



City of Yamhill
A small taste of Oregon

Planning Commission Packet

May 20, 2024

6:30 pm

STAFF MEMORANDUM

TO: Yamhill Planning Commission

FROM: Walt Wendolowski, Contract City Planner

SUBJECT: Lighting Regulations

DATE: **May 13, 2024**

I. BACKGROUND

At the April 2024 meeting, the Commission discussed the issue of lighting regulations, directing staff to return with draft language with the intent of amending Title 10. As part of the discussion, the Commission suggested guidelines for staff to consider when crafting the document.

- (A) Purpose. The Commission wanted the purpose to be all-inclusive, addressing everything from conservation, to safety, to protecting wildlife.
- (B) Definitions. Staff recommended the regulations include definitions as they are extremely helpful in understanding the regulations.
- (C) Diagrams. In a similar vein, staff suggested diagrams be part of any regulations.
- (D) Location of Regulations. The Commission requested lighting standards be part of the development regulations (Title 10).
- (E) Inclusivity. The requirements would cover lighting for commercial, public, and residential uses.
- (F) Time Limit and Retrofitting. Discussions on time limits ranged from 180-days to two years but would apply to all lighting in the City.
- (G) Enforcement. Enforcement would be subject to provisions in Title 10.

II. DISCUSSION

The regulations will create a new chapter: Chapter 10.66 Dark Skies Lighting Standards. The proposed language is found in Exhibit A, and reviewed below:

- (A) Purpose. The purpose statement is all inclusive and cover the concerns outlined by the Commission.
- (B) Guiding Principles. This section “backs-up” the purpose statement by providing guidelines for establishing the standards in this Chapter. As noted, these are not criteria but provide a basis for why the City chooses to adopt the lighting standards. These guidelines are consistent with the Commission’s discussion.
- (C) Definitions. This is the definition section. It is suggested these definitions also be placed in Chapter 10.08 (Definitions). For the record, staff is continuing to look for figures or diagrams that may apply to the regulations.

- (D) Applicability. Unless otherwise exempted, the standards in this Chapter are applicable to all new lighting. Existing nonconforming lighting must conform to the requirements within two-years from the effective date of September 1, 2024.
- (E) General Requirements. This section includes general requirements that apply to all lighting.
- (1) Fully Shielded. All light fixtures shall be fully shielded, designed, and installed to prevent light trespass and glare.
 - (2) Maximum Brightness. This item limits the brightness for any one lamp. It is further organized based on the type of use and limits the total lumen requirements for an entire property. There is a logic to these requirements but may be a bit of overkill for residential uses. The Commission may wish to simply limit the maximum lumens of any lamp to 1,000 lumens.
 - (3) Non-Residential Requirements. These pertain to lighting canopies and eaves, and outdoor display/sales areas. This may address some of the lighting issues raised during the last year or so.
 - (4) Parking Lot Lighting. Parking lot lighting shall be downcast, fully shielded, with strict limits on light trespass.
 - (5) Lighting Curfew. This section places a curfew on business lighting. Essentially, when the business closes, the lights go out. One hour is added to open or close a business and regulations do not apply to 24-hour operations or provisions for security lighting.
 - (6) Security Lighting. Security lighting must be shielded and turned off after five minutes.
 - (7) Color. The Correlated Color Temperature (CCT) shall not exceed 3,000 Kelvins.
 - (8) Publicly Owned Lighting. Publicly owned lighting essentially must conform to the requirements for businesses, including streetlights located in the public right-of-way.
- (F) Signage. The illuminated surface area of an individual sign cannot exceed 200 square feet, and lighting must be downcast and fully shielded.
- (G) Prohibitions. The use of lasers, searchlights, upward pointing lights, blinking/flashing lights, and external neon lights are prohibited. Exemptions are provided for lighting the U.S. flag at night and emergency situations. Neon lighting is limited to trim.
- (H) Exemptions. Existing lights are exempt but must eventually conform. This section includes provisions on string lights. The Commission may wish to consider whether the string light rules are necessary. Decorative lighting and lighting for special events is exempt, as are lighting the U.S. flag, athletic fields (with limits), temporary lighting, and lighting needed for emergencies.

- (I) Existing Nonconforming Lighting. Existing outdoor light fixtures are exempt but must conform within two years of the effective date. Conformance also applies to replacement lights and these requirements may be placed as a condition of approval.
- (J) Lighting Plan Required. Finally, development, including building permits, will require a lighting plan. It is important for the Commission to consider how these regulations will be implemented and staff training will likely be needed.

Staff will proceed with the creation of draft regulations based on the Commission's discussion and guidance.

Exhibit A

10.66 Dark Skies Lighting Standards

- (A) Purpose. The purpose of these lighting standards are to conserve energy to the greatest extent possible; promoting traffic and pedestrian safety; minimizing glare, light trespass, obtrusive lighting, light pollution, and sky glow; and preserving the dark sky of the natural nighttime environment. Further, it is the intent of this code to control the obtrusive aspects of excessive and careless outdoor lighting while preserving, protecting, and enhancing the lawful nighttime use and enjoyment of all property; to preserve the quality of life for residents; and to aid property owners and occupants in bringing nonconforming lighting into compliance with this code.
- (B) Guiding Principles. The standards in this Chapter are based on the following guiding principles and are not mandatory approval criteria:
- (1) Useful. Only use light when needed. All light should have a clear purpose, with consideration about how light will impact neighbors, wildlife, and their habitats.
 - (2) Targeted. Target light fixtures so that light falls only where required. Shielding and careful aiming of the light beam to target its direction downward should be employed to prevent spill beyond immediate lighting needs.
 - (3) Low Level. Lights should be no brighter than necessary, using the lowest light level possible. Consider reflective surfaces that will amplify light and direct light into the sky or neighboring properties.
 - (4) Controlled. Provide lighting only when needed. Controls such as timers or motion detectors should be employed to ensure that light is available when needed, dimmed when possible, and turned off when not needed.
 - (5) Color. Prefer the use of warmer color lights where possible.
- (C) Definitions.
- ANSI**. American National Standards Institute.
- Bulb**. The component of the fixture that produces light.
- Canopy**. A covered structure open to the elements, with at least one side open for pedestrian and/or vehicular access.
- Correlated Color Temperature (CCT)**. A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in kelvins (K).
- Dark Skies Lighting Standards**. The provisions of this Chapter 10.66.
- Downcast**. Directing the light only down toward the ground and in which the fixture shield is parallel with the level ground (see Figure 1).
- Effective Date**. September 1, 2024.
- Fixture**. The complete lighting assembly that houses the lamp or lamps together with everything required to control and distribute the light output. The terms "fixture" and "luminaire" are interchangeable.

Foot-candle. A measurement of light intensity. One foot-candle has sufficient light to saturate a surface having an area of one square foot with one lumen of light.

Fully shielded. A light fixture that allows no direct emission of light above a horizontal plane passing through the lowest light-emitting part of the light fixture (see Figure 1).

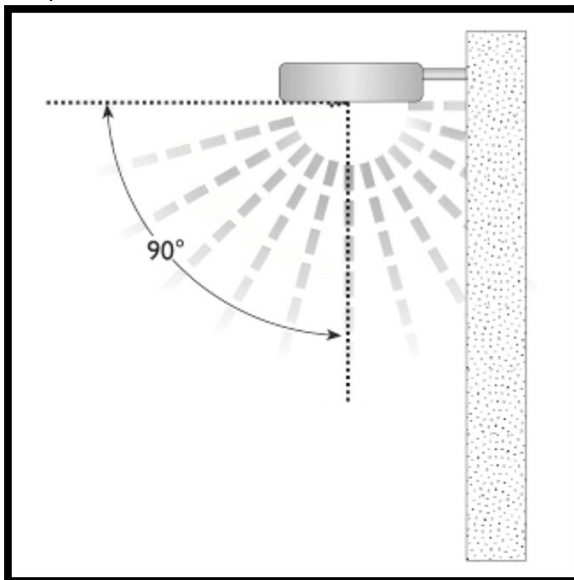


Figure 1.

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

IES. Illuminating Engineering Society.

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

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

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

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

Light Trespass. A condition in which light emitted directly by a light fixture shine beyond the property lines of the property containing the fixture. This means that a person standing on any other property sees the light-emitting source directly. Light trespass does not include indirect reflection or scattering of light from mounting hardware or any other surfaces.

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

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

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

Luminance: The amount of light that passes through, emitted, or reflected from a particular area, and that falls within a given solid angle.

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

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

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

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

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

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

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

Street Lighting. Permanent outdoor lighting owned and maintained by a municipality or other public agency or private enterprise and specifically intended to illuminate streets and highways for automotive vehicles and may also incidentally light sidewalks and adjacent private property.

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

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

- (D) Applicability. The lighting standards in this Chapter are applicable to all new lighting. Existing nonconforming lighting must conform to the requirements in subsection (I). These standards are in addition to applicable provisions of the Building Code and Electrical Code, and other provisions of Title 10 including Chapter 10.64 (Signs).

- (E) General Requirements. All non-exempt outdoor lighting fixtures shall meet the following requirements:
- (1) Fully Shielded. Unless subject to an exception, all light fixtures shall be fully shielded and otherwise designed and installed to prevent light trespass and glare. Uplighting is prohibited.
 - (2) Maximum Brightness. Except as noted in (d) below, the maximum lumens of any lamp shall not exceed 1,000 lumens. The following additional requirements apply based on type of use:
 - (a) Single Family Residential. The entire property may not exceed 4,000 lumens in total or 6,000 lumens in total if the property contains an accessory dwelling.
 - (b) Duplex and Triplex. The entire property shall not exceed 6,000 lumens in total for a duplex or 8,000 lumens for a triplex.
 - (c) Multi-Family Residential. The entire property may not exceed 20,000 lumens per net acre.
 - (d) Mixed Use and Non-Residential. No individual light fixture may exceed 1,500 lumens and the entire property may not exceed 25,000 lumens for the initial net acre plus 2,000 lumens for each additional net acre.
 - (3) Non-Residential Requirements.
 - (a) Canopy and Eave Lighting. Lighting levels under eaves and canopies shall be adequate to facilitate the activities taking place in such locations.
 - (i) Lighting fixtures mounted on canopies and/or eaves shall be designed, constructed, or installed so the lens cover is recessed from the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy/eave.
 - (ii) Lights shall not be mounted on the top or sides (facias) of the canopy/eave and the sides (facias) of the canopy/eave shall not be illuminated.
 - (b) Exterior Display and Sales Areas. Lighting levels on exterior display and/or sales areas shall be adequate to facilitate the activities taking place in these locations. The site plan shall designate areas considered display/sales areas and areas used as parking.
 - (i) Lighting fixtures shall be full cut-off fixtures.
 - (ii) Fixtures shall be mounted no more than 20 feet above grade.
 - (iii) Fixtures shall not create glare on adjacent streets, highways, or properties, and shall not create light trespass on nearby and abutting properties.
 - (iv) Exterior display/sales areas shall be illuminated only when the establishment is open for business unless motion sensing devices are installed.
 - (4) Parking Lot Lighting. Parking lot lighting shall be downcast, fully shielded and shall not exceed a threshold of allowable light trespass of 0.1 foot-candle at the property line.

- (5) Lighting Curfew. In all non-residential zones all exterior lighting, including signs, shall be extinguished either by 10 P.M.; or within one (1) hour of the close of normal business hours; or at the conclusion of usual operations, whichever occurs later. The use of such lighting may resume one (1) hour before sunrise (or opening of business for the property, whichever is earlier) of the following day. Businesses whose normal operating hours are twenty-four (24) hours per day are exempt from this provision.
 - (6) Security Lighting
 - (i) All security lighting fixtures shall be fully shielded, comply with lighting standards, and be directed only onto the designated area, and not illuminate other areas.
 - (ii) Sensor activated security lights shall automatically turn off within five minutes after being activated if no additional motion, light, or infrared radiation is detected.
 - (iii) Residential security lights shall not be installed or attached to public utility or streetlight poles.
 - (7) Color. The Correlated Color Temperature (CCT) shall not exceed 3,000 Kelvins.
 - (8) Publicly Owned Lighting. Publicly owned lighting (including streetlights located in the public right-of-way) shall be fully shielded, complying with the color limits in subsection (E)(6) of this section. All outdoor light fixtures on property or buildings owned and operated by the City of Yamhill must be fully shielded, unless exempt under subsection (H) of this section, and adaptive controls and curfews must be employed.
- (F) Signage. Notwithstanding provisions in Chapter 10.64 (Signs), the illuminated surface area of an individual sign cannot exceed 200 square feet, and lighting must be downcast and fully shielded.
- (G) Prohibitions.
- (1) Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment.
 - (2) Searchlights and Strobe Lights. The use of searchlights or strobe lights for purposes other than public safety or emergencies.
 - (3) Upward-pointing light fixtures. All light fixtures must be downcast including illumination of signs, landscaping, flags (except the U.S. and state flags, if flown on the same flagpole), and other items.
 - (4) Blinking and Flashing Lights. Any lighting that is flashing, blinking, rotating, chasing, or rapidly changing in color or intensity, except for traffic control fixtures, those used for public safety or emergencies, and seasonal holiday lights.
 - (5) Externally Affixed Neon Lighting. Externally affixed neon lighting, except as a trim element that surrounds windows, doors, or building edges when located on building façades that face street frontages. Such lighting must not include flashing, intermittent or rotating lights.

- (H) Exemptions. Notwithstanding anything herein to the contrary, the following forms of lighting are exempt from the standards in this Chapter.
- (1) Existing Nonconforming. Nonconforming lighting, subject to subsection (I) of this section.
 - (2) String Lights. These lights are subject to the following standards:
 - (a) All installations of string lighting shall employ lamps that do not flash or flicker and whose individual output does not exceed fifty (50) lumens.
 - (b) String lights shall consist only of white light sources with a CCT not to exceed three thousand (3,000) Kelvin.
 - (c) String lights are exempt from the downcast and full shielding requirements of subsection (E) of this section.
 - (d) The above limitations do not apply to holiday lighting.
 - (3) Decorative Lighting. Holiday lighting shall be allowed for no more than the period between November 1 and February 15, provided such lighting does not create glare on adjacent streets or adjacent or nearby properties.
 - (4) Special Events. Events that require the use of temporary outdoor light fixtures are exempt if the exemption does not exceed five (5) days for a particular property in any calendar year; however, permanent installations special event venues must conform to these standards.
 - (5) Flags. Lighting for U.S. flags properly displayed (consistent with the U.S. Flag Code).
 - (6) Government Authority. Lighting under the authority of the Oregon Department of Transportation or required by Federal or State laws or regulations.
 - (7) Athletic Fields. Athletic field lighting meeting the following conditions:
 - (a) Field lighting provided exclusively for illumination of the surface of play and viewing stands and not for any other applications.
 - (b) Illuminance levels must be adjustable based on the task (e.g., active play vs. field maintenance).
 - (c) Lights must be extinguished by 10:00 pm local time or one hour after the end of play, whichever is later.
 - (d) Timers must be installed to prevent lights being left on accidentally overnight.
 - (8) Temporary Lighting. Lighting for theatrical, television, performance areas, and construction sites.
 - (9) Emergencies. Lighting only used under emergency conditions.
 - (10) Landscaping. Low voltage landscape lighting not exceeding 200 lumens per fixture and aimed so that glare is not visible from adjacent properties.
- (I) Existing Nonconforming Lighting. Outdoor light fixtures lawfully installed and operable prior to the Effective Date are exempt from all such requirements, except as follows:
- (1) Compliance. All lighting must conform to the requirements of this Chapter within two (2) years after the Effective Date.

- (2) Replacement. Any replacement or modification to nonconforming outdoor lighting must comply with these standards.
 - (3) Condition of Approval. All nonconforming outdoor lighting must comply with the requirements in this Chapter as a condition of land use approval involving a Conditional Use or Development Review.
- (J) Lighting Plan Required. All applications involving the construction of new buildings, expansion of existing structures, or building permits must include lighting plans showing location, type, height, color temperature, lumen output and amount of all proposed and existing light fixtures, along with light fixture cut sheets from the manufacturer. The applicant must provide enough information to demonstrate compliance with these standards. The City may request any additional information necessary or appropriate to evaluate compliance with these standards.

A.

STAFF MEMORANDUM

TO: Yamhill Planning Commission
FROM: Walt Wendolowski, Contract City Planner
SUBJECT: Title 11 Revisions
DATE: May 13, 2024

I. BACKGROUND

Under the direction of the Planning Commission, and with Council approval, the City intends to revise Title 11 which covers land divisions. Attached to this memo (Exhibit A) is the first Draft of the proposed document.

II. DISCUSSION

- A. Based on previous discussions, staff suggested that Title 11 be incorporated into Title 10, thereby creating a combined development code. The following is a brief summary of the document:
1. The new Chapter will be listed as Chapter 10.132 (Land Divisions). This Chapter will contain all related material to land divisions.
 2. Generally, the core of the existing document remains, but includes revisions related to layout design and process.
 3. There are introductory provisions outlining the types of land divisions. A new provision requires subdivision approval for “series partitions.”
 4. Except for property boundary adjustments, all land divisions will be reviewed by the Commission. This separation was clarified to address an existing conflict.
 5. Plats must be recorded within two years of the final approval instead of one. The phasing provision remains.
 6. Partition application requirements include some flexibility in the submittals.
 7. New provisions for private streets and private easements.
 8. Requirements for street adjacent to railroad right-of-way was eliminated.
 9. All material related to subdivisions/PUDS is in one Section. This Section also incorporates design standards. And all material related to Partitions is in one Section.
- B. This is a rough draft and contains over 20 pages of material. For this reason, the intent of this memo is to introduce the document to the Commission and reserve discussion for the June meeting. Please note we do not have a deadline to complete the work, but it is my hope the Commission can proceed with the adoption process by September.

Exhibit A

Chapter 10.136 - Land Divisions

10.136.010 Purpose.

The purpose of this Chapter is to establish standards and procedures for the partitioning of land in the City. These regulations are necessary to provide uniform procedures and standards for the dividing of land, 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 in other ways the public health, safety, and welfare.

10.136.020 Definitions.

As used in this title, unless it is apparent from the context 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 Commission 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 vehicular 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.

10.136.030 Scope of Regulations.

The Planning Commission shall approve subdivision plats, partition plats, streets or ways created for the purpose of subdividing or partitioning land pursuant to these regulations. Property boundary adjustments shall be an administrative decision reviewed by City staff. The following shall determine the appropriate process and design standards:

- (A) 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 Section 10.136.030 and improvement standards for a Partition in Section 10.136.050.
- (B) 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 Section 10.136.030, and the subdivisions design standards and improvement standards for a Subdivision in Section 10.136.050.
- (C) Serial Partition. 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 shall be subject to the requirements for a Subdivision in (B) above.
- (D) 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. Chapter 10.124 contains the specific requirements for a Planned Development with the procedures found in Section 10.136.050.
- (E) Property Line Adjustments. Property line adjustments do not divide land but adjust boundaries between properties or consolidate property by eliminating a boundary.

10.136.030 Standards for Lots or Parcels.

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%
26 to 30% slope	Minimum area plus 200%
Over 30% slope	Minimum area to be established by Commission

- (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. Residential lots or parcels may be accessed by a private street or private access easement developed in accordance with the provisions of Sections 10.136.080 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 private access easement may be used to access property.
 - (3) Lots or parcels in townhouse developments or planned unit developments may be accessed via public or private streets, in accordance with the following standards:
 - (a) Internal local streets or drives may be private and shall be subject to the provisions of Sections 10.136.080.
 - (b) Collector and arterial streets shall be public and shall comply with the applicable provisions of Sections 10.136.070. Collector or arterial streets may be determined by design or anticipated traffic volumes.
 - (c) Local streets that will eventually provide access to adjoining properties shall be public and shall comply with the applicable provisions of Sections 10.136.070.
- (C) Flag Lots. A flag lot shall be subject to the following development standards:

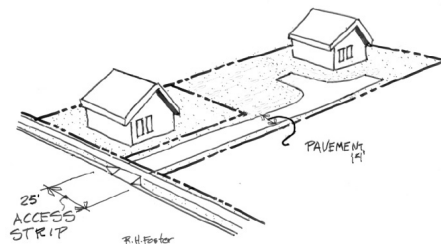


Figure 1 - Flag Lot Access

- (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 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, easements shall be provided, and the easement width shall conform to adopted Engineering Standards.

- (G) Lot Averaging. Except for a planned unit development, all lots must meet the minimum lot size requirements of the zone. Lot averaging is not permitted.

10.136.040 Subdivisions

- (A) 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) 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 or acres 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 and important features such as section, political boundary lines.
 - (h) The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application.
 - (i) Name of the PUD, subdivision, or manufactured home park.
 - (j) Date of the drawing.
 - (k) Vicinity sketch showing location of the proposed land division.
 - (l) Identification of each lot or parcel and block by number.
 - (m) Gross acreage of subject property.
 - (n) Direction of drainage and approximate grade of abutting streets.
 - (o) Streets proposed and their names, approximate grade, and radius of curves.
 - (p) Any other legal access to the subdivision, PUD, manufactured home park, or partition other than a public street.
 - (q) 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.
 - (r) All areas offered for public dedication.
 - (3) Supplemental Information. The following supplemental information shall be required for all PUD preliminary plan applications:

- (a) Calculations consistent with Section 10.124.050(E) justifying the proposed density of development.
- (b) Proposed uses of the property, including sites, if any, for recreational facilities, parks, and playgrounds or other public or semi-public uses, with the purpose, condition and limitations of such reservations clearly indicated.
- (c) The approximate location and dimensions of all commercial or multifamily structures proposed to be located on the site.
- (d) Statement of planned improvements including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and the timing of the proposed improvements.
- (e) Written statement outlining proposals for ownership and maintenance of all open space areas, private streets, and any commonly owned facilities.

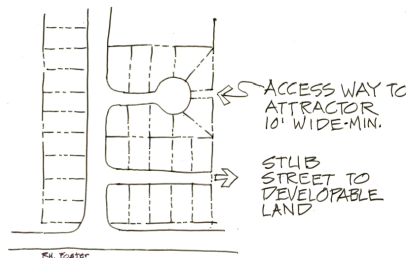
(B) Review Procedures. The following review procedures shall apply to all subdivisions and planned unit developments.

- (1) Planning Commission. All preliminary plans for subdivisions and PUDs shall be heard by the Planning Commission pursuant to the procedures set forth in Chapter 10.128.
- (2) Time Limit. Approval of any preliminary plans for a subdivision or PUD shall be valid for two years after the date of the final decision. A Final Plat shall be recorded within this time period, or the approvals shall lapse. PUDs which do not involve the subdivision of property, shall install all required sewer, water and storm water facilities within the two-year period or the approval shall lapse.
- (3) Time Extension. The Planning Commission may extend the approval period for any subdivision or PUD for not more than one additional year at a time. An applicant must submit a written request for an extension of approval time 30-days prior to the expiration date of the approval. No more than two time extensions shall be granted.
- (4) Reapplication Required. If the approval period lapses, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.

(C) 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 a variance from these standards is approved.
- (2) Adequate public facilities shall be available to serve the existing and newly created lots.
- (3) The proposed layout shall comply with the general development standards in Section 10.136.030.

- (4) In addition to the general standards in Section 10.136.030, the subdivision shall comply with the following design standards, where applicable.
- (a) General. The length, width, and shape of blocks shall be designed to 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.
 - (b) Sizes. Blocks shall not exceed 1,000 feet in between street lines with a preferred length of 500-feet. Exceptions are permitted for blocks adjacent to arterial streets, or if the previous development pattern or topographical conditions justify a greater length. The recommended minimum distance between collector street intersections with arterial streets is 1,800 feet.
 - (c) Traffic Circulation. The subdivision shall be laid out to provide safe, convenient, and direct vehicle, 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.
 - (d) Street. The street system shall comply with provisions in Section 10.136.070, and where applicable, Section 10.136.080.
 - (e) Connectivity. To achieve the objective in (C) above, the City shall require the following:
 - (i) Stub-End Streets: Where the potential exists for additional residential development on adjacent property.
 - (ii) 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.



i.
Figure 2 - Connectivity

- (f) Design Standards for Accessways. Pedestrian/bicycle accessways at the ends of cul-de-sacs shall meet the following design standards:
 - (i) Minimum dedicated width: 15-feet
 - (ii) Minimum improved width: 12-feet

- (iii) The accessway requires pedestrian scale lighting fixtures conforming to adopted standards in Title 10.
- (iv) The accessway shall be designed to prohibit vehicle traffic.

(g) 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.

(D) Phased Development.

- (1) Schedule. The Commission 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 must 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.

(E) PUD Review Criteria. Approval of a planned unit development shall require compliance with the applicable development standards in Chapter 10.124, as appropriate, including provisions for streets and utilities.

(F) Form of Final Subdivision and PUD Plat.

- (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 Planning Commission shall not approve the final plat, until the City Attorney approves the owner's association agreement, articles, and by-laws.

- (b) The owner's association agreement shall be consistent with Chapter 94, Oregon Revised Statutes.
 - (c) 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 for review by the Planning Commission.
 - (d) 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.
- (G) 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 within which required improvements and repairs shall be completed.
- (1) Bonding. The subdivider shall file with the agreement a financial instrument to assure installation of the necessary improvements. The agreement shall provide that if the work is not completed within the period specified, 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 in 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 carry out 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.

- (H) Improvement Requirements. The following improvements shall apply:
- (1) Frontage Improvements. Half-street improvements designed to the City's Engineering Standards shall be required for all public streets on which a proposed Subdivision fronts. Additional frontage improvements shall include sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood. If the street frontage of the subject property does not connect to existing improvements, at the City's discretion the applicant may be required 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) Monuments. Monuments shall be established as required by the Engineering Design Standards.
 - (4) 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.
 - (5) 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 ultimately 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.

- (6) 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 take into account 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.
 - (7) Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the Subdivision. This improvement may be deferred until prior to occupancy of a dwelling.
 - (8) Streetlights. The installation of streetlights is required at locations, and of a type required by City standards.
 - (9) 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 be of a type required by City standards.
 - (10) Other Requirements:
 - (a) Curb cuts and driveway installations are not required of the developer at the time of development, but if installed, shall be according to the City standards.
 - (b) Street trees are required pursuant to City engineering standards. All trees are to be planted prior to final occupancy of a structure or when required of the developer for areas where buildable lots do not exist (common space, open space, detention basins, etc.). Planting of street trees shall be according to City requirements and of a species compatible with the width of the planting strip and underground facilities. At least one tree will be located in the planting strip unless infeasible due to required sight clearances and/or offsets from utilities. No tree shall be located in the planting strip within 10 feet of a water or sewer service line. An additional tree shall be planted either in the planting strip or yard adjacent to the street or streets. Trees must be planted and viable prior to occupancy.
 - (11) 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.
- (I) Final Plat Review of Subdivisions and Planned Unit Developments.
- (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 Planning Commission. If the Planning Commission finds the final plat to comply with the preliminary plan and applicable regulations and

standards, they shall direct the chair of the Planning Commission to sign the plat. In the absence of the chair, his/her duties shall be vested in the vice chair. Approval of a final plat shall not constitute an acceptance by the City of the dedication of any street or other easement or way shown on 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.

10.136.050 Partitions.

- (1) 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 or acres 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 and important features such as section, political boundary lines.
- (3) City staff may waive some of the requirements in item (2) above, provided there is sufficient information to process the application.

- (B) Decision Criteria. Approval of a partitioning shall require compliance with the following:

- (1) Each parcel shall meet the general design standards of Section 10.136.030.
- (2) Each parcel shall satisfy the dimensional standards of applicable zoning district unless a variance from these standards is approved.
- (3) The partition shall not reduce setbacks for existing structures unless a variance from the standard is approved.
- (4) Adequate public facilities shall be available to serve the existing and newly created parcels.

- (C) Improvement Requirements. During the review of Partition proposals, the City shall require, as a condition of approval, the following improvements:
- (1) Street Frontage Improvements. The following improvements shall be required:
 - (a) Consistent with the adopted transportation plans, sufficient land shall be dedicated to 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, the applicant shall pay connection fees in accordance with the City's adopted Connection Charges ordinance in lieu of construction of the required frontage improvements. At City's option, a non-remonstrance agreement acceptable to the City of Yamhill may be allowed. This agreement shall stipulate 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, sidewalks, water lines, storm sewer facilities, and sanitary sewer facilities. 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 an 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 master plans. In some cases, surfacing additional road width may be required. Where a master plan has not been adopted, or the City deems it to be in the City's best interest, the developer shall enter into a non-remonstrance agreement consistent with item (2) b, above.
 - (ii) Sidewalk construction may be deferred until such time a building permit is issued.
 - (iii) The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve parcels accessing off the new street.
 - (2) Public Facilities. Sewer, water, and storm drainage facilities may be required 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 Article, and any conditions of approval, and shall conform with City Engineering Design Standards. Improvement work shall not commence until plans are approved by the City.

- (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.
- (D) 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, a final survey of the approved plat shall be recorded. If the final survey is not recorded within two years, the preliminary approval shall lapse.
 - (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 Recorder 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. The applicant shall be responsible for all recording fees.
 - (4) Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney.

10.136.060 Property Boundary Adjustments

- (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 a change to a property boundary when boundary line is extinguished converting two properties into one.
- (B) Review Process. A property boundary adjustment is subject to review and decision by City staff. Notice is limited to the applicants after the decision by City staff and the applicants may appeal the decision to the Planning Commission.
- (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 policies and regulations of the applicable zone.
 - (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 or the requirements of this Chapter, 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 final map shall be submitted to the City Recorder for approval prior to recording the document in the County Clerk's office. A copy of the recorded document shall be returned to the City.

10.136.070 Street Standards

- (A) General Provisions for Public Streets.
- (1) General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where the Comprehensive Plan does not show the arrangement of streets in a subdivision shall either:
 - (a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

- (b) Conform to a plan for the neighborhood approved or adopted by the Planning Commission 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

Type of Street	Min. Right-of-Way	Min. Roadway
Major arterials	100 (a)	Varies (b)
Secondary arterials	80	Varies (b)
Collector streets & continuing residential streets	60	36 (c)
Discontinuing minor streets not extending or expected to extend over 1,800 feet	50	36 (c)
Radius for turn-around at end of cul-de-sac	50	40
Alley	20	18

- (a) Exclusive of side slope easements which may be required in addition for cuts or fills in rough terrain.
- (b) Width standards will be defined in improvement specifications adopted by the City.
- (c) The minimum roadway width may be varied by action of the Council, 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 be in alignment 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 approximately 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, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objective of street extensions.
- (5) Intersection Angles. Streets shall be laid out to intersect at angles 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. The intersection of an arterial or

collector street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. 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 of inadequate width, additional right-of way shall be provided.
- (7) Half-Streets. Half-streets may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted with such a tract.
- (8) Cul-de-Sacs. The use of cul-de-sacs is not encouraged but may be permitted where no other possible design alternative exists. When allowed, a cul-de-sac shall have a maximum length of 400-feet and serve no more than 18 dwelling units. A cul-de-sac shall terminate with a turn-around.
- (9) Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Commission.
- (10) Grades and Curves. Grades shall not exceed six percent on arterials, 10% on collector streets, or 12% on any other street. 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. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.
- (11) Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission 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 Commission 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 10.136.070(A); or
 - (c) A modification is necessary to preserve natural features determined by the City Planning Commission 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 of Section 10.136.070(A) shall only be approved if the City Planning Commission finds that the specific design proposed 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.

10.136.080 Private Streets and Easements.

- (A) Private Streets.
- (1) No more than six, lots or parcels may be served by a private street. These standards shall also apply if at least three, and no more than six, parcels may be created through a series of separate partitions as identified on a master plan. The design and improvement of any private street shall be subject to all requirements prescribed by this chapter for public streets.
 - (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. These requirements may be modified for a planned unit development.
 - (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 designed

as a “parking pocket”, located along the private street, or a combination of both. The provision for on-street parking may require a wider private street easement.

(d) **Public Dedication.** Any private street that is designed, or has the potential capacity, as a collector or an arterial street shall be dedicated as a public right-of-way.

(3) Private streets shall be named.

(4) Provision for the maintenance of a private street shall require 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 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 applicable 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 dwelling units shall have their sole access to the easement. Easements serving more than two homes shall comply with provisions for a private street.

(2) The minimum easement width shall be 20-feet with a minimum paved width of 16-feet.

(3) The maximum length shall be 200-feet.

(4) The surface width noted in item (2) above shall be improved with either asphalt or concrete for the entire length of the access easement.

(5) 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.

(6) 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 dwelling. Turn-arounds shall comply with the design provisions of the Fire District.

(7) All private access easements shall be designated as fire lanes and signed for "no parking."

(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.