6-32x120-19.8-RGB-2V  
 2'-1"x7'-10" ACTIVE AREA  
 4-24 LINES of 5-24" TEXT

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**SITE MAP**  
1" = 70'

**CLIENT:**  
Yamhill Carlton  
Intermediate School  
310 E. Main St.  
Yamhill, OR 97148

89975 Prairie Rd.  
Eugene, OR 97402  
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**MEMORANDUM**

**TO:** Yamhill Planning Commission

**FROM:** Walt Wendolowski, Contract Planner

**SUBJECT:** Formula Business Code Amendments

**DATE:** February 19, 2024

**I. BACKGROUND**

At the December 2023 meeting, the Commission discussed potential Code language to prohibit or restrict formula businesses within the City. Before proceeding with a public hearing, some issues need clarification.

**II. PROPOSED LANGUAGE**

- A. The following reviews Attachment “A” which contains the proposed amending language:
1. Definitions – Chapter 10.08 will contain a new definition. The definition is extremely thorough and clearly identifies a formula business. Please note the definition is clearly applicable to the McDonalds and Dollar Stores of the world but also applies to regional chains such as Black Bear Diners.
  2. C-3 Zone – The General Commercial zone will require conditional use approval to establish a formula business in the Central Business District.
  3. Chapter 10.108 includes special conditional use provisions with a new Section added to address formula businesses. The use must comply with existing conditional use decision criteria, be designed/situated to enhance the City’s rural character, and specifically avoid standard frontage designs and styling clues that alert the public to the purpose of the business. The language prohibits the use of common logos, styling clues, and so forth.
- B. One item to note is the design requirements of the CBD (Chapter 10.46) remain in place. They do not appear to conflict with the purposes of the of the proposed revisions but may enhance their purpose.

**III. DISCUSSION**

The Commission has options to consider, ranging from a conditional use requirement to outright prohibition. Again note, all the suggestions apply only to C-3 zoned land in the Central Business District (CBD). To summarize the options:

- A. *Require a special conditional use permit for formula businesses throughout the CBD.* This is the easiest option to administer.
- B. *Require a special conditional use permit for formula businesses only for commercial property located along Maple Street.* This focuses the community's concern regarding formula businesses on the City's "Main Street".
- C. *Prohibit formula businesses within the entire CBD.* As an option, this would unnecessarily restrict business opportunities that may benefit the community.
- D. *Prohibit formula businesses only along Maple Street and either: (1) allow outright elsewhere in the CBD; or (2) or require a special conditional use elsewhere in the CBD.* This would prohibit formula businesses on Maple Street with options on how to address the remainder of the CBD.

Staff will finalize the material based on the Commission's recommendations.

**ATTACHMENT “A”**  
**Proposed Development Code Amendments**

- A. Amend Chapter 10.08 General Definitions with the addition of the following new definition:

**“Formula Business”** means a type of commercial business establishment, retail sales or rental activity and retail sales or rental establishment, including restaurants, hotels and motels, which, along with ten (10) or more other establishments, maintains two (2) or more of the following features: (a) standardized array of merchandise or standardized menu; (b) standardized facade; (c) standardized décor or color scheme; (d) uniform apparel; (e) standardized signage; or (f) trademark or service mark; provided, however, a “formula business” shall not include an automated, standalone vending machine.

1. “Standardized array of merchandise” means fifty (50%) percent or more of in-stock merchandise from a single distributor bearing uniform markings.
2. “Trademark” means a word, phrase, symbol or design, or a combination or words, phrases, symbols, or designs that identifies and distinguishes the source of the goods from one party from those of others.
3. “Service mark” means a word, phrase, symbol or design, or a combination or words, phrases, symbols, or designs that identifies and distinguishes the source of a service from one party from those of others.
4. “Decor” means the style of interior finishings, which may include but is not limited to, style of furniture, wallcoverings, or permanent fixtures.
5. “Color scheme” means selection of colors used throughout, such as on the furnishings, permanent fixtures, and wallcoverings, or as used on the façade.
6. “Façade” means the face or front of a building, including awnings, looking onto a street or an open space.
7. “Uniform apparel” means standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags) as well as standardized colors of clothing.
8. “Signage” means a “business sign” as defined in Chapter 10.64 of this Code.
9. “Standardized” does not mean identical but means “substantially the same.”

- B. Amend Section 10.28.030 (Conditional Use C-3 Zone) with the following new language:

- (C) Formula Business located within the Central Business District (Chapter 10.46) and subject to provisions in Chapter 10.108 Specific Conditional

Uses.

Existing subsection item (C) becomes subsection (D).

C. Add the following new Section to Chapter 10.108 (Special Conditional Uses):

**10.108.040 Formula Businesses.**

In addition to the other provisions of Chapter 10.104, the following shall apply where formula businesses are permitted by conditional use procedures.

1. A formula business must demonstrate compliance with the criteria listed in this subsection in addition to all other applicable conditional use criteria contained in Section 10.104.030.
2. The applicant shall demonstrate in its application materials that:
  - a. The proposed formula business is designed to preserve and enhance the City's small-town character and to integrate existing community architectural and design features which will preserve such character for the City. This criterion is designed specifically to avoid standard frontage designs and styling clues that alert residents and visitors to the purpose of the business.
  - b. The use of standard corporate logos, signage or similar markings shall be prohibited.
  - c. The building scale as compared to surrounding development is compatible.
  - d. Precautions have been taken to minimize adverse impacts of development and operation on the natural setting and abutting properties.
3. In the event the City determines that a permit application or permit subject to this section is for a formula business, the permit applicant or holder bears the burden of proving to the City that the proposed or existing use does not constitute a formula business. This determination and challenge shall be in the form of a written staff decision that is appealable to the Planning Commission.