



City of Yamhill

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AGENDA

CITY OF YAMHILL, CITY PLANNING COMMISSION MEETING City of Yamhill Council Chambers, 205 S Maple St., Yamhill, OR 97119 & Zoom Wednesday, July 20, 2022

7:00 PM

Please use the link below to join the webinar:

https://us02web.zoom.us/j/89896800213?pwd=-3-DZoNMRR1HjnXsd9Y_V50Hf4Bt1d.1

Passcode: 371225

Please use the following phone number link:

(253) 215-8782 or (346) 248-7799

Webinar ID: 898 9680 0213

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1. **Call to Order** –Roll Call
2. **Public Hearing:**
 - A. File #LLA 22-01 – 1000 E 2nd St.
3. **Continuance of Public Hearing:**
 - A. File #CA 21-03 – Electronic Message Center Signs
4. **Public Comment:** Anyone wishing to comment during this Teleconference Meeting, please send an email with the topic and a brief overview at least 2 days prior to the meeting date to s.b.candau@cityofyamhill.org or call 503-662-3511
5.
 - C. Next Planning Commission Meeting on August 17, 2022
 - D. Commissioner Comments/Discussion
6. **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 *****

STAFF REPORT

TO: Yamhill Planning Commission
FROM: Walt Wendolowski, Contract Planner
SUBJECT: Planning File No. 22-01 (Property Boundary Adjustment)
DATE: July 10, 2022

I. BACKGROUND INFORMATION

- A. **APPLICANT:** Terah Mitchell.
- B. **PROPERTY LOCATION:** The subject property is located at 1000 E. 2nd Street and includes two lots identified by the County Assessor Map as located within R3404AD Tax Lot 9419 and Tax Lot 9402.
- C. **ZONING:** Single Family Residential (R-2).
- D. **PARCEL SIZE:** Tax Lot 9419 – 8400 square feet; Tax Lot 9402 – 2200 square feet.
- D. **EXISTING DEVELOPMENT:** A single family home is located on Tax Lot 9419 while Tax Lot 9402 is vacant. Public street access is available, and the residence is served by public sewer and water.
- E. **REQUEST:** The applicant is requesting approval of a Property Boundary Adjustment to combine the two parcels.
- F. **DECISION CRITERIA:** This decision will be based on compliance with the criteria contained in Section 11.16 of Title 11 of the Yamhill Municipal Code.

II. APPLICATION SUMMARY

- A. The applicant intends to combine the two parcels into a single 10,600 square foot property. No other development is planned. Section 11.16 of the Municipal Code governs property boundary adjustments.
- B. Boundary adjustments are staff-level reviews. However, Section 11.16.030(E) requires any adjustment resulting in an alteration exceeding 10% of the total land area of any affected parcel must follow partitioning procedures. As the Commission reviews partitions, the Commission, in turn, must review the boundary adjustment.

II. CRITERIA AND FINDINGS

- A. Section 11.16.010 - Purpose. A property boundary adjustment is a change to a property boundary that only modifies existing lots or parcels and does not create a new lot or parcel. A property boundary adjustment is also a change to a property boundary when a lot line is extinguished converting two properties into one.

FINDINGS: The proposal will combine the two lots, which provisions in this Section allow.

- B. Section 11.16.020 - Submittal Requirements. This Section establishes the submittal requirements for a property boundary adjustment. For the record, the applicant submitted the necessary material.

- C. Section 11.16.030 - Review Criteria. Approval or denial of a property boundary adjustment shall be based on the following criteria:

1. Section 11.16.030(A) - A property boundary adjustment cannot create a parcel. Creation of a parcel requires approval of a land division.

FINDINGS: The proposal combines the two lots and does not create a new lot or parcel.

2. Section 11.16.030(B) - Following the property boundary adjustment, all lots or parcels must comply with lot size and dimensional standards of the applicable land use district. For nonconforming lots, the adjustment shall not increase the degree of nonconformance of the subject property.

FINDINGS: For a single-family home in the R-2 zone, the minimum lot size is 6,000 square feet, with a minimum depth of 90-feet and a minimum width of 60-feet at the building line. The proposal increases the existing lot width and depth, as well as lot area, beyond the minimum requirements.

3. Section 11.16.030(C) - The adjustment shall not result in a setback violation for existing structures.

FINDINGS: Minimum setbacks are 5-feet along each side and 20-feet for the front and rear yards. The proposal increases the side yard setback on the west side. After the adjustment, the existing dwelling will meet or exceed all minimum setback requirements.

4. Section 11.16.030(D) - The adjustment should not reorient or significantly reconfigure the lots or parcels.

FINDINGS: The proposal combines the two existing lots and does not reorient or reconfigure any of the external boundaries.

Section 11.16.030(E) - Property boundary adjustments resulting in an alteration exceeding 10% of the total land area of any affected parcel shall require approval under the partitioning procedures, including compliance with design standards. Specific decision criteria are found in Section 11.12.50 and are reviewed below:

- a. Section 11.12.50 (A) - Each parcel shall meet the access requirements of Chapter 11.20.

FINDINGS: At approximately 70-feet, the combined property exceeds the minimum 25-foot requirement.

- b. Section 11.12.50 (B) - Each parcel shall satisfy the dimensional standards of applicable zoning district unless a variance from these standards is approved.

FINDINGS: As noted, the combined lots meet or exceed all dimensional standards of the R-2 zone. The request does not require a variance.

- c. Section 11.12.50 (C) - Adequate public facilities shall be available to serve the existing and newly created parcels.

FINDINGS: The property is currently served by public water, sewer, and storm facilities. Additional improvements are not required.

- D. Section 11.16.050 - Completion of a Property Boundary Adjustment. After a property boundary adjustment is approved, the new boundary becomes effective only after the following steps are completed:

- 1. Section 11.16.050(A) - The metes and bounds legal descriptions of the adjusted properties are recorded with the Yamhill County Clerk.
- 2. Section 11.16.050(B) - If required by ORS Chapter 92 or the requirements of this chapter, a final map and boundary survey are prepared and all new boundaries are monumented as required by ORS Chapters 92 and 209. If so required, the final map

FINDINGS: This is a Code requirement to complete the process and the applicant's responsibility.

III. RECOMMENDATION AND CONDITIONS OF APPROVAL

Based on the above findings, City staff concludes the proposal complies with the applicable decision criteria and recommends the Planning Commission approve the application for a Property Boundary Adjustment subject to the following conditions:

- A. A metes and bounds legal description of the adjusted lots shall be recorded with the Yamhill County Clerk within one year of the final date of this decision. The common property boundaries shall be relocated as indicated on the submitted site plan.
- B. If required by ORS Chapter 92, a final map and boundary survey shall be prepared, and all new boundaries shall be monumented as required by ORS Chapters 92 and 209.
- C. The applicant is advised Yamhill County may require the preparation of a new final plat. If so required, the plat shall be submitted to the City for signatures. After signatures are received, the applicant shall file the final plat in the County Clerk's office and return a copy to the City.
- D. Compliance with these conditions shall be the sole responsibility of the applicant.

IV. 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 and Order for the Chair's signature.

STAFF REPORT

TO: Yamhill Planning Commission

FROM: Walt Wendolowski, Contract Planner

SUBJECT: Yamhill Development Code Amendment – Work Session
Planning File #CA 21-03 – Electronic Message Signs

DATE: July 13, 2022

I. BACKGROUND

- A. **APPLICANT:** City of Yamhill.
- B. **REQUEST:** The City seeks to amend the Yamhill Development Code by modifying the language for reader board signs, and, establishing new regulations for electronic message center signs.
- C. **DECISION CRITERIA:** Yamhill Development Code; Section 10.132.060 to Section 10.320.100.

II. APPLICATION SUMMARY

- A. The Yamhill Fire Protection District installed an electronic message sign on their Olive Street property. Unfortunately, the sign failed to comply with current sign regulations which prohibits this type of sign. In response, the City proceeded to consider new regulations to allow electronic message signs.
- B. The Planning Commission conducted a public hearing on March 16, 2022 to review the proposed amending language. During the course of the hearing a number of concerns were raised: impact on residentially zoned land; community aesthetic; ODOT review; and, how the regulations relate to the current Fire District sign. The Commission voted to continue the matter to their April meeting directing staff to provide alternative actions for the Commission to consider.
- C. At the April meeting, the Commission heard additional testimony regarding the proposed sign language. While there was some consensus as to their suitability, a number of issues were raised which required further consideration by the Commission. With this list of issues, the Commission directed staff to return with revised language for their consideration.
- D. Staff returned for the May meeting with revised language. The Commission discussed some additional changes and directed staff to prepare new amendments for the June meeting. Unfortunately, the City had to cancel the June meeting due to a conflict and rescheduled the meeting for July 20, providing new

public notice. The language currently under consideration is included as Attachment “A”.

III. DISCUSSION

- A. Based on the April and May meetings, the list of concerns, issues and potential alternative regulations is noted below:
1. Limit hours of operation, possibly to business hours.
 2. Increase distance separation to the residential zone from 100-feet to 200-feet.
 3. Establish a lumination threshold for operations.
 4. Consider a land use review and/or public hearing process to allow the signs.
 5. If a public hearing is required, extend notice area to 400-feet.
 6. Limit their location to public entities, such as schools.
 7. Ensure ODOT review of the request.
 8. Consider incorporating the existing Fire District sign area into the regulations.
 9. The proposed regulations did not include a definition. Reader boards can cover a variety of signs. It appears the intent is to address signs that electronically change the message.
 10. It was previously noted the City had to contact (and pay) for a specialist to address the brightness of the Fire District sign. There was little discussion as to whether the City is prepared to do the necessary training or purchase the appropriate equipment to regulate these signs.
 11. The Central Business District is the core commercial area for the City, yet these signs are prohibited within this District.
- B. With these parameters staff suggests the Planning Commission consider the proposed new language included as Attachment “A” and reviewed below (*staff commentary in italics*):
1. The following new definition will be added to Section 10.08.010:

Electronic Message Center (EMC). A sign that displays words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

The current Development Code uses the term electronic message sign but does not provide a definition.
 2. Section 10.46.060(E) of the Central Business District Overlay shall be amended as follows (old language ~~stricken~~, new language underlined):

10.46.060 - Signs.

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

Current item (G) shall be relabeled “(H)”.

Currently, electronic message signs are prohibited in the Central Business District. These changes would allow the message signs subject to the new sign regulations. In addition, a sign variance would be required for signs in the district. Comments were somewhat split on whether such signs should be allowed downtown. Requiring a variance may be a suitable way to consider whether such a sign is appropriate for the location. Finally, item currently labelled (G) is relabeled as (H).

- 3. Section 10.64.030(G) shall be amended as follows (old language ~~stricken~~):

- (G) Reader board Signs. Reader board signs are prohibited except for theater marquees advertising only current presentations and automobile service stations ~~advertising only fuel prices~~. No more than one reader board sign shall be permitted for each theater and automobile service station. ~~Only permanently attached reader board signs are allowed after permit is obtained.~~

There is no change from the original proposal.

- 4. The following new language shall be added to Section 10.64.030:

- (L) Electronic Message Center Signs (EMC) shall be subject to the following regulations:
 - (1) Establishment of an EMC shall require approval of a Conditional Use; signs within the Central Business District Overlay shall also be subject to the Sign Variance provisions in Section 10.64.220.

There were several conflicting views on sign location, distance, and impacts on residential areas. Requiring a conditional use appeared to be a reasonable method to address neighboring concerns. Also note, the notice area for a conditional use application is 300-feet. In addition, this specifically calls out the need for a sign variance is the C-3 zoned property is located in the Central Business District.

(2) Location, Size and Display Method:

Zoning	Size of EMC	Number of EMC Signs	Static Message	Alternating Message
General Commercial (C-3) Public Facility Overlay	Up to 24 sq. ft for the changeable portion of the sign	One	Allowed	Allowed
Light Industrial Employment Industrial	Up to 24 sq. ft for the changeable portion of the sign	One	Allowed	Prohibited
Residential Zones	N/A	None	Prohibited	Prohibited

The current proposal appears reasonable regarding size, especially when combined with item (3) below. The zone abbreviation (C-3) was added as well as noting the Public Facility is effectively an overlay.

- (3) Area Calculation - Any electronic changeable copy portion of a sign shall have its area calculated at a rate two times that of other non-EMC signs. Therefore, EMCs of the size shown in (2) may or may not be allowed.
- (4) Static Message - The display on the entire electronic message center shall stay constant for a period of at least 10 minutes, and during that period, does not appear to change, move, scroll, vary color, or vary light intensity.
- (5) Alternating Message - The display on the entire electronic message center shall be held constant for a period of at least fifteen seconds and does not appear to change, move, scroll, vary color, or vary light intensity during that period and where the image transitions to another image instantly or in a transition of less than two second.

Though slightly modified (mainly grammatical), language in items (3), (4) and (5) follows the original proposal.

- (6) Lumination – Sign illumination shall be limited to the following:
 - a. An electronic display sign may not have a nighttime (dusk to dawn) lumination intensity of more than 280 candelas per square meter (nits) and shall not have a daytime (dawn to dusk) lumination intensity of more than 140 candelas per square meter (nits) over ambient light conditions.

- b. All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be either programmed to automatically dim according to ambient light conditions, or manually adjusted to comply with subsection (D) above.
- (7) Control - Electronic display signs shall be equipped with a means to immediately turn off the display when it malfunctions.
- (8) An application for a sign permit shall include documents from the sign manufacturer showing the standards in subsections (6)(a) and (b); and, (7) of this section are met and will continually be met. Failure for the EMC sign to continually comply with these provisions shall be considered a violation and subject to enforcement.

Language in items (6), (7) and (8) was basically borrowed from the Cities of Dundee and Beaverton. As previously noted, enforcement can be an issue without proper training and equipment. With these items, compliance is enforced through the building permit process.

- (9) Hours of Operation – Except for public-related buildings such as schools, police stations and similar facilities, static and alternating EMC signs shall be limited to business hours of operation, unless alternative operational hours are approved by the Planning Commission as part of the Conditional Use permit.

It is reasonable to allow EMC signs to operate during regular business hours. However, based on public input there were concerns with signs possibly being illuminated too early or too late. With this language, the Commission would have some discretion. Be aware this only applies to message signs subject to the conditional use process. Also note, this restriction does not apply to public-use buildings. This recognizes these facilities may need to use the message board for emergency situations.

- (10) State Highway Requirements. For signs located along a State Highway, applicants shall submit proof from the State Highway Division of the Oregon Department of Transportation the proposed sign complies with applicable State sign regulations.

Evidence must be presented that, where applicable, ODOT approved the sign.

5. The following new language Section shall be added to Chapter 16.64 – Signs:

16.64.220 Sign Variance

Any allowance for signs not following the standards set forth in these regulations shall be by variance. Variances to Chapter 10.64 shall be processed according to the variance procedures in Chapter 10.100 but shall be subject to the following criteria:

While tied into the electronic message center requirements for the Downtown District, these criteria standards can also be used to address any sign variance.

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

This probably the key issue, that there are circumstances that require the City to consider allowing an EMC.

- (B) The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to the business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Chapter.

The idea is to create an even playing field and not grant a special privilege to the property owner.

- (C) The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.

This the general requirement to maintain public safety.

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

As above, the idea is to maintain a level playing field. Of specific note, while possibly not directly applicable to message signs, this will prevent a franchisee from arguing the need for a larger sign.

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

One cannot create the problem which is the basis of the variance request.

IV. SUMMARY COMMENTS

- A. Generally, the original EMC sign language amendments is logical in terms of locations and sign size. The key issue appeared to be one of compatibility and this could be addressed through the conditional use process. The new proposal provides lamination guidelines which are enforceable through the building permit process, and through the sign variance process, potentially allowing a message sign within the Central Business District.
- B. The one issue the proposed language does not address is the existing Fire District sign. It was previously noted new regulations will only cure the issue if: (1) the City adopts specific regulations allowing the existing sign; **or**, (2) the City adopts the current language allowing electronic message signs and the District is granted a sign variance. As noted, the current proposal includes variance criteria specifically for signs.
- C. If this is acceptable, the Commission may make a recommendation to the City Council. The findings contained in the March 7, 2022 staff report will suffice for a recommendation.

V. PLANNING COMMISSION ACTION

- A. The Planning Commission has the following options:
 - 1. Recommend City Council approval of the proposed amendments in Attachment “A”, adopting findings contained in the March 7, 2022 staff report;
 - 2. Recommend City Council approval of modified amendments to Attachment “A”, adopting findings contained in the March 7, 2022 staff report;
 - 3. Recommend City Council reject the proposed amendments contained in Attachment “A”, establishing findings as to why the application fails to comply with the decision criteria.
- B. If a decision to approve or deny is made, staff will prepare an Order for the Chair’s signature.

ATTACHMENT “A”
Proposed Development Code Amendments

1. The following new definition will be added to Section 10.08.010:

Electronic Message Center (EMC). A sign that displays words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

2. Section 10.46.060(E) of the Central Business District Overlay shall be amended as follows (old language ~~stricken~~, new language underlined):

10.46.060 - Signs.

(E) Prohibited Sign Types. Signs extending above the roof line, balloon/tethered signs, blinking or flashing lights, ~~electronic message signs~~, and freestanding signs shall be prohibited.

(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.

Current item (G) shall be relabeled “(H)”.

3. Section 10.64.030(G) shall be amended as follows (old language ~~stricken~~):

(G) Reader board Signs. Reader board signs are prohibited except for theater marquees advertising only current presentations and automobile service stations ~~advertising only fuel prices~~. No more than one reader board sign shall be permitted for each theater and automobile service station. ~~Only permanently attached reader board signs are allowed after permit is obtained.~~

4. The following new language shall be added to Section 10.64.030:

(L) Electronic Message Center Signs (EMC) shall be subject to the following regulations:

- (1) Establishment of an EMC shall require approval of a Conditional Use; signs within the Central Business District Overlay shall also be subject to the Sign Variance provisions in Section 10.64.220.
- (2) Location, Size and Display Method:

Zoning	Size of EMC	Number of EMC Signs	Static Message	Alternating Message
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Residential Zones	N/A	None	Prohibited	Prohibited

- (3) Area Calculation - Any electronic changeable copy portion of a sign shall have its area calculated at a rate two times that of other non-EMC signs. Therefore, EMCs of the size shown in (2) may or may not be allowed.
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 - b. All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be either programmed to automatically dim according to ambient light conditions, or manually adjusted to comply with subsection (D) above.
- (7) Control - Electronic display signs shall be equipped with a means to immediately turn off the display when it malfunctions.
- (8) An application for a sign permit shall include documents from the sign manufacturer showing the standards in subsections (6)(a) and (b); and, (7) of this section are met and will continually be met. Failure for the EMC sign to continually comply with these provisions shall be considered a violation and subject to enforcement.

- (9) Hours of Operation – Except for public-related buildings such as schools, police stations and similar facilities, static and alternating EMC signs shall be limited to business hours of operation, unless alternative operational hours are approved by the Planning Commission as part of the Conditional Use permit.
- (10) State Highway Requirements. For signs located along a State Highway, applicants shall submit proof from the State Highway Division of the Oregon Department of Transportation the proposed sign complies with applicable State sign regulations.

5. The following new language Section shall be added to Chapter 16.64 – Signs:

16.64.220 Sign Variance

Any allowance for signs not following the standards set forth in these regulations shall be by variance. Variances to Chapter 10.64 shall be processed according to the variance procedures in Chapter 10.100 but shall be subject to the following criteria:

- (A) There are unique circumstances of conditions of the lot, building, or traffic pattern such that the existing sign regulations create an undue hardship.
- (B) The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to the business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Chapter.
- (C) The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.
- (D) The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, franchise store signs) shall not be listed or considered as a reason for a variance.
- (E) The variance request shall not be the result of a self-imposed condition or hardship.