



**City of Yamhill**  
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# PLANNING COMMISSION PACKET

July 19, 2023

6:30 pm

# PUBLIC HEARING

Development Review 23-02 Service Station & Convenience Store

**NOTICE OF PLANNING COMMISSION PUBLIC HEARING****July 19, 2023, 6:30 p.m.**City Council Chambers  
205 South Maple Street  
Yamhill, Oregon 97148

The City of YAMHILL PLANNING COMMISSION will hold a special meeting on Wednesday, July 19, 2023 at 6:30 PM in the Council Chambers and via **Zoom**. Go to [www.cityofyamhill.org](http://www.cityofyamhill.org) for log in information. This meeting includes a public hearing to consider the following application:

**APPLICANT:** Melissa Poland.  
**LOCATION:** 210 South Maple Street.  
**TAX LOT:** Township 3 South; Range 4 West; Section 04BD; Tax Lot 2900.  
**PARCEL SIZE:** Approximately 0.42 acres.  
**ZONING:** General Commercial Zone (C-3) and Central Business District Overlay.  
**REQUEST:** The applicant is requesting approval of a Development Plan Review to establish a service station and convenience store on the subject property.  
**CRITERIA:** Yamhill Municipal Code; Chapter 10.28 (General Commercial Zone) and Chapter 10.46 (Central Business District Overlay).  
**FILE No.:** DR 23-02

Persons interested in the proposal should become involved in the land use decision-making process. Anyone desiring to speak for or against the proposal may do so in person or by representative at the hearing. Written comments may also be filed with the City of Yamhill prior to the public hearing. All documents, evidence, and reports relied upon by the applicant, including a list of Yamhill Municipal Code approval criteria applicable to the request, are available on the City's Website or for inspection at the Yamhill City Hall.

The Planning Commission's review is for the purpose of deciding on the proposal. A decision by the Planning Commission to approve or deny the application will be based upon the above-listed criteria and these criteria only. At the hearing it is important that comments relating to the request pertain specifically to the applicable criteria. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

A copy of the staff report will be available at least seven days prior to the hearing for inspection at no cost, or a copy can be obtained for \$.25/page. If you need any special accommodation to participate in the hearing, please notify City Hall 24 hours before the meeting.

For further information please contact Kimberly Steele, City Clerk/Municipal Court Clerk, Yamhill City Hall, 205 South Maple Street, Yamhill, Oregon 97148; (503) 662-3511.

**STAFF REPORT**

**TO:** Yamhill Planning Commission

**FROM:** Walt Wendolowski, Contract Planner

**SUBJECT:** Planning File – Gas Station/Convenience Store (DR 23-02)

**DATE:** July 12, 2023

**I. BACKGROUND**

- A. **APPLICANT:** Melissa Poland (for property owned by Paul Johal).
- B. **PROPERTY LOCATION:** The property is located on the southwest corner of the intersection of South Maple Street and West First Street. The site address is 210 South Maple Street, and the County Assessor map places the property within Township 3 South; Range 4 West; Section 04BD; Tax Lot 2900.
- C. **PARCEL SIZE:** The subject property contains approximately 18,600 square feet.
- D. **EXISTING DEVELOPMENT:** The vacant subject area fronts two public streets and public services are available to serve the site.
- E. **ZONING:** The property is zoned General Commercial Zone (C-3) and is also located within the identified Central Business District (CBD).
- F. **ADJACENT ZONING AND LAND USE:** All adjacent land is zoned C-3 and contains commercial development primarily located along South Maple Street.
- G. **REQUEST:** The applicant is requesting Development Plan Review approval to establish a service station and convenience store on the subject property.
- H. **DECISION CRITERIA:** Yamhill Municipal Code; Chapter 10.28 (General Commercial Zone) and Chapter 10.46 (Central Business District).

**II. APPLICATION SUMMARY**

- A. The applicant wishes to construct a combination gas station and convenience store on the subject property. The layout includes the following:
  - 1. A 3,360 square foot store will be located near the northeast corner of the property. The building will include a 0-foot setback on the north and a 15-foot setback along Maple Street. The exterior finish includes a mix of brick veneer and split-faced concrete (CMU) with pre-finished sheet metal cornices and metal awnings. The building is 17-feet in height with a small portion above the main entrance at approximately 20-feet. Each wall will



include window treatment with the entrance located on the south side of the building, facing the pump islands.

2. The site includes fourteen parking spaces, five spaces (including a disabled space) located on the west side of the building and nine additional spaces along the west property line. A covered dumpster enclosure is located on the west side, in the approximate center of the nine parking spaces.
  3. The three gas pump islands will be located on the south side of the site, running parallel with the building. An approximate 1,850 square foot canopy will cover the pumps. The closest pump island is 30-feet from the Maple Street property line and ~35 feet to the store.
  4. There are two points of access, a 40-foot entrance on Maple Street and a 25-foot entrance on First Street. The Maple Street entrance is located on the lower third of the Maple Street property line with the pump islands centered relative to the entrance. The First Street access is in the northwest corner of the site.
  5. Traffic flow information indicates both access points are suitable for ingress and egress. The application also includes several delivery and fueling schematics indicating how the layout allows customers to fuel their vehicles, and deliveries made, for a variety of vehicles.
  6. There is a landscaping area located between the west property line and adjacent parking and contains approximately 600 square feet. Additional landscaping is located adjacent to the east side of the building, within the setback. Total landscaping is 884 square feet. A chain link fence will be located along the west property line and approximately western one-half of the south property line.
  7. An electrical charging station is next to the parking space located adjacent to West 1<sup>st</sup> Street. The underground tanks run north-south and are located on the west side of the site between the parking spaces. Bike racks are located within the 15-foot setback along Maple Street.
  8. The sign plan is like the original proposal but shows a previous structure. Information on an illuminated, digital wall display was included; however, the proposed building location (if any) was not identified.
- B. Per Section 10.28.020(A)(14)(a), the C-3 zone permits an automobile service station. Further, Section 10.28.020(A)(11) permits retail uses. Based on these two subsections, the C-3 zone allows the proposed development. In addition, per Section 10.28.050 (A) in a C-3 zone, a development plan shall be submitted to the Planning Commission for expansion of existing buildings and for new construction. This provision applies to the request.

- C. The prior two applications included comments from the Oregon Department of Transportation and the Yamhill Department of Public Works. As the layout is similar to the prior applications, they are included in this report. The Oregon Department of Transportation noted the following:

Normally ODOT defers frontage improvement requirements to the local jurisdiction including the frontage along state highways. I believe ODOT has curb-to-curb jurisdiction through Yamhill which means that ODOT would only be concerned with the driveway and the ped ramps on the corner. The gas station development likely won't trigger a new ODOT approach application since there is an existing approach that previously served a gas station. ODOT wouldn't require new ped ramps at the corner unless the sidewalk leading up to it is being installed/replaced (either on 1<sup>st</sup> or Maple). Essentially, ODOT's requirements will really depend on the city's requirements. If the city doesn't have a specific requirement for frontage, then ODOT would allow the current highway frontage to remain as-is. If the city has frontage improvement requirements, then ODOT will need to be involved in the design and permitting of the ramps and driveway.

- D. The City Engineer reviewed the proposal and provided the following comments:

1. Sanitary Sewer. There is an 8-inch gravity sanitary sewer main exists in South Maple Street along the frontage of the proposed development. A sanitary sewer plan is not shown in the applicant's material. Design drawings showing the sanitary sewer connection shall be submitted and approved by the City of Yamhill (City) prior to development. Oregon Department of Transportation (ODOT) permits will be required for work in the ODOT right-of-way.
2. Water. An 8-inch water main exists within the West First Street right-of-way near the northwest corner of the proposed development. Design drawings showing the water service connection shall be submitted and approved by the City prior to development.
3. Stormwater. Stormwater infrastructure exists in West First Street and South Maple Street. The City does not require stormwater quality treatment; therefore, the applicant may provide water quality treatment at the applicant's discretion. However, the fueling station is required to meet all state and federal standards. The City requires stormwater quantity management as necessary to ensure developments do not create or exacerbate downstream deficiencies. Design drawings showing the stormwater design shall be submitted and approved by the City prior to development. A stormwater report to document that the project will not create or exacerbate any downstream deficiency shall be submitted and approved by the City prior to development.

4. Streets. The applicant is proposing to use the existing accesses on S Maple Street and W First Street.

- a. West First Street - City standard width of sidewalk along West First Street is 8 feet. No sidewalk or curb currently exists along West First Street. The applicant shall install standard curb and gutter and 8-foot-wide sidewalk along the West First Street frontage. The West First Street access driveway shall be placed so that the nearest edge of the driveway is a minimum of 60 feet from the western edge of South Maple Street curb, aligning with the drive aisle west of the fuel pumps. West First Street has recently been repaved. Any street cuts into the new pavement on West First Street will require a minimum half-street 2-inch mill and inlay extending 25 feet on each side of the transverse cut.
- b. South Maple Street - City standard width of sidewalk along South Maple Street is 8 feet. An ±8-foot-wide sidewalk currently exists along South Maple. An existing ±36-foot-wide driveway apron exists along South Maple Street, which the applicant is proposing to use for this development. Submit documentation of ODOT access permit for the driveway access to South Maple Street. A ±38-foot-long section of existing curb north of the driveway on South Maple Street is a mountable curb. The applicant shall replace the mountable curb along South Maple Street, south of West First Street, with standard curb to meet ODOT standards.
- c. Curb Return/Ramps - The curb ramp at the southwest corner of the intersection of West First Street and South Maple Street does not meet Americans with Disabilities Act (ADA) or ODOT standards. The applicant shall replace the curb ramp at the southwest corner of the West First/South Maple intersection to meet 2011 Public Right-of-Way Accessibility Guidelines (PROWAG) guidelines and ODOT standards. Design drawings showing the street design shall be submitted and approved by the City prior to development.

E. No other comments were received by the City at the time of this current report.

F. As noted, the property is in the C-3 zone and subject to provisions of the Central Business District. This report reviews compliance with the underlying zone (C-3) first followed by compliance with the Central Business District provisions.

### III. CRITERIA AND FINDINGS - GENERAL COMMERCIAL ZONE (C-3)

A. Section 10.28.050(A) requires the submittal of a design review to the Planning Commission for the construction of a new building. The review is subject to the following provisions:

1. Section 10.28.050(A) - In approving a development plan, the governing body may impose conditions relating to:
  - (1) Size and location of signs;
  - (2) Size, type and location of outdoor lighting;
  - (3) Landscaped area;
  - (4) Screening;
  - (5) Building setbacks;
  - (6) Ingress, parking, vehicle storage, and egress for commercial uses;
  - (7) Drainage and utility service.

Construction shall be in conformance to the plan approved by the Planning Commission to assure compatibility with adjacent zones.

FINDINGS: This subsection provides guidelines for the Commission to consider regarding conditions of development.

2. Section 10.28.050(B) - The uses shall not be objectionable in relationship to surrounding properties because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration or similar causes.

FINDINGS: Gas stations have potential for odor and fumes. However, the Department of Environmental Quality (DEQ) regulates gas vapor emissions and storage tank installation. Potential impacts should be minimized provided the site complies with DEQ regulations. Otherwise, dust, smoke, cinders, fumes, heat, and vibration should not be factors.

The City should stipulate that all lighting from the pump islands, the canopy, and the convenience store will be directed entirely onto the subject property. Further, lighting may not cast a glare or reflection onto the public rights-of-way. A lighting plan should be required as part of any building permit submittal.

3. Section 10.28.050(C) - Retail or wholesale stores or businesses shall not engage in the manufacturing, processing, or compounding of products other than those which are clearly incidental to the business conducted on the premises and provided that not more than 50% of the floor area of the building is used in the manufacturing, processing, or compounding of products.

FINDINGS: This subsection does not apply as the proposed business is a service station with a retail store and does not engage in the manufacturing, processing, or compounding of products.

4. Section 10.28.050(D) - Compliance with requirements of Chapter 10.52 (Off-Street Parking and Loading).

FINDINGS: The layout includes both a retail store and a service area (gas pump islands). Per Section 10.52.050(J), the retail store requires one space per 400-square feet plus one space per two employees. This would require 8.4 spaces based on the store area, and one or two for employees, for a total of ten spaces (rounded down). There are no specific parking requirements for the gas station islands portion of the project. The site plan identifies 14 parking spaces on the west side of the property. On balance, while there is no specific requirement for the fueling portion of the site, the parking exceeds the minimum requirements for the store while ensuring places for those purchasing fuel.

Section 10.52.060(A) contains loading requirements for commercial buildings. The language notes: "Commercial retail buildings shall require a minimum loading space size of 12 feet wide, 30 feet long and 14 feet high in the following amounts: for buildings containing up to 2,000 square feet of gross floor area, one space and one additional space for each additional 10,000 square feet of gross floor area, or any portion thereof, or otherwise determined by the Planning Commission (emphasis added)." By this accounting, two such loading spaces would be required.

Convenience store operations often do not have separate loading spaces. Deliveries simply use the empty parking spaces, or driveway space next to a building. These deliveries usually (but not always) involve smaller vehicles and often deliver during non-peak hours. Based on observation of other convenience store operations, there appears to be a suitable space on the west side of the store, as well as between the canopy and south side of the store, to permit the unloading of supplies. Again, this is a matter of interpretation by the Commission.

The layout addressed the matter of turning movements for fuel trucks, delivery vehicles and customers. With the reduction in the number of pumps, a smaller retail store, and additional parking spaces, it appears the layout can safely accommodate needed vehicle movements.

Finally, all improvements must comply with the improvement standards contained in Chapter 10.52.

- B. Section 10.28.060 - Height. No building in the C-3 zone shall exceed a height of two and one-half stories from natural ground level or thirty-five feet from natural ground level.

FINDINGS: Based on the submitted information, the store is approximately 17-feet in height while about one-third of the frontage increases to 20-feet in height. Based on the submitted sign plan, the canopy height is approximately 17-feet. Compliance with height limitations is further regulated through the building permit process.

- C. Section 10.28.070 - Side and Rear Yards. There shall be no required side or rear yards in a C-3 zone. If a side or rear yard is provided, it shall be not less than three feet in depth, exclusive of any alley.

FINDINGS: Setbacks to the south and west exceed 60-feet, complying with this Section.

- D. Section 10.28.080 - Front Yard. There shall be no front yard required in a C-3 zone.

FINDINGS: While not required, there is a 15-foot setback to the east. The layout complies with this provision.

- E. Section 10.28.090 - Lot Area and Width. There shall be no lot area or width requirements in a C-3 zone.

FINDINGS: The 0.42 parcel complies with this provision.

- F. Section 10.28.100 - Parking Requirements. All new developments shall require off-street parking, which shall be provided in accordance with Chapter 10.52, Off-Street Parking and Loading, including special provisions for development within the Central Business District Overlay Zone.

FINDINGS: This report previously addressed parking.

- G. Section 10.28.110 - Bicycle Requirements. All new developments shall require bicycle parking, which shall be provided in accordance with Chapter 10.56, Bicycle Parking.

FINDINGS: Provisions in this Chapter require one space per ten parking spaces. Since the parking calculation requires ten spaces, one bicycle space is required. The site plan identified two bicycle racks located on the east side of the building and within the setback area. Improvements must comply with Chapter requirements.

- H. Section 10.28.120 - Fence Regulations. All new development shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence and Wall Regulations.

FINDINGS: As adjacent property is also zoned C-3, fences are not required. However, if installed or maintained, by the applicant, must comply with provisions in this Chapter.

- I. Section 10.28.130 - Clear-Vision Area. All new developments shall adhere to the clear-vision requirements, which shall be provided in accordance with Chapter 10.68, Clear-Vision Area.

FINDINGS: Per 10.68.040(B), the site needs to maintain a clear area along each property line for 15-feet. Based on the site plan, the proposal complies with this requirement.

- J. Section 10.28.140 - Sign Regulations. All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations.

FINDINGS: As the site is in the Central Business District, Section IV, below, reviews the specific sign requirements in Section 10.46.60.

- K. Section 10.28.150 - Conditions Imposed Where C-3 Zone Abuts Residential Zone. In any C-3 zone where the property abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed C-3 zone and the residential zone, conditions to preserve neighborhood qualities may be imposed by the governing body relating to:
- i. Size and location of signs;
  - ii. Size, type and location of outdoor lighting;
  - iii. Landscaped areas;
  - iv. Screening;
  - v. Building setbacks;
  - vi. Ingress, parking, vehicle storage, and egress for commercial uses;
  - vii. Drainage and utility service.

FINDINGS: This subsection does not apply as the subject property does not abut residential zoned property. Staff previously provided recommendations regarding lighting impacts.

#### IV. CRITERIA AND FINDINGS - CENTRAL BUSINESS DISTRICT

- A. Chapter 10.46 contains specific requirements for development within the Central Business District Overlay (CBD). The purpose of the Central Business District Overlay Zone is to establish development requirements which are specifically designed to address the unique challenges of the City's downtown. This area includes all C-3 zone land south of Azalea Street, which includes the subject property. Uses permitted in the C-3 zone, including the proposed gas station and convenience store, are also allowed in the CBD (Section 10.46.030).
- B. Land within the CBD is subject to additional requirements beyond those contained in Chapter 10.28 (C-3 Zone), which were previously reviewed. These are listed here:
1. Section 10.46.040 Landscaping. - Those areas not containing building or parking improvements, including access driveways, and loading areas, shall be landscaped.

FINDINGS: Structures, parking, and driveways dominate the site. Landscaping includes a strip along the west property line and an area on the east side, totaling 884 square feet.

2. Section 10.46.050 Building Standards. New buildings, and the redevelopment of existing buildings that include exterior modifications, shall comply with the following standards:

- a. Section 10.46.050(A) Setbacks. The maximum building setback from a street-side property line shall be 20 feet. No parking is allowed between the building and the street. Other than areas used for driveways, the street-side setback area shall be landscaped. Otherwise, there shall be no minimum nor maximum building setbacks.

FINDINGS: This provision allows 0-foot setbacks. The building is set at 0-feet from First Street, but 15-feet from Maple Street, which is less than the 20-foot limit. The setback area does not contain parking. This setback area is also landscaped per the submitted plan and will contain bicycle parking.

- b. Section 10.46.050(B) Building Height. New buildings shall be within 25% of the average height of existing buildings located on the same street side.

FINDINGS: The applicant previously submitted elevation drawings of adjacent structures. The proposed convenience store is at a general level with other commercial buildings and certainly within 25% of the mean.

- c. Section 10.46.050(C) Orientation. The main entrance to a building shall face a public street or be perpendicular to a public street facing an internal parking lot with the main entrance door no more than 50 feet from the public sidewalk.

FINDINGS: The primary entrance is on the south side of the building, facing the fuel pumps and is located at the approximate center of the building. This entrance is perpendicular to the street and still within 50-feet of the adjacent Maple Street sidewalk.

- d. Section 10.46.050(D) Building Façade. Building façades visible from a public street shall provide a brick, masonry, or wood appearance.

FINDINGS: The structure complies with this Section, as the façade combines brick veneers and split-faced CMU to create a masonry finish.



- e. Section 10.46.050(E) Special Design Requirements. For property located on either side of Maple Street, the following additional design standards shall apply:

- (1) Setbacks. The maximum building setback from a street-side property line shall be zero feet.
- (2) Building Height. Buildings shall be within 10% of the average height of existing buildings within the block.
- (3) Building Design. Buildings shall be similar in character and design with existing structures.

FINDINGS: The building does not comply with the 0-foot setback requirement on Maple Street; however, it conforms to the clear vision provisions of the Code. Within the block, the “Front Elevation Plans” show the roof line is approximately equal to the commercial structures to the south. The submitted “Front Elevation Plans” also shows the adjacent four buildings having their main entrance facing the street. In contrast, the proposed building’s Maple Street frontage is a brick wall without an entrance and only two small windows.

- f. Section 10.46.050(F) Drive-Up and Drive-In Windows. Buildings constructed or reconstructed to include retail sale drive-up or drive-in windows shall be designed and constructed so the internal driveways access the public street(s) in a manner minimizing the potential for vehicle conflicts and congestion and minimizing the potential for pedestrian conflicts. Requirements that may be included in any permit approval may include limiting the number and location of driveways, design of pedestrian access or other appropriate and related safety measures. Internal driveways shall not be located in required landscape areas except to cross them as necessary to access the public street.

FINDINGS: This subsection does not apply as the subject property does not include drive-up/drive-in window.

3. Section 10.46.060 Signs. Signs shall comply with the following standards:

- a. Section 10.46.060(A) Permitted Sign Types. Signs shall be limited to wall signs or projecting signs. The edge of a projecting sign nearest the wall shall not extend more than 18 inches from a wall.

FINDINGS: The submitted site plan includes two signs on the canopy and one sign above the entrance to the convenience store. The revised material includes a schematic for a digital wall sign, location unknown.

- b. Section 10.46.060(B) Maximum Allowable Area. The maximum allowable sign area shall be computed as follows: one square foot of sign area for each one foot of building street-side frontage. This maximum area shall apply to all signs located on the building.

FINDINGS: The structure fronts on two streets, Maple and West First. The longest of the two frontages is 100-feet along West First. Therefore, the maximum allowable sign area is 100 square feet. Staff estimates the proposed signs total area to be 72-square feet while the digital sign contains 7.8 square feet of area. Code requires doubling of the electronic sign area making it 15.6 square feet. Therefore, the total sign area at approximately 87.6 square feet, which is below the 100-square foot limitation.

- c. Section 10.46.060(C) Number. There shall be no limit to the number of signs, provided the total sign area for all signs does not exceed the maximum allowable area for the building.

FINDINGS: The site plan shows three signs, that when combined, do not exceed the sign area limitation. The fourth sign may need to be reduced in area as well as receive additional land use approvals.

- d. Section 10.46.060 (D) Illumination. Direct or indirect illumination shall be permitted, provided all illumination is directed away from adjacent property.

FINDINGS: Staff previously provided recommendations regarding lighting impacts.

- e. Section 10.46.060(E) Prohibited Sign Types. Signs extending above the roof line, balloon/tethered signs, blinking or flashing lights, and freestanding signs shall be prohibited.

FINDINGS: The proposed signage does not include prohibited signs.

- f. Section 10.46.060(F) Exempt Signs. Window signs shall be exempt from the maximum allowable sign area requirements. Portable signs shall also be exempt provided they do not exceed sixteen square feet in area (all sides).

FINDINGS: This is an on-going requirement.

- g. Section 10.46.060(G) Electronic Message Center Signs. Electronic message center signs shall be subject to provisions in Section 10.64.030 (L) and shall also require approval of a Sign Variance per Section 10.64.220.

FINDINGS: Electronic message center regulations require counting the EMC sign area at a rate two times that of a non-EMC sign, in this case, 15.6 square feet. The maximum allowable area in the zone is twenty-four square feet, so the sign area is acceptable. Please note, if the sign is placed within the window, it is exempt from the area requirements; however, there is no exemption from the conditional use and sign variance approval requirements to establish the sign.

- h. Section 10.46.060(H) State Highway Requirements. Applicants are advised to contact the State Highway Division of the Oregon Department of Transportation regarding other possible sign regulations along Maple Street.

FINDINGS: This is an administrative requirement that can be placed as a condition of approval.

## V. SUMMARY COMMENTS

- A. As noted above, there are situations which require interpretation as well as flexibility in applying the Code language. Any interpretation rests with the Commission as the decision maker. Further, beyond the Code interpretation is the design flexibility in the Central Business District granted to the Commission by Section 10.46.07. It is important to note staff can neither presume nor predict the Commission's interpretation of such matters. Prior to a decision, the Commission must review and consider interpretations - or responses - to the following matters:
  - 1. Loading – The business requires two loading spaces, although the Commission [per Section 10.52.060 (A)] appears to have some flexibility on this matter. As stated, experience with these types of operations indicate: (a) “loading” is basically limited to small delivery vehicles; and (b) the vehicles use vacant parking spaces or driveways. Overall, given the increase in available parking spaces and the reduction in the number of fuel pumps, dedicating a separate loading space - or spaces - seems unnecessary.
  - 2. Setbacks/Clear Vision – Being situated along Maple Street, Section 10.46.050(E) requires a 0-setback. The structure does not comply as it maintains a 15-foot setback from Maple. However, this setback does provide the clear-vision area. Within downtown, placement of structures along the property line – including corner lots - is customary practice, and likely the reason behind the zero-setback requirement. For corner lots, this may present a safety issue as traffic signals are not present. It is also important to note the building, while setback from Maple, does not exceed the 20-foot limit imposed in the CBD overlay.

3. EMC Sign – The proposed electronic message center complies with the area limitation. As an EMC sign in the Central Business District, the applicant will require conditional use and sign variance approvals to install the sign.
  4. Design/Façade – Buildings along the Maple Street block have their main entrance onto Maple along with significant window treatment bordering the entrance. In contrast, the building’s Maple Street façade includes two small windows while the building entrance faces the fuel pumps. This raises the question as to whether this design is “. . . similar in character and design with existing structures”.
- B. Interpretation provisions in Chapter 10.52 can address the matter of the parking, loading and potentially the sign requirements. Modification of the design elements: setbacks and frontage design, is subject to provisions in Section 10.46.070. This Section states the Commission may allow modifications to the site design requirements in the Central Business District when both of the following criteria are satisfied:
1. 10.46.070(A). The modification is necessary to provide design flexibility where:
    - (1) Conditions unique to the site require such modification; or
    - (2) Parcel shape or configuration precludes compliance with provisions; or
    - (3) A modification is necessary to preserve trees, other natural features, or visual amenities determined by the Planning Commission to be significant to the aesthetic character of the area.
  2. 10.46.070 (B). Modification of the standards in this chapter shall only be approved if the Planning Commission finds that the specific design proposed is substantially in compliance with the intent and purpose of the Central Business District design provisions.

FINDINGS: Regarding subsection (A), staff cannot identify unique conditions at the site [(A)(1)] and there are no trees, natural features or visual amenities requiring preservation [(A)(3)]. The only potential circumstance may be the shape, size (or location) of the lot [(A)(2)]. This gets into dangerous territory. The use may be right for the applicant’s goals but inappropriate for the size and location of the parcel.

Regarding subsection (B), judging design is, at best, subjective. The building setback serves a purpose by providing bicycle parking and maintaining the clear-vision area at the intersection; however, it fails to comply with the setback limit. Staff previously compared the east wall of the convenience store building to other Maple Street commercial buildings. Running the building perpendicular to the street negates what is otherwise an attractive building entrance that could fit into the downtown design objectives.

## VI. RECOMMENDATION AND CONDITIONS OF APPROVAL

Generally, the proposal complies with a significant number of development requirements, such as building height, use, parking, and so forth. However, the site does not meet the loading requirements and requires Commission interpretation of the standards. Further, the building setback and Maple Street frontage design do not comply with the CBD requirements and will require subjective decisions to comply with the criteria in Section 10.46.070. Staff cannot make the interpretation and subjective judgments; this is left to the Commission to discuss as part of their deliberations. Unless the interpretation and judgments meet with Commissioners' approval, the application does not meet the Code requirements.

However, if the Planning Commission finds the proposal complies with the applicable criteria - with supporting interpretation and design judgments - and approves the application, staff recommends placement of the following Conditions:

- A. The applicant shall submit an engineering plan for the entire development to the Yamhill Department of Public Works for review and approval. The engineering plan shall include information concerning water, sanitary sewer, storm water, street improvements along West 1<sup>st</sup> Street, easements, and other information as necessary to indicate conformance with City standards. Engineering plans shall comply with the provisions in Condition "F.", below.
- B. The applicant shall contact the Oregon Department of Transportation (ODOT) to determine what improvements are required along Maple Street. If required, the applicant shall submit the necessary engineering plans for improvements to ODOT for their review and approval.
- C. The developer shall submit a building permit for construction of the building and improvements, conforming to the applicable building code requirements. Building cannot proceed until engineering plans are approved. The plans shall substantially conform to the submitted layout and include the following improvements:
  - 1. The building exterior shall conform to the submitted architectural plans.
  - 2. The site shall contain a minimum of 14 vehicle parking spaces conforming to requirements in Chapter 10.52.
  - 3. The site shall contain a minimum of two bicycle parking spaces conforming to provisions in Chapter 10.60.
  - 4. The building plan shall include a lighting plan ensuring lighting for the facility shall be directed entirely onto the subject property and may not extend beyond the property boundaries; and shall not cast a glare or reflection onto the public rights-of-way.
- D. The following additional requirements shall apply:
  - 1. All signs must comply with provisions in Section 10.46.060.
  - 2. Prior to installation of any signs, the developer shall submit evidence of approval from the Oregon Department of Transportation.

3. The applicant shall comply, and continually comply, with any State or Federal regulations regarding the operations of a gas station.
  4. The electronic message center sign shall require approval of a conditional use application and sign variance before installation.
- E. Prior to building occupancy, the developer shall complete the following:
1. Install on-site parking improvements, consistent with approved building and engineering plans.
  2. Improve West 1<sup>st</sup> Street, and if applicable Maple Street, consistent with approved engineering plans.
- F. Engineering and Public Works improvements shall conform with the following:
1. All public improvements shall be constructed in accordance with the City of Yamhill Municipal Code. Where the City Municipal Code is silent, improvements shall meet the 2021 Oregon Standard Specifications for Construction and ODOT design standards.
  2. Design drawings showing the sanitary sewer connection shall be submitted and approved by the City prior to development. ODOT permits will be required for working in the ODOT right-of-way.
  3. Design drawings showing the water service connection shall be submitted and approved by the City prior to development.
  4. Design drawings showing the stormwater design shall be submitted and approved by the City prior to development.
  5. A stormwater report to document that the project will not create or exacerbate any downstream deficiency shall be submitted and approved by the City prior to development.
  6. The applicant shall install standard curb and gutter and 8-foot-wide sidewalk along the West First Street frontage.
  7. The West First Street access driveway shall be placed so that the nearest edge of the driveway is a minimum of 60 feet from the western edge of South Maple Street curb, aligning with the drive aisle west of the fuel pumps.
  8. Any street cuts into the new pavement on West First Street will require a minimum half-street 2-inch mill and inlay extending 25 feet on each side of the transverse cut.
  9. Submit documentation of ODOT access permit for the driveway access to South Maple Street.
  10. The applicant shall replace the mountable curb along South Maple Street, south of West First Street, with a standard curb to meet ODOT standards.
  11. The applicant shall replace the curb ramp at the southwest corner of the West First/South Maple intersection to meet 2011 PROWAG guidelines and ODOT standards.
  12. Design drawings showing the street design shall be submitted and approved by the City prior to development.
  13. The developer will directly reimburse the City for consulting fees incurred during the review of engineering submittals. Payment will be due upon issuance of the public works permit.

14. The City will provide inspection of all public infrastructure constructed within public right-of-way. The developer shall pay a deposit equal to 2.5 percent of the engineer's estimate of public improvements.
  15. The developer shall submit a performance bond in the amount of 110 percent of the engineer's estimate for improvements within existing public rights-of-way and improvements to existing City infrastructure. The bond shall be in place prior to breaking ground for the development.
- G. Approval shall be limited to the proposed convenience store and service station. The applicant is advised subsequent modification or a change in use may be subject to additional land use applications and review.
- H. Compliance with the Conditions of Approval, Oregon Department of Transportation, Oregon Department of Environmental Quality, Public Works Standards, Oregon Uniform Fire Code as administered by the appropriate agency, adopted Building Code, and applicable Municipal Code provisions shall be the sole responsibility of the applicant.

## VII. PLANNING COMMISSION ACTION

- A. The Planning Commission has the following options:
1. Approve the application, adopting findings and conditions contained in the staff report; or
  2. Approve the application, adopting modified findings and/or conditions; or
  3. Deny the application, establishing findings as to why the application fails to comply with the decision criteria.
- B. Staff will prepare an Order for the Chair's signature.





CITY OF YAMHILL  
 PLANNING DEPARTMENT  
 CITY HALL  
 YAMHILL, OR 97148  
 503-662-3511

## DEVELOPMENT PERMIT APPLICATION

Date Received: \_\_\_\_\_  
 Docket Number: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_  
 Present Zone: \_\_\_\_\_

## APPLICANT IS

## TITLE HOLDER OF THE PROPERTY

Agent

( )

Name:

Phone:

Legal Owner

Address:

Contract Buyer ( )

Option Holder

( )

Name:

APPLICANT

Melissa Poland

Address:

Phone:

## LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THIS APPLICATION

Location of Property: 2105 Maple St Size: .42 X \_\_\_\_\_ Tax Lot: 90760  
Yamhill  
 Lot: \_\_\_\_\_ Block: 3 North Yamhill Sub-Division: no Total Area: .42 acres  
 Total Area Involved: \_\_\_\_\_ Current Zoning: R-1 \_\_\_\_\_ R-2 \_\_\_\_\_ R-3 \_\_\_\_\_ RLC \_\_\_\_\_  
 C3 X

## INTRODUCTION

This application is provided for the filing and review of proposed development permits in the City of Yamhill. The application is organized to correspond with the requirements of Yamhill City Municipal Code Chapters 10.112, and 10.116, which establishes standards and procedures for the development review process 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?

Present Use of Property (Description, including any existing structures and their current use): gravel lot


Proposed Use(s) and sequence of construction (Explain in detail): Convenience Store  
and 3 pump gas station

## 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 expressed 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 Fifteen 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.

  
Applicants Signature

Date: 5-30-23

  
Property Owner Signature

Date: 5-30-23

## **DEVELOPMENT PERMIT INFORMATION:**

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 at the Development Review.

- 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?

### **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.) Fifteen copies of a Detailed Plot Plan of the property for which action is requested illustrating that which is being requested is required for all Development permit 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.) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
  - F.) Elevation in relation to mean sea level to which any structure has been flood-proofed.
  - G.) Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Yamhill Municipal Code, Chapter 10.40.
  - H.) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  - I.) Such additional information as required by the Planning Commission procedures.
- 3.) A list of 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	\$ 650.00
Appeal Fee	\$ 250.00
Professional Review Fee	\$ 500.00
Initial City Fee at Application	\$ 1,150.00
- 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 hearing will be conducted.

A minimum fee as stated above, for the Development 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 the 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:

10.64.230 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 \$500.00 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 two (2) hours of the professional review performed by City Staff and the first two (2) 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 two (2) 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)*

**Parcel Information**

**Parcel #:** 90760  
**Account:** R3404BD02900  
**Related:**  
**Site Address:** 210 S Maple St  
 Yamhill OR 97148 - 7601  
**Owner:** Pitfido, John A  
**Owner2:** Pitfido, Joanne M  
**Owner Address:** [REDACTED]  
**Twn/Range/Section:** 03S / 04W / 04 / NW  
**Parcel Size:** 0.42 Acres (18,221 SqFt)  
**Plat/Subdivision:** North Yamhill  
**Lot:** 1  
**Block:** 3  
**Map Page/Grid:**  
**Census Tract/Block:** 030400 / 3030  
**Waterfront:**

**Assessment Information**

**Market Value Land:** \$168,149.00  
**Market Value Impr:** \$0.00  
**Market Value Total:** \$168,149.00  
**Assessed Value:** \$74,855.00

**Tax Information**

**Levy Code Area:** 16.0  
**Levy Rate:** 16.0032  
**Tax Year:** 2020  
**Annual Tax:** \$1,197.92

**Exemption Description:****Legal**

Lot 1 - Block 3 in NORTH YAMHILL

**Land**

**Cnty Land Use:** 200 - Commercial - Vacant  
**Land Use Std:** CMSC - Commercial Miscellaneous  
**Neighborhood:** Small Cities 1 Commercial  
**Watershed:** North Yamhill River  
**Primary School:** Yamhill Carlton Elementary School  
**High School:** Yamhill Carlton High School

**Cnty Bldg Use:** 0

**Zoning:** C3 - General Commercial

**Recreation:**

**School District:** 1 Yamhill-Carlton School District  
**Middle School:** Yamhill Carlton Intermediate School

**Improvement**

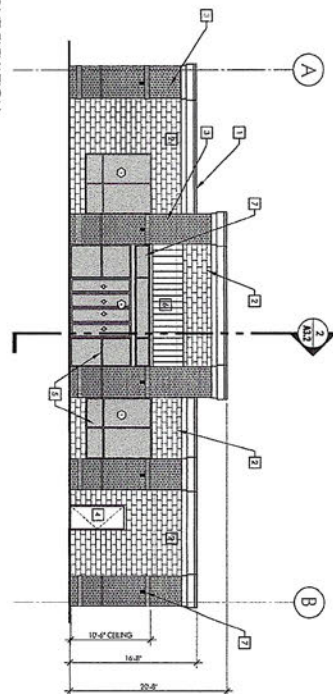
<b>Year Built:</b>	<b>Attic Fin/Unfin:</b>	<b>Fireplace:</b>
<b>Bedrooms:</b>	<b>Total Baths:</b>	<b>Full/Half Baths:</b>
<b>Total Area:</b>	<b>Bsmt Fin/Unfin:</b>	<b>Garage:</b>
<b>Bldg Fin:</b>	<b>1st Floor:</b>	<b>2nd Floor:</b>

**Transfer Information**

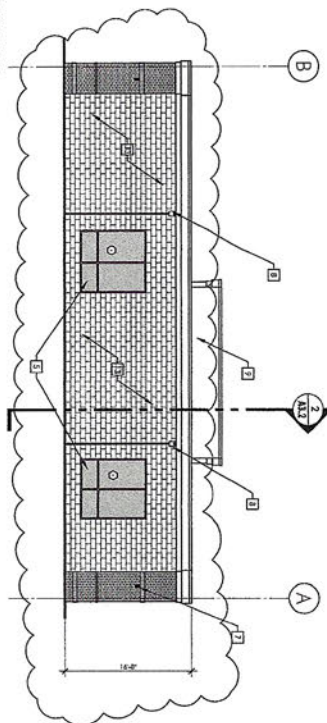
<b>Rec. Date:</b> 10/09/2003	<b>Sale Price:</b> \$175,000.00	<b>Doc Num:</b> 2003-25995	<b>Doc Type:</b> Deed
<b>Owner:</b> John A Pitfido		<b>Grantor:</b> SENZ FRANCIS E & WANDA J	
<b>Orig. Loan Amt:</b>		<b>Title Co:</b>	
<b>Finance Type:</b>	<b>Loan Type:</b>	<b>Lender:</b>	

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

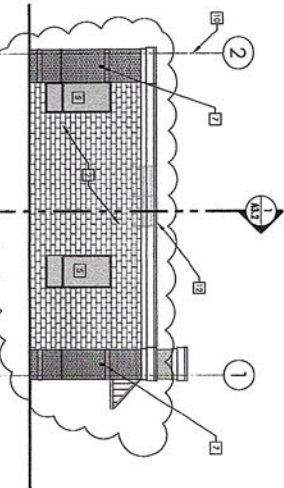




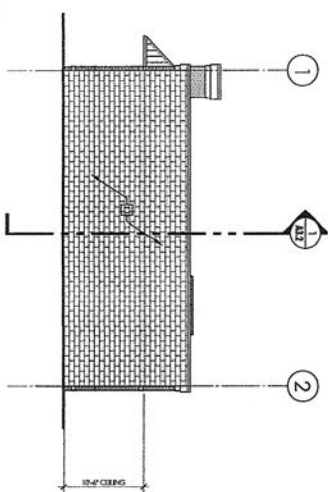
FRONT ELEVATION



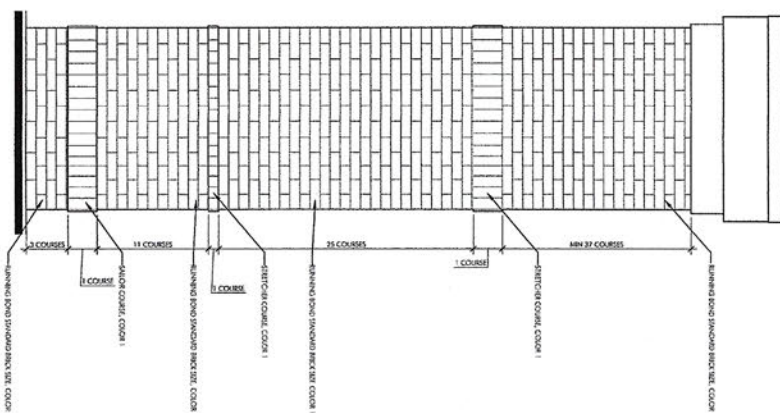
2 REAR ELEVATION



**3** SIDE ELEVATION



4 SIDE ELEVATION



## 5 BRICK PATTERNS

PLAN NOTES:

- [illegible]



**Salem Sign Co., Inc.**  
1825 FRONT ST. N.E.  
SALEM, OR 97301  
**503-371-6362**  
CCB# 65297

**SPECIFICATIONS**

- \* **CABINET**
    - Aluminum Fabricated
  - \* **FACE**
    - 3/16" White Lexan
  - \* **ILLUMINATION**
    - White LED
  - \* **VINYL**
    - 230-53 Cardinal Red
    - 230-26 Green
- ( Digital Display )
- \* **DAKTRONICS**  
FL-3000-12-DI



**SK # 27123-22B**

JOB TITLE: Seven Star Gas Price

LOCATION:

Dallas, OR

DATE: 2-2-22

DRAWN BY: CZ

SALES:

Corey Spady

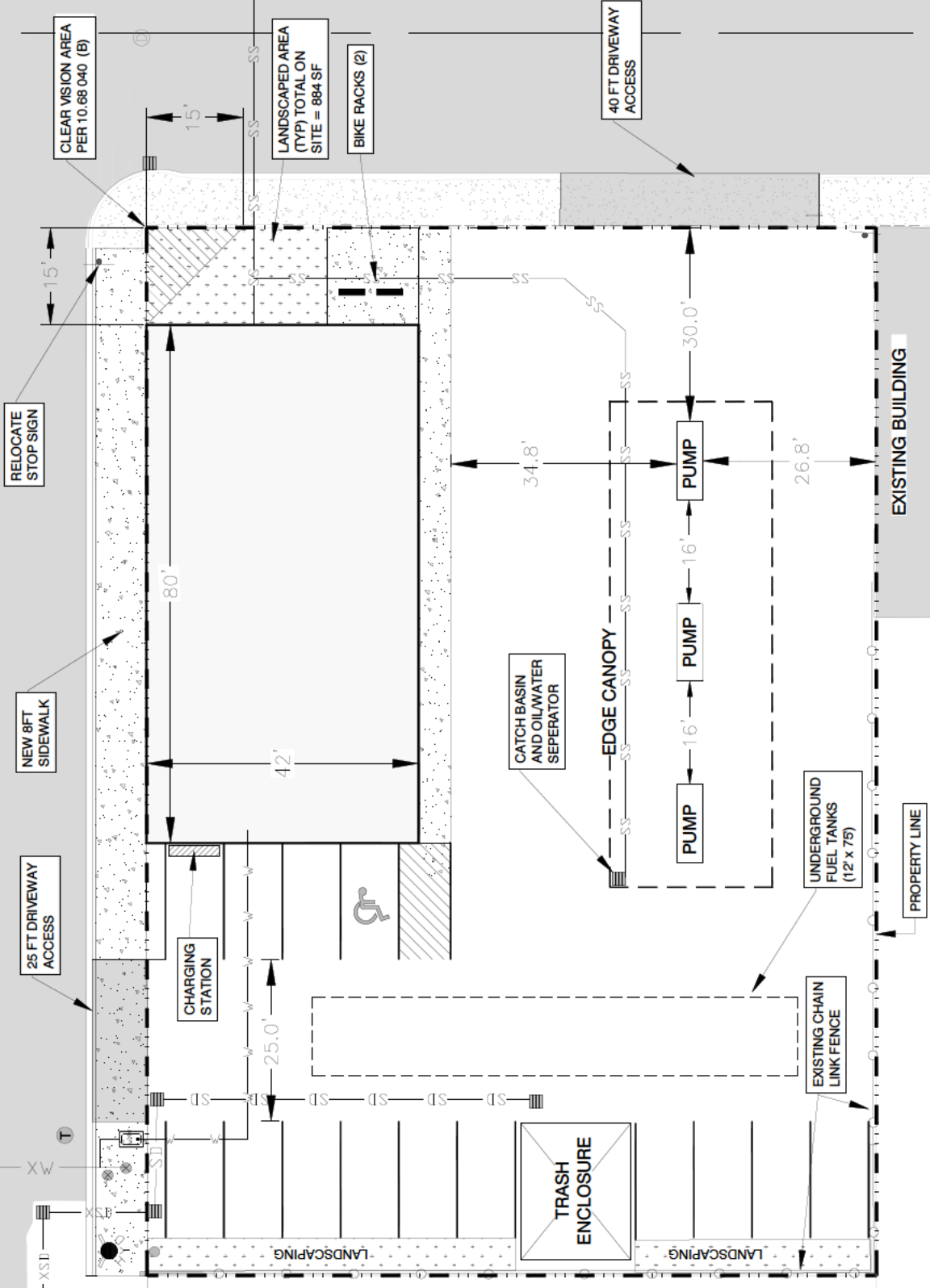
APPROVED BY:

**( 2 ) Single Face Internally Illuminated Wall Displays w/ Digital Price Changer**

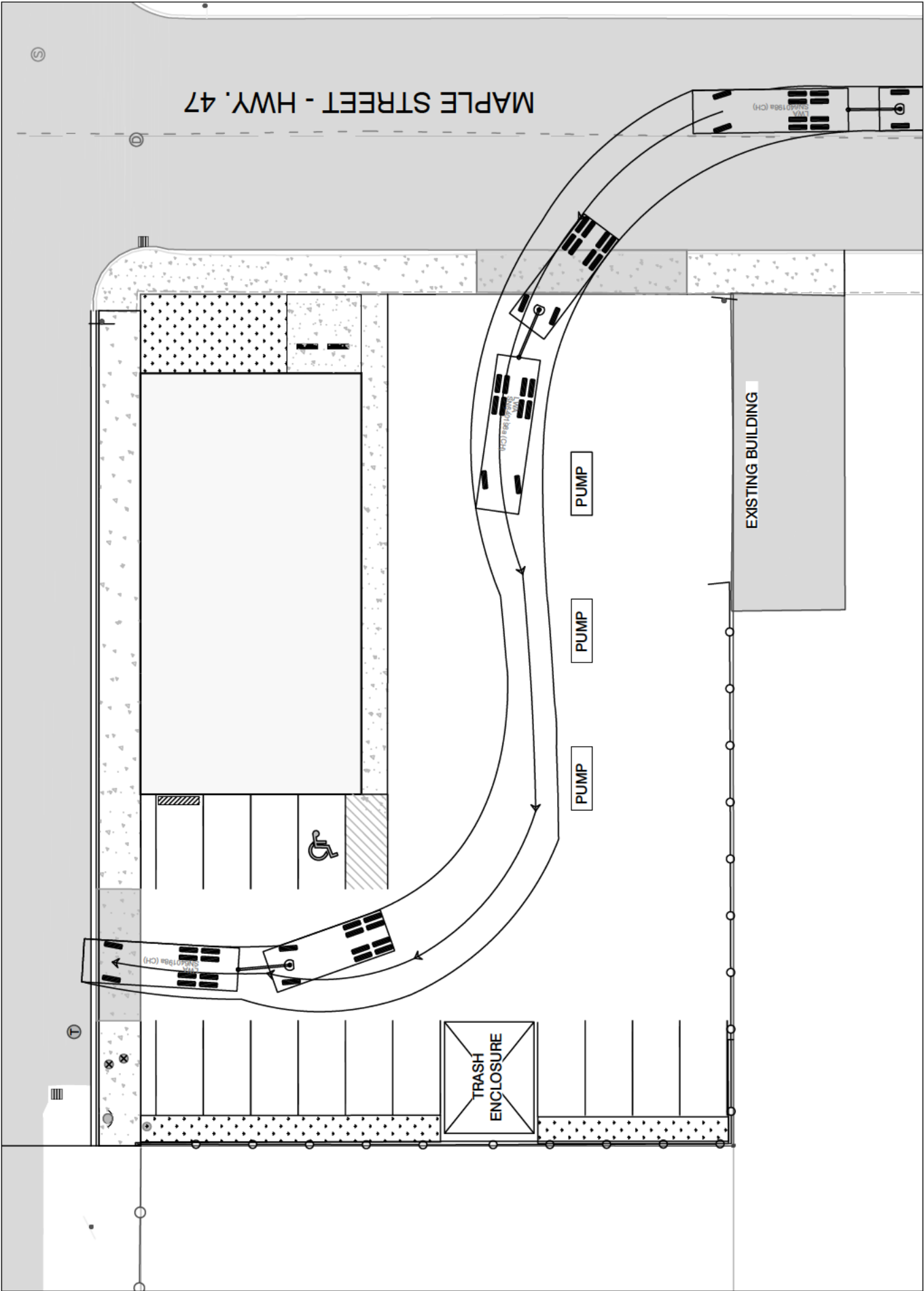


WEST 1ST STREET

MAPLE STREET - HWY. 47

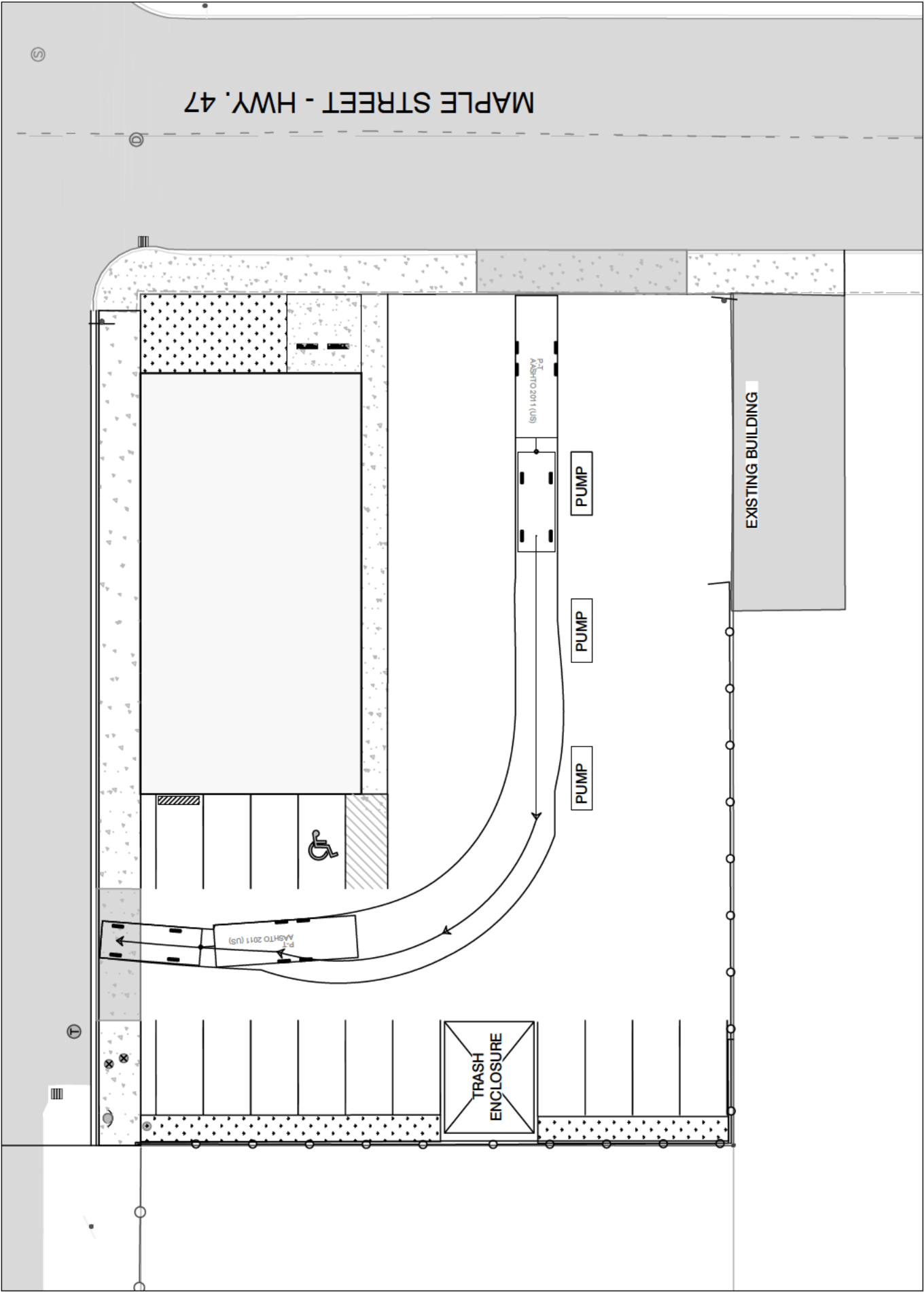




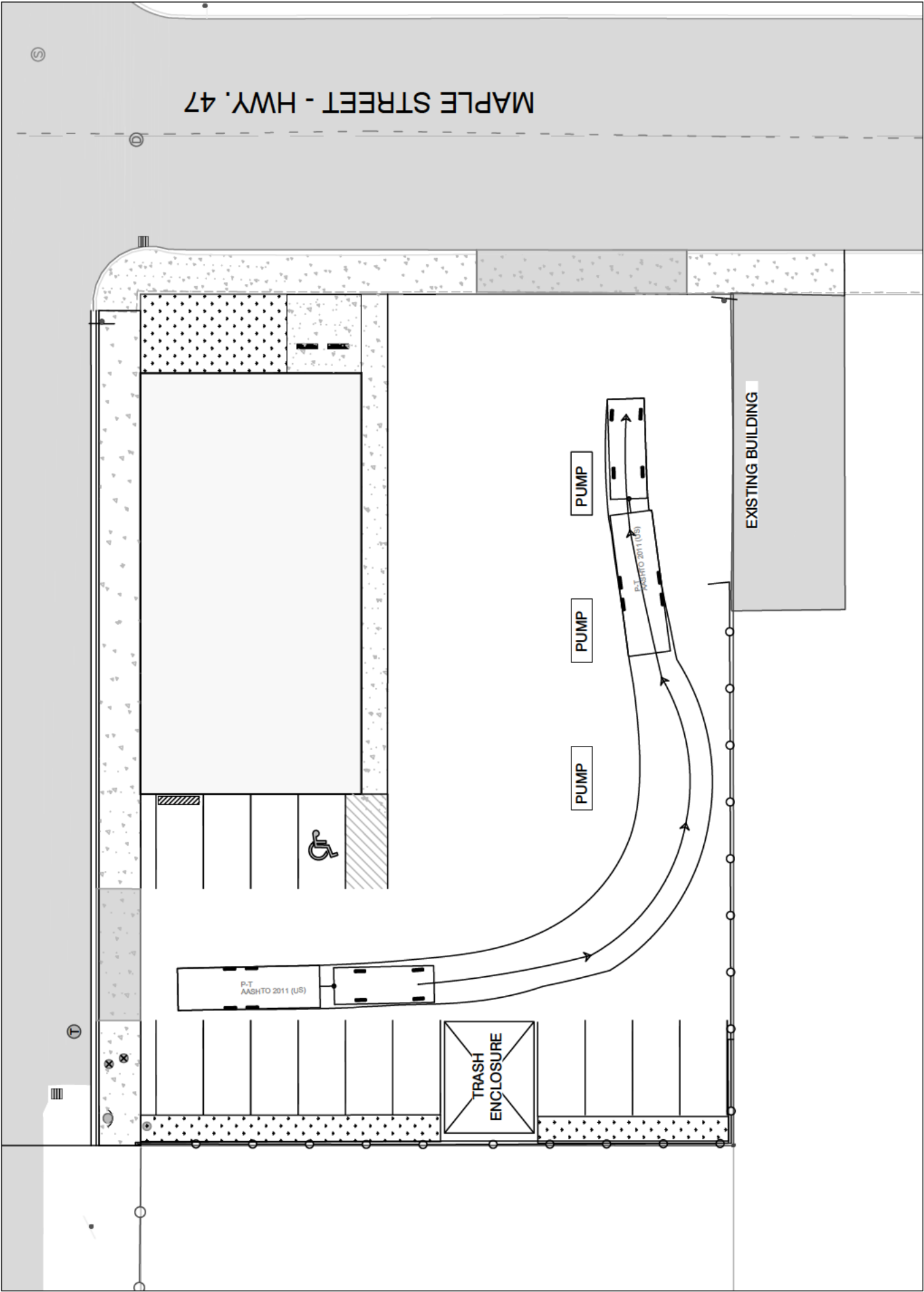


**TANKER TRUCK TURNING MOVEMENT**

NOT TO SCALE

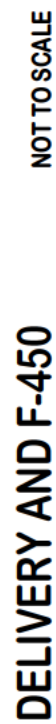


**CAR W/ TRAILER TURNING MOVEMENT** NOT TO SCALE

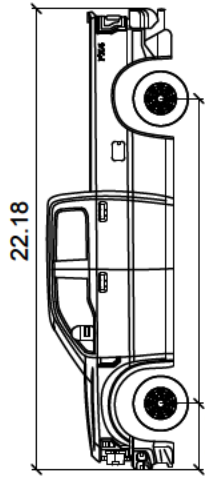


CAR W/ TRAILER TURNING MOVEMENT

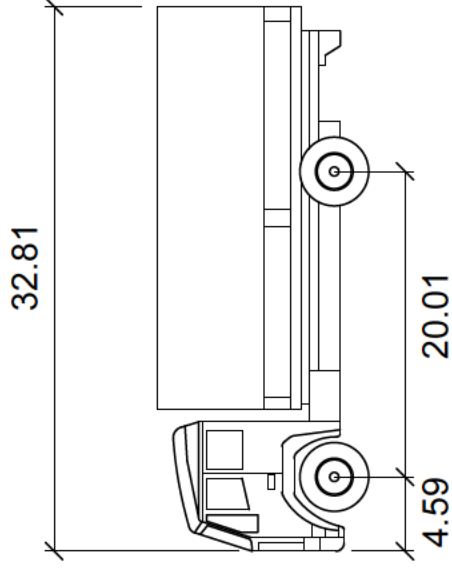
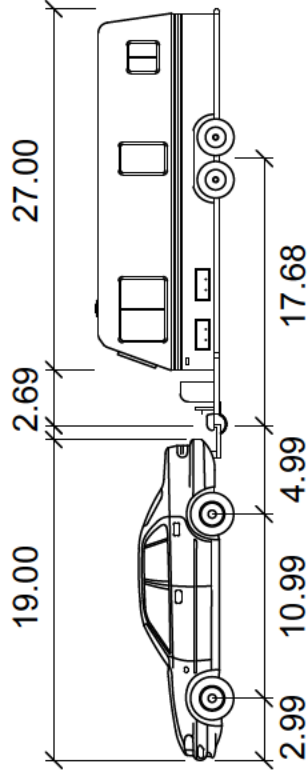
NOT TO SCALE



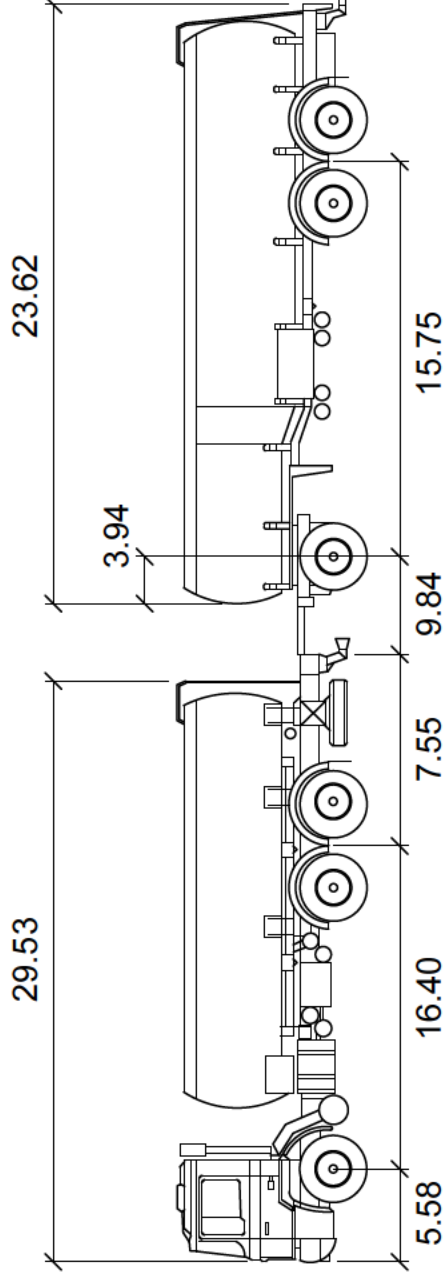
## DELIVERY AND F-450



Ford F-450 Crew Cab 2019

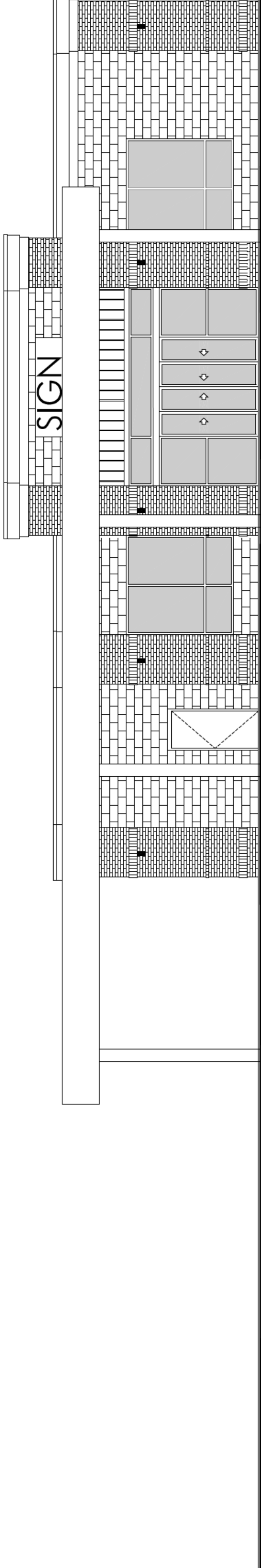


DELIVERY VAN

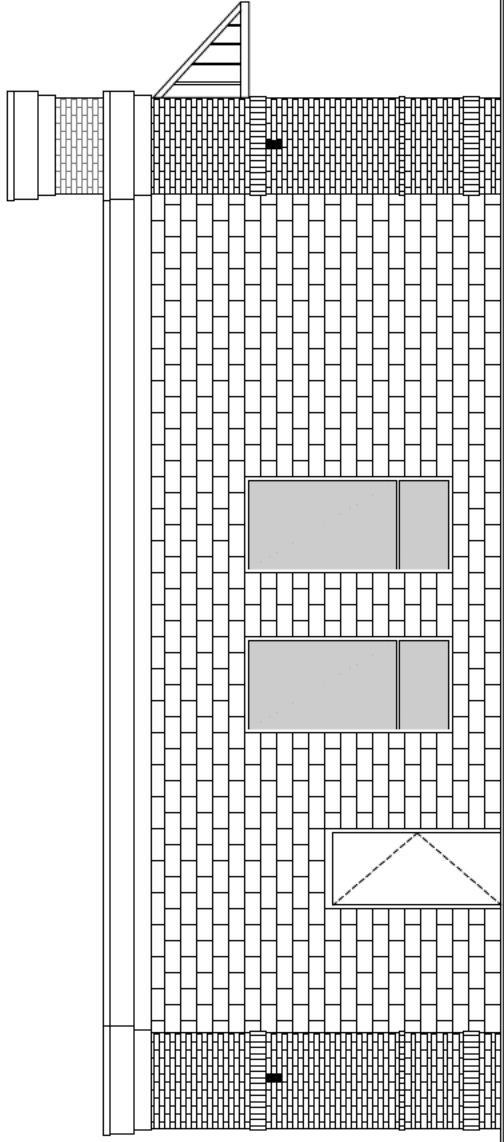




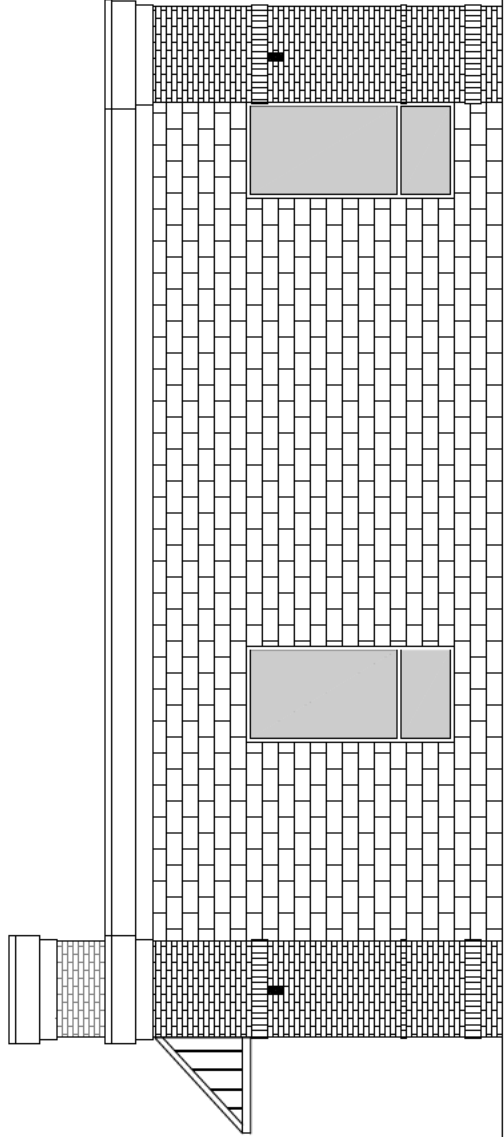




SOUTH FACING ELEVATION

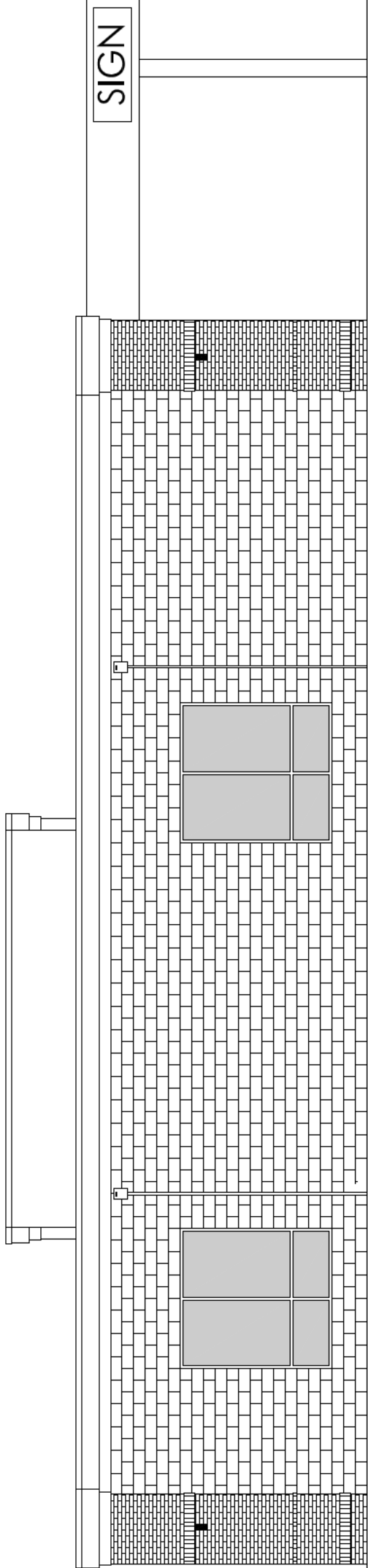


WEST FACING ELEVATION



WEST 1ST STREET

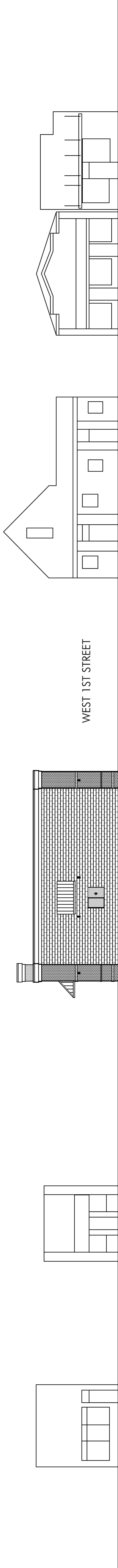
EAST FACING ELEVATION



NORTH FACING ELEVATION

YAMHILL 06-30-2023  $\frac{1}{8}"$  @ 11 x 17





FRONT ELEVATIONS  $\frac{3''}{32} = 1'-0'' @ 24 \times 36$

EQUIPMENT SCHEDULE:

	QUANTITY	DESCRIPTION	TENANT PROVIDED INFORMATION	SUPPLIER	COMMENTS
A	1	DISPLAY COOLER	0 x 0 amp 0 PHASE	OWNER	REQUIRES INDIRECT DRAIN
B	1	COLD BREW COUNTER TOP	0 x 0 amp 0 PHASE	OWNER	REQUIRES WATER SOURCE
C	1	CAPPICINO 5 HEAD	0 x 0 amp 0 PHASE	OWNER	REQUIRES WATER SOURCE
D	2	DISPLAY RACK		OWNER	
E	1	CREAMER DISPENSER	0 x 0 amp 0 PHASE	OWNER	
F	1	DUAL 1.5 GALLON BREWER	0 x 0 amp 0 PHASE	OWNER	REQUIRES WATER SOURCE
G	3	SODA DISPENSER	0 x 0 amp 0 PHASE	OWNER	REQUIRES WATER SOURCE AND INDIRECT DRAIN
H	1	3 COMP SS SINK		OWNER	REQUIRES INDIRECT DRAIN AND WATER SOURCE
J	1	ICE MAKER	0 x 0 amp 0 PHASE	OWNER	REQUIRES WATER SOURCE AND INDIRECT DRAIN
L	1	2 DOOR STAND UP FRIDGE		OWNER	
M	1	2 DOOR STAND UP FREEZER	0 x 0 amp 0 PHASE	OWNER	
N	2	FRYER		OWNER	VERIFY POWER OR GAS
O	1	OVEN		OWNER	VERIFY POWER OR GAS
P	2	POINT OF SERVICE		TENANT	PROVIDE POWER AND LOW VOLT
Q	1	WALK IN COOLER		TENANT	REQUIRES FLOOR DRAIN
R	1	WALK IN FREEZER		TENANT	REQUIRES FLOOR DRAIN

PLAN NOTES:

- 1
- MERCHANDISE DISPLAY UNITS PROVIDED BY TENANT INSTALLED BY GC
- 2
- MOP SINK WITH MOP RACK, LINE WALLS WITH FRP, PLACE 50 GALLON WATER HEATER AT 4'-0" F.F.E. ABOVE
- 3
- WALL MOUNTED HAND SINK, PROVIDE FRP FINISH AND SOLID BLOCKING FOR SOAP AND PAPER TOWEL DISPENSER
- 4
- GREASE EXHAUST HOOD VENTED THROUGH ROOF ABOVE (1) (R3)
- 5
- 3 COMPARTMENT SINK, DRAIN TO FLOOR SINK, COORDINATE WITH OWNER ON SINK SIZE
- 6
- PROVIDE POWER OUTLETS AT CEILINGS ABOVE CHECKOUT, COORDINATE WITH TENANT
- 7
- VERIFY WITH OWNER, OVER HEAD SODA CONDUIT, MIN 8", VERIFY
- 8
- PROVIDE PLYWOOD BACKER BOARD AT OFFICE WALLS, VERIFY LOCATIONS AND EXTENT WITH TENANT
- 9
- ELECTRICAL PANELS, COORDINATE WITH ELECTRICAL
- 10
- PROVIDE SIGN ABOVE DOOR THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS\*
- 11
- SHELVING UNITS, COORDINATE WITH OWNER
- 12
- VERIFY WITH OWNER, UNDERGROUND SODA CONDUIT, MIN 8", VERIFY
- 13
- ACCESS LADDER TO ROOF TOP (8) (R1)
- 14
- HATCH INDICATES R-12 RIGID INSULATION UNDER SLAB WHERE FREEZER OCCURS ABOVE, VERIFY SIZES WITH OWNER

PLAN LEGEND:

- 
- NEW EXTERIOR WALL 2 x 4 WOOD STUDS WITH R-21 BATT INSULATION, GYPSUM BOARD AT INTERIOR  
EXTERIOR PLYWOOD SHEATHING, WEATHER BARRIER WITH EXTERIOR FINISHES PER ELEVATIONS
- 
- NEW WOOD STUD WALL @16" o.c. WITH 5/8" GYPSUM BOARD
- 
- FLOOR SINK, VERIFY LOCATION WITH OWNER, LOCATIONS ARE EQUIPMENT SPECIFIC, DRAIN TO GREASE  
INTERCEPTOR
- 
- FLOOR DRAIN, DRAIN TO GREASE INTERCEPTOR
- 
- FIRE EXTINGUISHER, WALL MOUNT
- 
- HOSE BIB
- 
- CORNER GUARD FROM ABOVE BASE TO 48" ABOVE BASE

IN THE EVENT CONFLICTS ARE DISCOVERED  
BETWEEN THE ORIGINAL SIGNED AND SEALED  
DOCUMENTS AND ANY REVISIONS, THE ORIGINAL  
AND/OR THE CONSULTANTS' AND ANY COPY OF  
THE DOCUMENTS TRANSMITTED BY MAIL, FAX,  
ELECTRONIC MAIL, OR ANY OTHER MEANS,  
SIGNED AND SEALED DOCUMENTS SHALL GOVERN.

PROJECT # 2022-109  
DATE: 25 JULY 2022  
REVISIONS  
DATE: 5 JUNE 2023  
REDUCE STORE SIZE



NEW BUILDING FOR  
CONVENIENCE STORE  
SW CORNER OF WEST 1ST ST AND MAPLE ST, YAMHILL, OREGON

SHEET

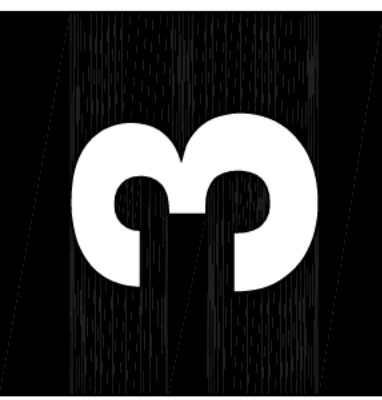
A2.1



1 FLOOR PLAN

0' 1' 2' 4' 8' 12' 1/4" = 1'-0" @ 22 x 34





IN THE EVENT CONFLICTS ARE DISCOVERED  
BETWEEN THE ORIGINAL SIGNED AND SEALED  
DOCUMENTS AND ANY REVISED DOCUMENTS,  
THE ORIGINAL SIGNED AND SEALED DOCUMENTS  
AND/OR THE CONSULTANTS' AND ANY COPY OF  
THE DOCUMENTS TRANSMITTED BY MAIL, FAX,  
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PROJECT # 2022-109  
DATE: 25 JULY 2022  
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REDUCE STORE SIZE



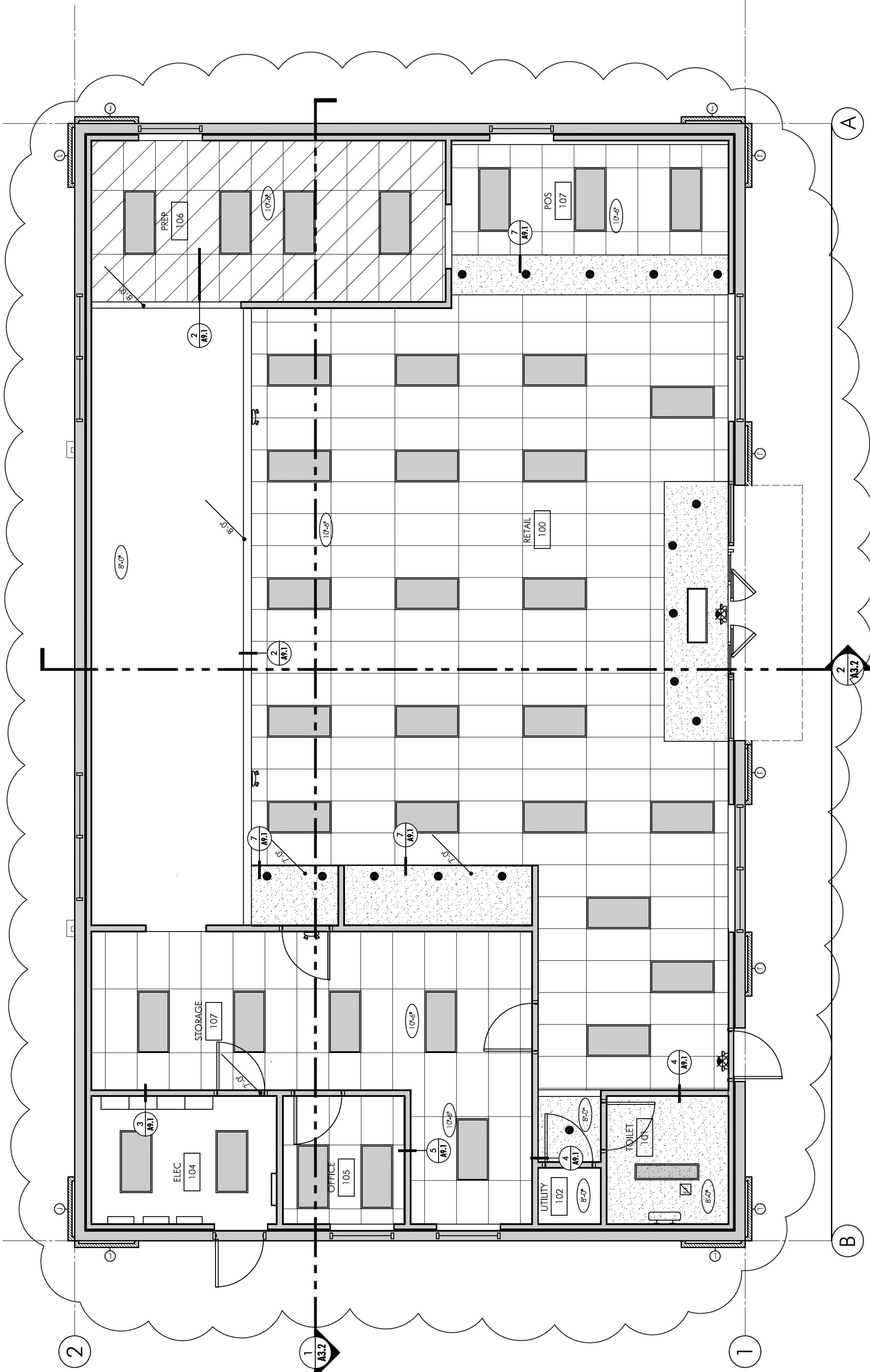
NEW BUILDING FOR  
CONVENIENCE STORE  
SW CORNER OF WEST 1ST ST AND MAPLE ST, YAMHILL, OREGON

SHEET

A6.1

PLAN LEGEND:

- NEW SUSPENDED CEILING GRID ASSEMBLY, HATCHED AREA  
INDICATES VINYL TILES FOR FOOD PREP AREAS
- GYPSUM BOARD CEILING, TEXTURE AND PAINT
- EXIT SIGN WITH EGRESS LIGHTING
- EMERGENCY EGRESS LIGHTING, ENSURE ONE FOOT CANDLE AT  
FLOOR
- 6" SURFACE MOUNT LED LIGHT PUCK
- 12 X 48 SURFACE MOUNT LED PANEL LIGHT
- LED STRIP LIGHTING, ACCENT
- NEW 2'x4' LED PANEL LIGHT FIXTURES, DROP IN CEILING OR SURFACE  
MOUNT
- EXHAUST FAN, EXIT TO ROOF ABOVE
- WALL MOUNT LED FIXTURE
- EXTERIOR WALL MOUNT LED FIXTURE, DOWNLIGHT

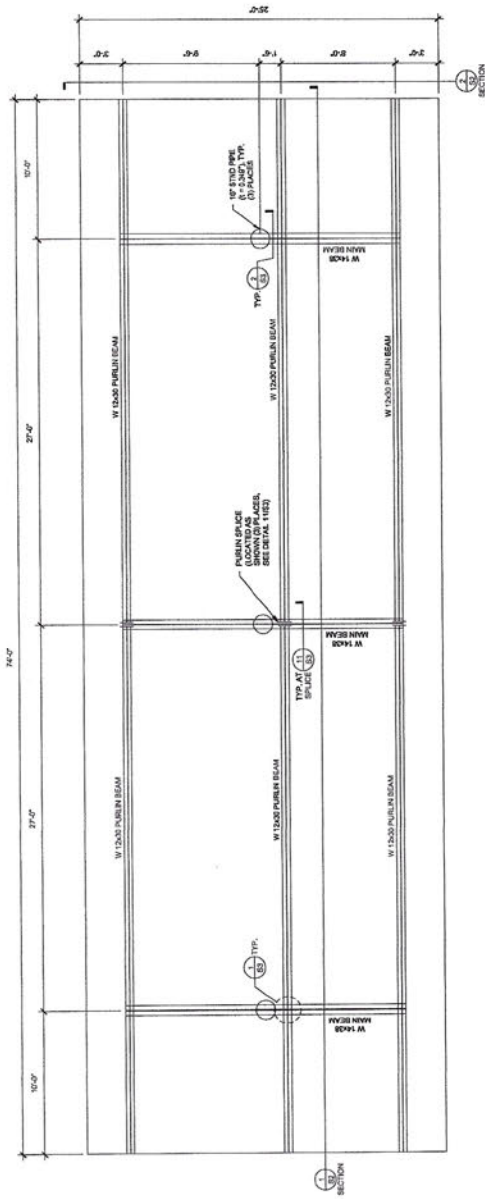


1 REFLECTED CEILING PLAN

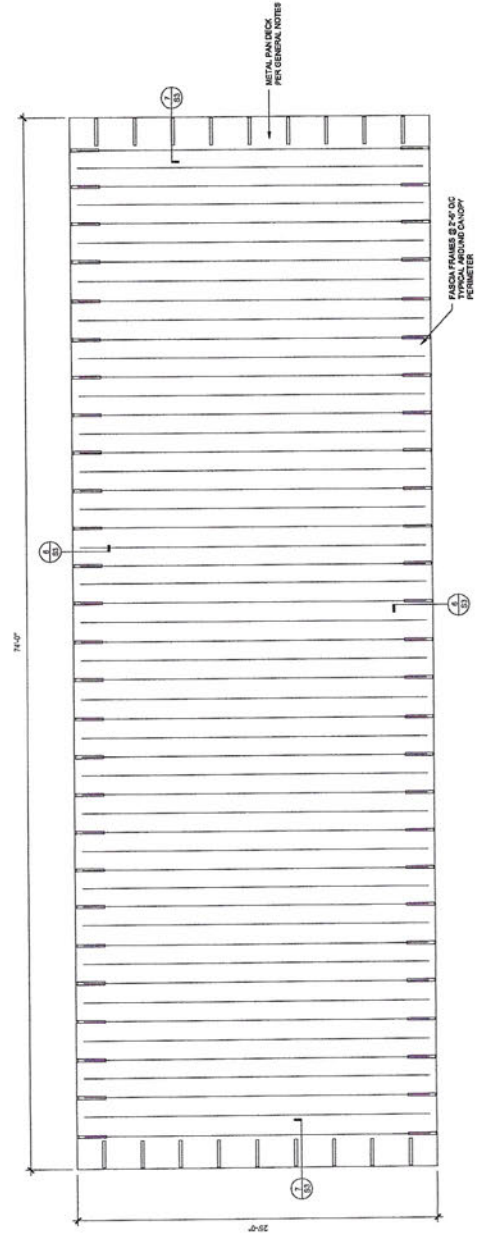
0' 1' 2' 4' 8' 12' 1/4" = 1'-0" @ 22 x 34



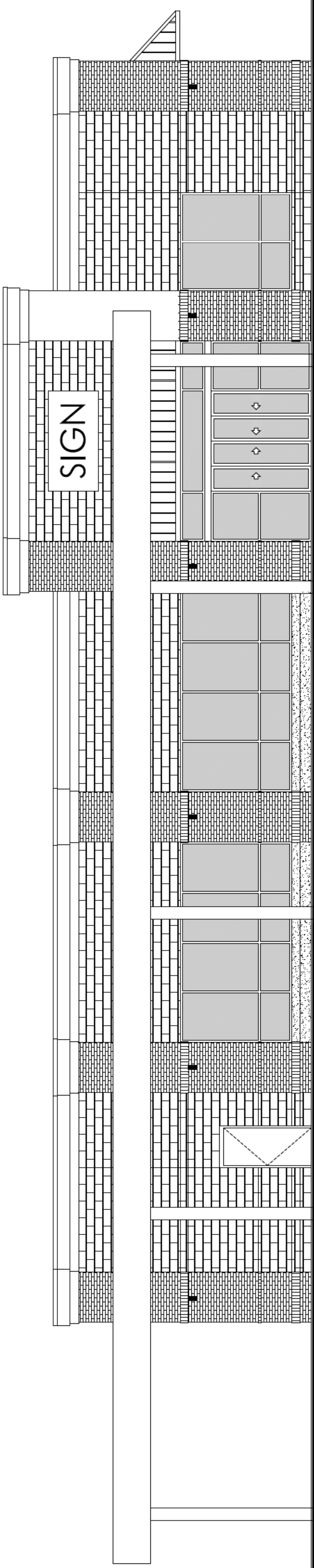
T.M. RIPPEY  
 ENGINEER  
 801 NORTHWEST E  
 GRANTS PASS, OR 97526  
 Phone: 541-476-1387 Fax: 541-474-2528  
 CCB 840432



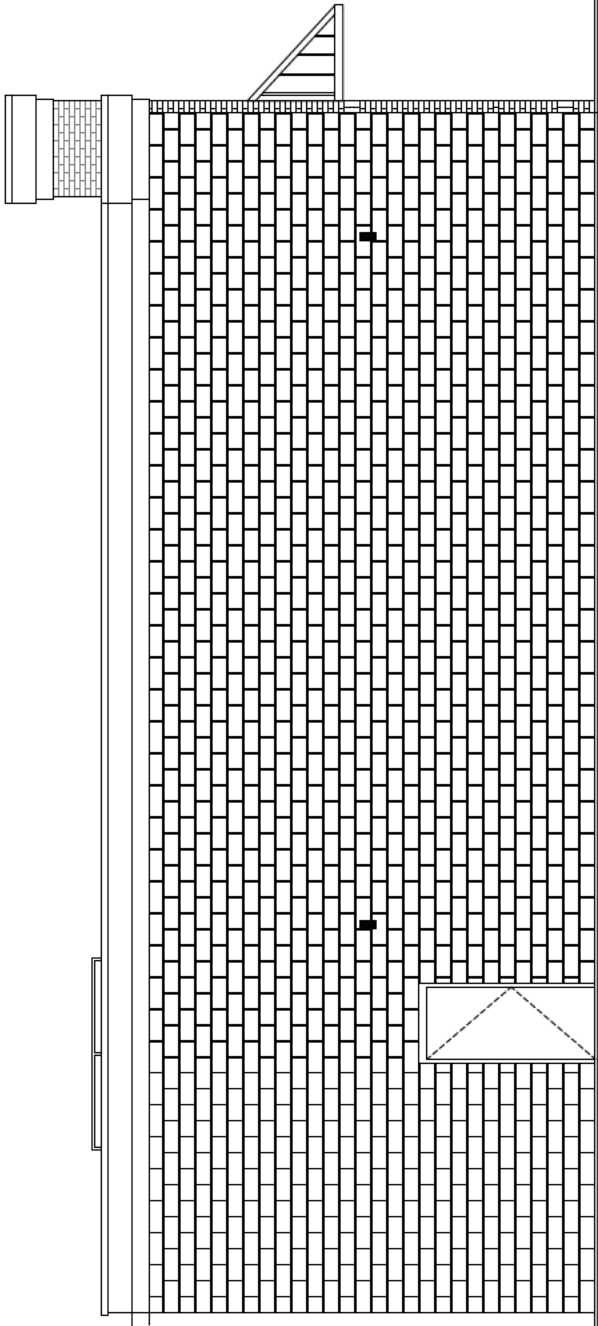
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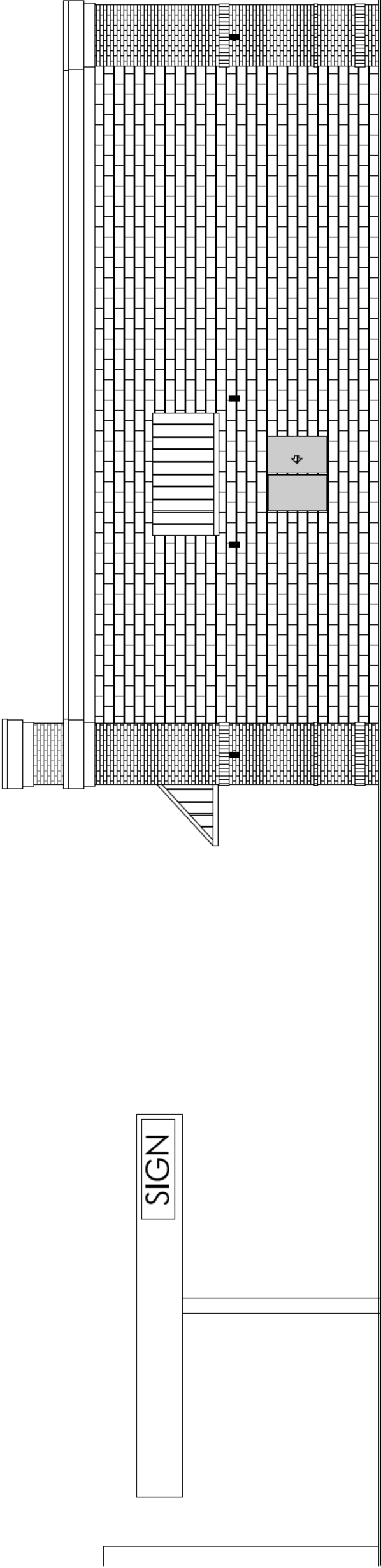
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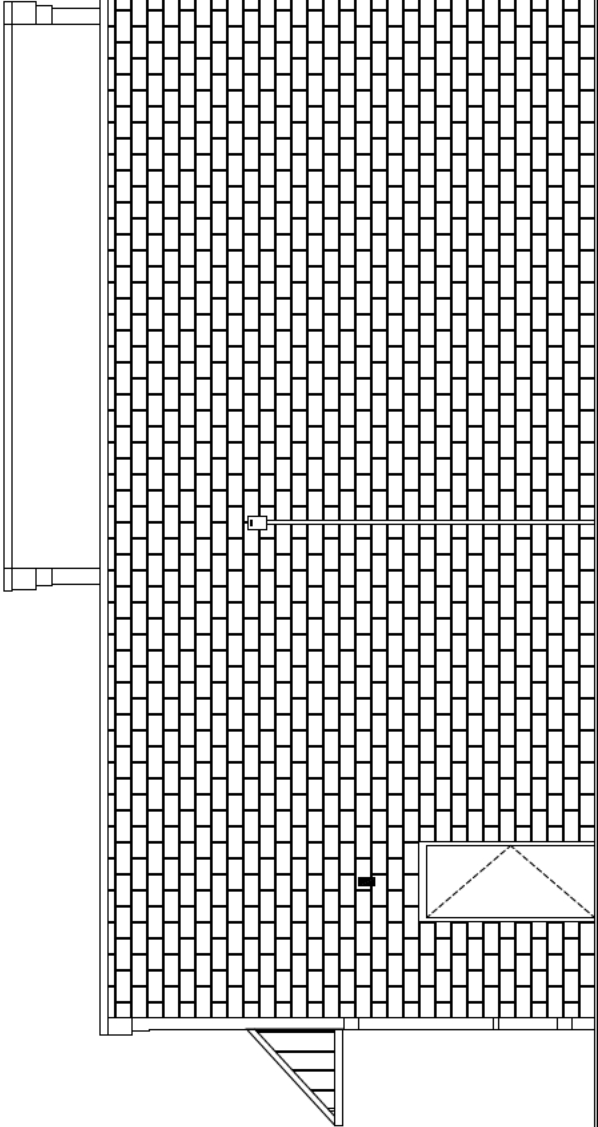
SOUTH FACING ELEVATION



WEST FACING ELEVATION



EAST FACING ELEVATION



NORTH FACING ELEVATION





**Salem Sign Co., Inc.**

1825 FRONT ST. N.E.  
SALEM, OR 97301

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CCB# 65297

**SPECIFICATIONS**

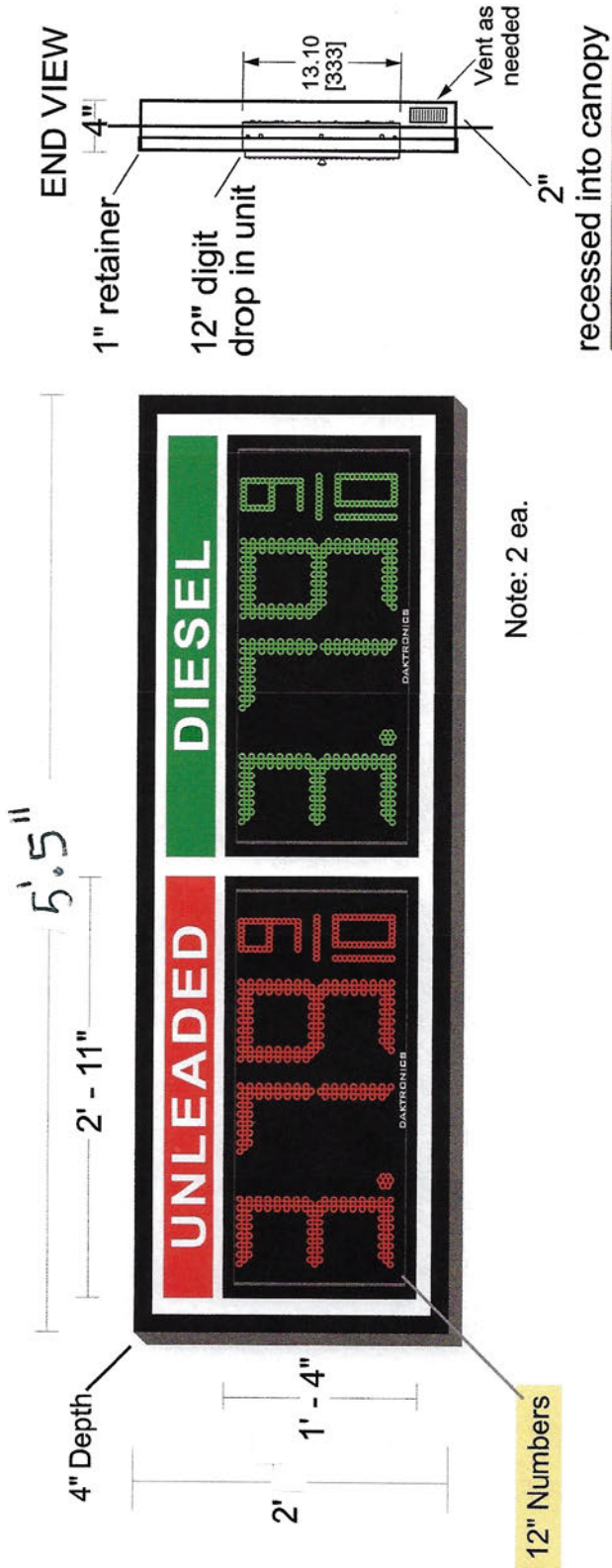
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- \* **ILLUMINATION**
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  - 230-53 Cardinal Red
  - 230-26 Green

( Digital Display )

\* **DAKTRONICS**  
FL-3000-12-DI



**( 2 ) Single Face Internally Illuminated Wall Displays w/ Digital Price Changer**



**SK # 27123-22B**

JOB TITLE: Seven Star Gas Price

LOCATION:

Dallas, OR

DATE: 2-2-22

DRAWN BY: CZ

SALES:

Corey Spady

APPROVED BY:



# UNFINISHED BUSINESS

## STAFF MEMORANDUM

**TO:** Yamhill Planning Commission

**FROM:** Walt Wendolowski, Consulting City Planner

**SUBJECT:** Short-Term Rental Regulations

**DATE:** July 12, 2023

### I. BACKGROUND

During the June meeting, the Commission requested staff to return with possible draft language concerning short-term rentals (e.g., AirBnB). This memorandum discusses potential language for the Commission's consideration.

### II. DISCUSSION

Exhibit "A" includes the proposed short-term rental (STR) language; the following commentary reviews the attached material.

- A. Section 1 – This is the title section and establishes the intent of the regulations.
- B. Section 2 – Purpose and scope are in this section. The key issue is protecting the interests of the owners, renters, and neighbors. More importantly, the regulations seek to preserve the character of residential neighborhoods.
- C. Section 3 – This is the definition Section. The definitions distinguish between non-transient (e.g., regular monthly rental or lease) and transient rentals (e.g., short-term rentals). The regulations focus on the latter. Note that a short-term rental can include either renting the entire home, or a portion of the home with the owners remaining on site.
- D. Section 4 – This Section requires a license to advertise and operate a short-term rental.
- E. Section 5 – This Section notes there is an application requirement, and associated fee, to obtain a license. The application requirements are listed. Of note, the owner or their representative must be within 15-minute travel time to the subject property. Fees are set by Council resolution.
- F. Section 6 – Licenses may be issued anytime but are renewable each July 1. A license cannot be transferred.
- G. Section 7 – This is the "operations" Section. An STR is allowed in any residence or mixed-use structure except a commercial building cannot be converted. There must be a 300-foot separation between STRs (measurement defined). The intent is to avoid STRs overwhelming residential neighborhoods. Existing rentals may continue

but must eventually obtain a license by the July 1 deadline. New STRs must obtain a license before operating. Renewals are subject to another application.

- H. Section 8 – This Section lists requirements to obtain a license and renewal. This includes correct contact information and neighborhood notice of the use. The license is limited to one owner and only one license per dwelling. The license applicant must ensure the home is in reasonable compliance with building and safety requirements and requires smoke alarms, carbon monoxide detectors, fire extinguishers and so forth. An agreement must be in place to remove all solid waste.

The license and any tax-related information must be displayed. Parking requirements are outlined, and each guest must register (much like a hotel/motel). Renewal is a function of generating a minimum of \$500 per year from rental occupancy. This ensures the license is being used and not held to prevent others from operating a STR.

- I. Section 9 – This is a catch-all Section for additional operating requirements. Trailers and RVs cannot be used for STRs, the owner must follow-up on all complaints and make a record of the response. The City may inspect for compliance and all ads must include the license number. Finally, the City is authorized to establish administrative rules to implement these provisions.

- J. Other – Final comments regarding STRs:

1. Enforcement/Violations – The Exhibit excludes enforcement provisions for clarity. These are usually processed as part of the City’s nuisance regulations.
2. Administration – STRs can provide additional revenue for the City. Stating that, the City will need to consider the cost to administer such a program. Fees should reflect actual costs and recognize there is a need for inspections, however limited, to operate the program.
3. These regulations should not be part of Title 10, which is the land use component of the Municipal Code but should be placed elsewhere in the Code. This grants maximum flexibility to the City Council to amend the regulations without going through the land use amendment process.

### III. SUMMARY

This is a basic draft for the Commission’s consideration. Coordination with the City Council will be required to proceed.

## **EXHIBIT “A”**

### **Short Term Rental Regulations**

#### Section 1. Title.

The provisions of this chapter are intended to authorize and regulate the short-term rental of residential dwelling units on all property within the City of Yamhill. This chapter shall be known as the “Short Term Rental Regulations and Operating License.”

#### Section 2. Purpose and scope.

- A. This ordinance provides reasonable and necessary regulations for the licensing of short-term rental of residential dwelling units in order to:
1. Ensure the safety, welfare and convenience of renters, owners, and neighboring property owners throughout Yamhill.
  2. Balance the legitimate livability concerns with the rights of property owners to use their property as they choose.
  3. Recognize the need to limit short-term rental options within the neighborhoods to ensure compatibility, while recognizing the benefits of short-term rentals in providing recreation and
  4. Help maintain the City’s needed housing supply for residential use.
  5. Protect the character of the City’s neighborhoods by limiting the number and concentration of full-time short-term rentals in residential zones. In the adoption of these regulations, the City finds that the transient rental of dwelling units has the potential to be incompatible with surrounding residential uses. Therefore, special regulation of dwellings listed for transient occupancy is necessary to ensure that these uses will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located.
- B. A short-term rental license is a permission to operate a short-term rental in accordance with this chapter. An operating license may be terminated or revoked if the standards of this chapter are not met or the dwelling is sold or otherwise transferred as defined in this chapter. This chapter provides an administrative framework for licensing the annual operation of a short-term rental.
- C. The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.
- D. Exemption of a use from the provisions of this chapter shall not exempt the use from other applicable provisions of the Yamhill Municipal Code.

#### Section 3. Definitions.

- A. Applicant(s) means an owner(s) of a dwelling unit who applies to the City for a short-term rental operating license.
- B. Authorized agent is a property management company or other entity or person who has been designated by the applicant or licensee, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.
- C. City Administrator means the City Administrator or his or her designee.
- D. Hosted home-share means the transient rental of a portion of a dwelling while the

homeowner is present. For the purposes of this Title, “present” means the homeowner is staying in the dwelling overnight.

- E. Licensee means the owner(s) of a dwelling unit who holds a short-term rental operating license.
- F. Non-transient rental means to rent a dwelling unit or room(s) for compensation on a month-to-month basis, or for a longer period.
- G. Owner(s) means the natural person(s) or legal entity that owns and holds legal or equitable title to the property. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership or similar entity, all people who own an interest in that business shall be considered an owner.
- H. Short-term rental means a Hosted Homeshare or Vacation Home Rental.
- I. Short-term rental operating license means the regulatory license required by and described in this chapter. It will be referenced as an “operating license.”
- J. Transfer means the addition or substitution of owners not included in the original license application. If multiple owners exist on a license, individual owners may be removed from the license without constituting a transfer.
- K. Transient rental means renting a dwelling unit or room(s) for compensation on less than a month-to-month basis.
- L. Vacation home rental means the transient rental of an entire dwelling unit.
- M. Daytime means between the hours of 7:00 am to 10:00 pm
- N. Overnight means between the hours of 10:00 pm to 7:00 am the following day.

#### Section 4. Annual Short – Term rental operating license required.

No owner of property within the Yamhill City limits may advertise, offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a short-term rental operating license. To advertise or offer includes through any media, whether written, electronic, web-based, digital, mobile or otherwise.

#### Section 5. Application and fee.

- A. *Application Required.* Applications for an operating license shall be on forms provided by the City, demonstrating the application meets the standards required by this chapter. The applicant or authorized agent shall certify the following information to be true and correct:
  - 1. *Owner/Applicant Information.* Applicant’s name, permanent residence address, telephone number, email address, and the short-term rental address and telephone number.
  - 2. *Local Representative Information.* The applicant shall provide the name, telephone number, address, and email of a local representative (which can be a person or company) who can be contacted concerning use of the property or complaints related to the short-term rental, as set forth in Section 8. For the purposes of this requirement, local means the representative’s address is within a 15-minute travel time of the subject property.

3. *Parking.* Statement that required parking spaces are available, with a dated photo(s) submitted of interior and exterior parking spaces. A site plan including a parking diagram of these parking spaces shall also be submitted.
  4. *Occupancy.* The applicant shall provide a floor plan identifying the number of bedrooms and occupancy proposed for use.
  5. *Listing Number.* If they advertise, the listing numbers or website addresses of where the short-term rental advertises (such as the VRBO/Airbnb/rental website number, account number, URL, etc.).
  6. A completed checklist for fire safety as required by Section 8.
  7. Proof of garbage service as required by Section 8.
  8. Such other information as the City Administrator deems reasonably necessary to administer this chapter.
- B. *Incomplete Application.* If a license application does not include all required materials, the application will be considered incomplete and the City will notify the applicant, in writing by mail or email, explaining the information required. If the applicant provides the missing required information within 30 calendar days of the date of the notice, the application will be reviewed. If the applicant does not provide the required information, the application will be deemed withdrawn and the City may refund all or a portion of the application fee.
- C. *License Fee.* The fee for application for a short-term rental operating license or license renewal shall be as established by resolution of the City Council.

Section 6. Term of annual license and transferability.

- A. *Term.* A short-term rental operating license shall be renewable annually on or before July 1st, and the license may be renewed annually by the licensee or authorized agent provided all applicable standards of this chapter are met. If an authorized agent changes during the operating license period, the licensee shall timely notify the City in writing of the change.
- B. *Transferability.* The operating license shall be issued in the name of the licensee(s) and is not transferable.

Section 7. Operating license and license renewal.

- A. *License Must Be Obtained.* An operating license shall be obtained and renewed as required in this section. Permission to operate a short-term rental in the City of Yamhill shall be revoked for failure to obtain or renew a license to operate as provided in this chapter.
- B. *Location & Density*
1. *General Provision.* Short-term rental units are allowed in any residential or mixed-use structure as long as said short-term rental(s) does not entail the conversion of an existing commercial use to a residential use.
  2. *Location.* No short-term rental unit can be located within a 300-foot radius of another short-term rental. This distance is measured by a 300-foot radius radiating from the center of a property containing an existing short-term rental. A short-term rental is prohibited if any portion of a parcel is located within the 300-foot radius.
  3. *Location Exception.* Permitted short-term rentals existing at the time of

adoption of this Ordinance are excluded from the location provisions in subsection (2), above.

C. *Application and Renewal Application Process.*

1. *Existing Short-Term Rentals.* Existing short-term rentals may continue to operate until such time as the City has approved or denied the application. If approved, the license may be renewed annually thereafter in accordance with subsection D, below. If denied, operation of the short-term rental must cease within 30 days. Failure to submit an application as required by this section shall result in the loss of all non-conforming use status.
2. *New Short-term Rentals.* A license shall be obtained before beginning operations. A completed operating license application and fee may be submitted and issued at any time. The license may be renewed annually thereafter in accordance with subsection C, below.

D. *Renewal Standards.*

1. Operating licenses may be renewed by the licensee annually.
2. The City will review an application for operating license renewal and issue a renewal provided all the standards in this chapter continue to be met. If not met, the City will not renew the operating license and the property shall not be used as a short-term rental.

Section 8. Criteria for approval of an operating license and operating license renewal.

- A. The applicant has the burden of proof to demonstrate compliance with each applicable criterion for approval or renewal of the operating license. The approval criteria also operate as continuing code compliance obligations of the owner. Staff may verify evidence submitted and the applicant shall cooperate fully in any investigation.
- B. To receive approval, an applicant must demonstrate that all approval criteria listed below has been satisfied:
  1. *Contact Information.* The applicant or authorized agent has provided information sufficient to verify a qualified person will be available to be contacted about use of the short-term rental during and after business hours. The licensee or local representative shall be available to be contacted by telephone to ensure a response to the short-term rental address at all hours (24 hours a day, seven days a week) while the dwelling unit is occupied for rent. Response must be within 30 minutes. The designated representative may be changed from time to time throughout the term of the license. To do so, the license information shall be revised with the City at least 14 days prior to the date the change takes effect, except when the failure to do so is beyond the licensee's control. In an emergency or absence, contact forwarding information to a qualified person may be provided for the licensee or representative. In the case of Hosted Homeshares, the contact person shall be the permanent resident who will be hosting the transient accommodations.
  2. *Notice to Neighbors.* For Vacation Home Rentals, the licensee or authorized agent shall either: (a) provide an annual mailing or otherwise distribute by hand, a flier to neighbors within a 250-foot radius of the short-term rental property address containing the operating license number and owner or representative contact information, or (b) post a small placard or sign as

specified by the City on the property in proximity to the adjacent street advising neighbors and tenants of the same information where it can be seen from the public right-of-way. The purpose of this notice is so that adjacent property owners and residents can contact a responsible person to report and request resolution of problems associated with the operation of the short-term rental. If the permanent contact information changes during the license period, the new information must be mailed or distributed again, or changed on the placard or sign.

3. *Limit of One STR License per Owner and One License per Dwelling Unit.* No owner, as defined herein, shall obtain or hold more than one City-issued short-term rental operating license at the same time. Each separate dwelling unit requires a separate operating license, and each operating license shall authorize the short-term rental use of only a single dwelling unit.

C. *Health and Safety.*

1. *Responsibility.* It is the licensee's responsibility to assure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws. If there is any report to the City that any of the required standards are missing or not workable in the rental unit, the City may notify the owner of the unit that they have 30 days to bring their unit into compliance, or their short-term rental permit may be revoked.
2. *Fire and Emergency Safety.* A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) shall be required with each annual operating license application and renewal. The licensee shall be responsible for completing the fire safety checklist and ensuring continued compliance. Verification by the City may be required prior to issuance of a license and may be required for each renewal at the City Administrator's discretion.
3. *Solid Waste Collection – minimum service requirements.* During all months that the dwelling is available for transient accommodation, Vacation Home Rentals shall have weekly solid waste collection service with assisted pick-up (side yard service) provided by the solid waste provider, if available. For the purposes of this section, assisted pick-up means the collection driver retrieves the cart from the driveway or side yard, rolls it out for service, and then places it back in its original location.
4. *House Number.* A house number, visible from the street, shall be maintained.

D. *Mandatory Postings.*

1. *License.* The short-term rental license (authorization to operate short-term rental) issued by the City (or a copy thereof) shall be displayed in a prominent location within the interior of the dwelling adjacent to the front door. The license will contain the following information:
  - a. A number or other identifying mark unique to the short-term rental operating license which indicates the license is issued by the City of Yamhill, with the date of expiration;
  - b. The name of the licensee or local representative and a telephone number where the licensee or representative may be contacted;
  - c. The number of approved parking spaces;
  - d. The maximum occupancy permitted for the short-term rental;



- e. Any required information and conditions specific to the operating license;
  - f. The property address; and
  - g. The City of Yamhill official logo.
- 2. *Tax Authorization.* City-issued Authorization to Collect Transient Lodgings Tax.
- 3. *Parking Diagram.* Approved parking spaces as specified in subsection (F) below.
- E. *Transient Lodging Tax.* The licensee shall be in compliance with the Transient Lodging Tax, and subject to the tax administrator's authority under that chapter.
- F. *Parking.*
  - 1. A minimum of two (2) off-street parking spaces shall be provided, plus one additional space per each bedroom over two. Parking areas shall not be located in the front yard. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking.
  - 2. Location and design of parking spaces shall comply with all applicable city ordinances.
  - 3. A parking diagram of the approved parking spaces shall be provided to tenants and be available in a prominent location within the short-term rental dwelling.
  - 4. Guests of a short-term rental shall complete a registration form approved by the City for each vehicle that will be parked at the rental site. Registration forms shall be completed according to the instructions contained on the form. Registration forms shall be retained by the owner or its management rental company for a period of one-year from the time the rental ends.
- G. *Occupancy.* The maximum occupancy for the dwelling shall be two people per bedroom.
- H. *Use Required for Renewal.* The property shall generate at least \$500.00 from rental occupancy during the previous year as demonstrated by transient room tax reports. The person responsible for receiving the transient room tax reports and verifying the amount of tax due will determine whether this standard is met by providing a summary determination to the City Administrator for processing of the renewal application. Information provided by the owner shall be kept confidential to the extent allowed or required by law.

#### Section 9. Additional operational requirements.

- A. *Temporary Shelters Prohibited.* No recreational vehicle, travel trailer, tent or other temporary shelter shall be used as or in conjunction with a short-term rental. No occupancy of a parked vehicle, including recreational vehicles, in conjunction with the short-term rental is permitted.
- B. *Complaints.*
  - 1. *Response to Complaints.* The licensee or representative shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances.
  - 2. *Record of Response.* The licensee or representative shall maintain a record of complaints and the actions taken in response to the complaint, if relevant,

in an electronic or written manner deemed reasonable to document the interaction. This record shall be made available for City inspection upon request to investigate a complaint.

- C. *Inspection.* Upon application for an operating license all short-term rentals shall be subject to inspection by the City for compliance with this section.
1. The City Administrator may conduct a site visit upon an application for a short-term rental to confirm the number of bedrooms (as defined by the International Building Code) stated on the application and the number, location and availability of on-site parking spaces. The site visit will be coordinated with the applicant and be conducted during the City's normal business hours, and with reasonable notice.
  2. The City Administrator may visit and inspect the site of a short-term rental to ensure compliance with all applicable regulations, during the City's normal business hours, and with reasonable notice and other procedural safeguards as necessary.
- D. *Advertising and License Number.* The licensee or authorized agent shall put the annual operating license number on all advertisements for the specific property, if legally possible.
- E. *Administrative Rules.* The City Administrator shall have the authority to establish administrative rules and regulations consistent with the provisions of this chapter for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the provisions of this chapter. A copy of such administrative rules and regulations shall be on file in the Office of the City Recorder and be posted on the City website.