



AGENDA
CITY OF YAMHILL, CITY PLANNING COMMISSION MEETING
Council Chambers – 155 E 1st Street
Tuesday – June 4, 2019
7:00 PM

Public Hearing – Planning Commission

1. **Call to Order** –Roll Call
2. **Flag Salute:**
3. **Public Hearing:**
 - A. Public Hearing on Conditional Use Permit Application – CUP 19-01

Regular Meeting – Planning Commission

4. **Public Comment:** (This time is provided for persons in the audience on ANY item of Planning Commission business, except those items which appear on this agenda or refer to land use requests, however, the Planning Commission reserves the right to defer any request for action from any persons addressing the Planning Commission who have not been placed on the agenda. Comments shall be limited to two to five minutes, at the Chair's discretion.)
5. **New Business:**
 - A. None Scheduled.
6. **Unfinished Business:**
 - A. None Scheduled.
7.
 - A. Approval of Planning Commission Minutes from April 2, 2019.
 - B. Schedule next Planning Commission Meeting.
8. **Information/Announcements:**
 - A. None Received
9. **Adjournment**

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

**CITY OF YAMHILL, OREGON
PLANNING COMMISSION
STAFF REPORT
July 7, 2018**

Conditional Use Case 19-01
Neal

I. BACKGROUND

- A. APPLICANT: Bridget Neal
- B. OWNER: Gary Neal
- C. REQUEST: Approve a Conditional Use Permit for a preschool and tutoring center in the R-2 zone
- D. LOCATION: 240 N. Cedar Street, Yamhill, Oregon
- E. APPLICABLE REVIEW CRITERIA: City of Yamhill Community Development Code Section 10.104.030 (available at www.cityofyamhill.com).
- F. PARCEL SIZE: This parcel has 6,970 square feet
- G. EXISTING DEVELOPMENT: A manufactured single-family home is located on the property
- H. ZONING: The property is zoned Single-Family Residential (R-2). The minimum lot size in the R-2 zone is 6,000 square feet.

II. DISCUSSION

This is an application for a conditional use permit to allow operation of a registered preschool and tutoring center in an existing house in a R-2 Single Family zone.

Conditional uses are uses that otherwise would be permitted in a zone, but they may have potential impacts on the surrounding area which warrant imposing conditions of approval that are designed to mitigate those impacts. Conditional Use applications can be denied when it is determined the potential impacts are so great there is no reasonable way to mitigate them.

The requested use is listed in Yamhill Development Code Section 10.16.030 – Conditional Use, as follows:

10.16.030(A)(1) – Public, semi-public, parochial and privately owned kindergartens or day nurseries, provided the residential character of the building is unchanged.

The proposed pre-school and tutoring center will be operated by the resident of the home next door to the existing home on the subject property. It is proposed the facility will be used as a preschool in the morning and tutoring center, known as a youth development program, in the afternoon. A maximum of 10 children will be enrolled in each program.

The facility will be recorded with the State of Oregon as a preschool. “Preschool Recorded Programs serve children 36 months to 5 years of age, are primarily educational and no child is in the facility more than four hours per day.”¹

The tutoring is known as a youth development program which will also be recorded with the State of Oregon, in this case as a School-Age Recorded Program. “School-age Recorded Programs serve child from first grade to 13 years of age, provide youth development activities that are extracurricular in nature and do not take the place of parental care.”²

The single-family residence has a double width driveway long enough to allow parking for two cars on the property and possibly two additional before the street surface. The house is on the corner of Cedar and Buttercup Streets. Neither street has curbs or sidewalks in this area. However, there is a significant graveled shoulder on both the Cedar and Buttercup frontages that has historically been used for parking for the house. This shoulder is approximately 15’ wide along Cedar in front of the house and 10’ wide along Buttercup.

Staff does not perceive any potential impacts from the proposed use requiring significant mitigation recognizing the driveway and the significant amount of shoulder available for parking should be adequate for staff parking and pick-up and drop-off of children. However, it is recommended the frontage along Cedar be signed by the applicant for pick-up and drop-off only, and parking be limited to the driveway and the Buttercup Street frontage.

1 <https://oregonearlylearning.com/providers-educators/become-a-provider/license-exempt-childcare/#recorded>

2 <https://oregonearlylearning.com/providers-educators/become-a-provider/license-exempt-childcare/#recorded>

II. FINDINGS OF FACT

The following findings are made relative to the applicable criteria found in Yamhill Development Code Section 10.104.030 and the facts and information provided by the applicant:

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

FINDING: The applicant speaks to the need for preschool to enhance the education of young children in Yamhill, and the tutoring center to help those in school advance in areas needing extra support. The criterion is met.

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

FINDING: Other properties may be available, but this property is available to house the proposed use and is next door to the home of the operator. This criterion is met and may not be applicable.

- (C) The conditional use conforms to the Comprehensive Plan, all other provisions of this title, and any applicable street or highway plans;

FINDING: The proposed use conforms to the requirements of the Yamhill Development Code which is prima fascia evidence of compliance with the Comprehensive Plan. It has no impact on any street or highway due to low traffic generation.

- (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;

FINDING: The proposed educational facility will be recorded with the State of Oregon which determines adequacy of the physical elements of the structure and yards to serve the proposed use. As the residential character of the house may not change, it will continue to be well incorporated into the neighborhood.

- (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;

FINDING: The use will not impact the ability of the street to handle the minimal amount of additional traffic as a condition of approval is imposed requiring provision of areas for

pick-up and drop-off purposes.

- (F) The proposed use will have minimal adverse effect on abutting property or the permitted uses thereof; and

FINDING: The house will retain its existing residential character. The use will not create adverse effects on the surrounding area. The criterion is met.

- (G) The conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare.

FINDING: The imposed conditions relative to the operation of the use and the parking area will mitigate any issues relative to the public health, safety, and general welfare. The criterion is met.

III. RECOMMENDATION AND CONDITIONS OF APPROVAL

- A. Staff finds the Conditional Use application, with the proposed conditions of approval, complies with the applicable decision criteria and recommends approval subject to the following conditions:
 - 1. The applicant shall obtain and maintain registration with the State of Oregon for the preschool and tutoring uses.
 - 2. Two signs, each not exceeding one square foot in size, will designate the Cedar Street frontage as the appropriate location for dropping off and picking up children. Notice of the frontage being the area for drop-off and pick-up will be included in the written rules of the facility and will be referenced in all contracts for services.
 - 3. The house will be maintained in its existing residential character.
 - 4. A maximum of 10 children will be enrolled in each of the two programs.

IV. PLANNING COMMISSION ACTION

- A. The Planning Commission may either:
 - 1. Approve the application with the recommended conditions of approval and adopt findings contained in the Staff Report;

2. Approve the application with modified findings and conditions; or
 3. Deny the application; specify reasons why the applicant has not met the criteria.
- B. Staff will prepare 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: 4/17/19
Docket Number: _____
Hearing Date: _____
Date Rec'd: _____

APPLICANT IS	TITLE HOLDER OF THE PROPERTY INFORMATION
Legal Owner ()	Name: <u>GARY NEAL</u> Phone #: <u>503.680.152</u>
Contract Buyer ()	Address: <u>240 N Cedar St.</u>
Option Holder ()	APPLICANT INFORMATION
Agent ()	Name: <u>BRIDGET NEAL</u> Phone #: <u>503-867-6137</u>
	Address: <u>790 E. BULLHOUND</u>

LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THIS APPLICATION

Property Address: 240 N Cedar St Size: _____ X _____ Total Area: _____

Map #: _____ Lot #: 2 Block #: 1 Sub-Division: Williams Addition

Total Area Involved: _____ Current Zoning: R-1 _____; R-2 X; 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: Approval for conditional use permit.

Proposed Use(s) and sequence of construction: No construction. Tutoring Center & Preschool

Anticipated Timetable for Project: NA Start NA Finish NA

Present Use of this property: RZ residential mobile home

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: Supporting our local students & provide a quality pre-Kinder program.

How will surface water be taken care of:

NA

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

NA

Total employees and/or occupants: Present:

Large family dwelling

Proposed:

3 employees

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.

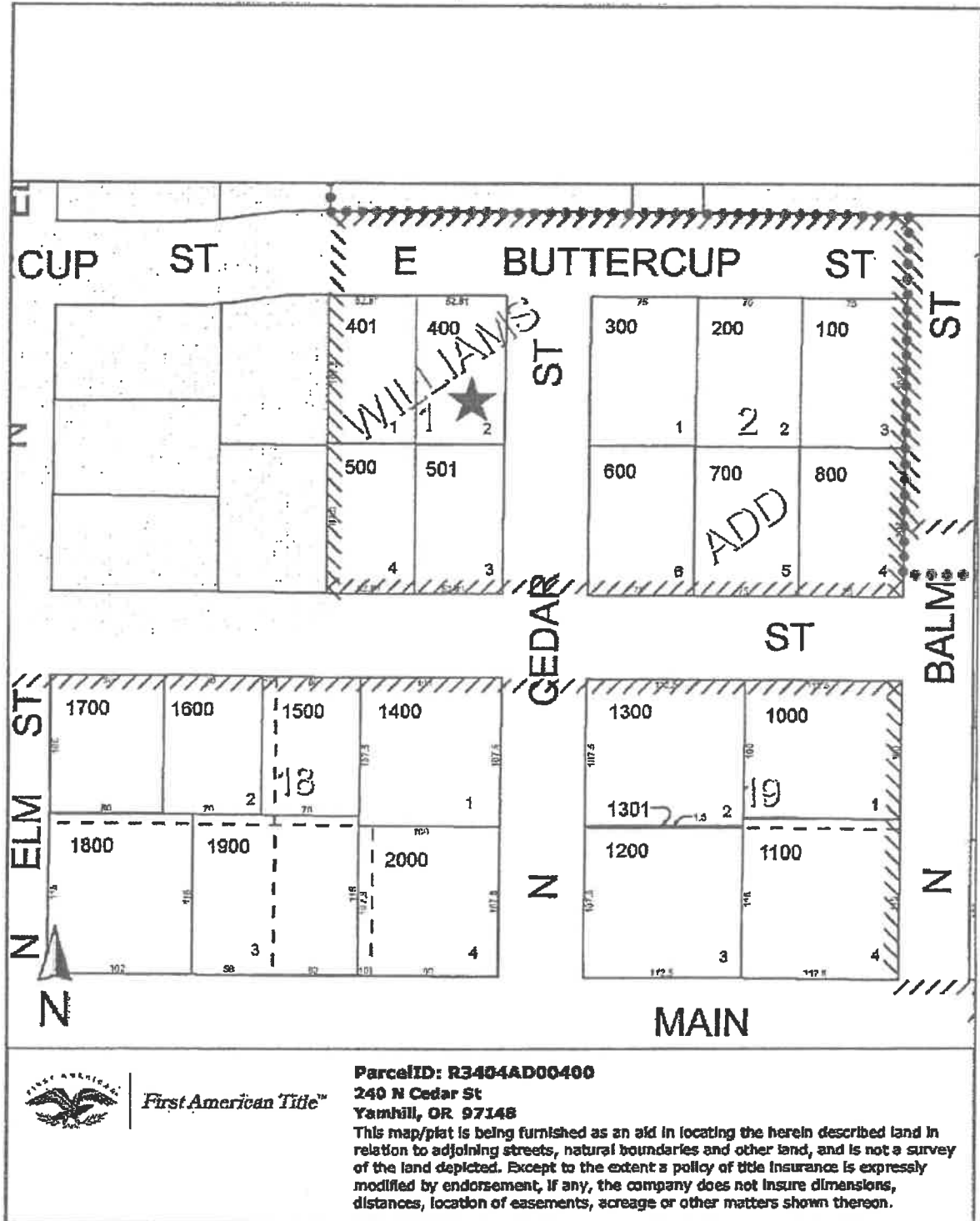
I HEREBY CERTIFY THAT ALL STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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.

Budget Neal
Applicant's Signature

Owner's Signature
Ray Neal

4.16.19
Date of Application



First American Title™

ParcelID: R3404AD00400

**240 N Cedar St
Yamhill, OR 97148**

This map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



**CITY OF YAMHILL
CITY PLANNING COMMISSION MEETING
Tuesday – April 2, 2019
7:00 PM**

Minutes

Regular Meeting – Planning Commission

1. Call to Order –Roll Call

The Yamhill Planning Commission meeting was called to order at 7:10pm by Chair Prendergast.

ROLL CALL:

Members present: Commissioners Prendergast, Moore, Fox, Player and Braddock.

City staff present: City Recorder Gilmore, City Planner John Morgan

2. Flag Salute:

Chair Prendergast led the flag salute with all those present participating.

3. Oath of Office:

- A.** Swearing in of Planning Commissioner: Diana Braddock, Term expires December 31, 2020.

It was noted that Diana Braddock was nominated and approved for the Planning Commissioner appointment by the City Council on March 13, 2019, and the oath of office would be administered for Ms. Braddock at the next scheduled Planning Commission meeting.

City Recorder Gilmore administered the oath of office to Diana Braddock, and Commissioner Braddock took her place at the Council Dais.

4. Public Comment:

None Received.

5. New Business:

A. Commission Vice-Chair Nomination.

Chair Prendergast opened nominations for Planning Commission Vice-Chair. Chair Prendergast nominated Moore for Vice-Chairperson and Fox seconded. Moore accepted the nomination.

Motion by Prendergast, seconded by Fox, to appoint Ken Moore for Planning Commission Vice-Chair position.

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

The motion carried.

6. Unfinished Business:

A. Review and consider updating City Noise Ordinance.

City Planner, John Morgan provided a Staff Report with a draft update of the City's existing noise ordinance. The report was based on the Planning Commission's discussion of the ordinance and the community's needs at the December 4, 2018 meeting and initial draft changes at the March 6, 2019 Planning Meeting.

Briefly, the draft updates language to be more reflective of current issues and needs and adds more specific noise related criteria for evaluating nuisances. The language would also establish a means for the City Council to consider exceptions or variances to the noise standards for extraordinary events, such as community festivals.

Morgan asked the Commission to review the draft, discuss any proposed changes, and by motion vote on an agreed-upon draft with a recommendation on the draft to the City Council. No public hearing is required at the Planning Commission level, the City Council may hold a public hearing, and if approved, the Council would adopt the amendments by Ordinance.

The commission continued discussion of the draft and requested Morgan change the items that referenced noise time limits to be consistent and changed to "permitted between the hours of 8:00am and 8:00pm or dusk, whichever comes sooner".

Motion by Prendergast, seconded by Moore, to approve proposed update of the City's existing noise ordinance 5.04.160, as amended, and recommend approval to the City Council.

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

Motion Carried.

7. A. Approval of Planning Commission Minutes from March 6, 2019.
There were no members in opposition to the minutes.

Prendergast made motion, seconded by Fox to approve minutes.

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

The Motion Carried.

B. Schedule next Planning Commission Meeting.

The next planning meeting is tentatively scheduled for Tuesday, June 4, 2019.

8. **Information/Announcements:**

A. Vacancies:

Budget Committee - 1 member -Applications are available at City Hall

B. Statement of Economic Interest, required by the Oregon Government Ethics Committee (OGEC) must be received electronically by April 15, 2019. If you have any questions contact them at 503-378-5105.

9. **Adjournment: 7:45pm**

Prendergast made motion to adjourn, Braddock seconded.

All in favor, meeting adjourned at 7:45 pm

Respectfully Submitted:
Lori Gilmore
City Recorder/Treasurer