



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

# **Planning Commission Packet**

**August 26, 2024**

**6:30 pm**

**STAFF REPORT**

**TO:** Yamhill Planning Commission  
**FROM:** Walt Wendolowski, Contract City Planner  
**SUBJECT:** Planning File CU 24-04  
Day Care/Pre-School  
**DATE:** August 19, 2024

**I. BACKGROUND**

- A. **APPLICANT:** Rick and Gina Regalado.
- B. **PROPERTY LOCATION:** The property is located on the west side of Highway 47, approximately 1,200 feet south of 3<sup>rd</sup> Street. The site address is 16675 Highway 47, and the County Assessor map places the property within Township 3 South; Range 4 West; Section 04CA; Tax Lot 00702.
- C. **EXISTING DEVELOPMENT:** The property contains a residence and shop, and public services are available to serve the site.
- D. **ZONING:** The land is zoned Residential Single-Family Zone (R-1) with part of the property's west side located within the Flood Hazard Overlay Zone (FHO).
- E. **PARCEL SIZE:** 2.79 acres.
- F. **ADJACENT ZONING AND LAND USE:** All adjacent land is zoned R-1 with single family homes on large parcels the dominant land use.
- G. **REQUEST:** The applicant is requesting approval of a Conditional Use to establish a childcare facility on the subject property.
- H. **DECISION CRITERIA:** Yamhill Municipal Code; Chapter 10.12 (R-1 Residential Single-Family Zone). Chapter 10.40 (Flood Hazard Overlay Zone), and Chapter 10.104 (Conditional Use).

**II. APPLICATION SUMMARY**

- A. The applicants wish to establish a childcare on the site that will feature the following:
  - 1. The facility will accommodate up to ten children. Hours of operation are between 7:30 am to 5:00 pm, Monday through Friday. The facility is closed on weekends and holidays.

2. The childcare facility contains 504 square feet of area and will be located at the west end of an existing shop building.
  3. An approximate 4,700 square foot play area will be located adjacent to this facility. A 4-foot-high gated fence will surround the play area.
  4. Up to eleven parking spaces are available, although the applicant anticipates only six spaces are needed as the children will be dropped off and picked up at staggered times.
  5. The operator is separate from the property owner and submitted the necessary applications and forms to the State for certification.
- B. Section 10.12.030(A)(1) conditionally permits “public, semi-public, parochial and privately owned kindergartens or day nurseries” in the R-1 zone. Further, this listing stipulates the residential character of the building must remain unchanged. As the facility provides childcare services, the proposal qualifies as a conditionally permitted use. For the record, the existing residence will not be part of the facility and will therefore be unchanged.
- C. The City provided notice consistent with the requirements in Chapter 10.128, and as of the date of this report, no comments were submitted.

### III. CRITERIA AND FINDINGS – CONDITIONAL USE

- A. Section 10.104.010 establishes the review authority. Per this Section, conditional use applications are subject to a public hearing and review by the Planning Commission. This application and hearing are consistent with this Section. Further, the application is consistent with the application and processing procedures in Section 10.104.020.
- B. The decision criteria to approve or deny a conditional use application are found in Section 10.104.030. The Planning Commission may prescribe restrictions or limitations for the proposed conditional use. The Planning Commission shall impose conditions only after it has determined that such conditions are necessary for the public health, safety and general welfare, or to protect persons or improvements in the area. The Planning Commission may prescribe such conditions it deems necessary to fulfill the purpose and intent of this title. The Planning Commission shall analyze the following criteria and incorporate such into their decision:
1. 10.104.030(A) - There is a public need for the conditional use;

FINDINGS: The R-1 zone conditionally permits the proposed use. Anecdotal evidence indicates the community needs childcare facilities for working families and this proposal meets that need.

2. 10.1040.030 (B) - There is an inadequacy of other property to satisfy the public need;

FINDINGS: While any R-1 zoned property conditionally allows the use, this location is especially suitable for the use as it is located within City limits, yet away from a large concentration of residences or commercial uses.

3. 10.1040.030 (C) - The conditional use conforms to the Comprehensive Plan, all other provisions of this title, and any applicable street or highway plans;

FINDINGS: The Comprehensive Plan designates this property for residential uses. The Development Code implements the Plan and identifies permitted and conditionally permitted uses, the latter of which includes the subject childcare facility. Therefore, the proposal is consistent with the Plan.

4. 10.1040.030 (D) - The site for the proposed use is adequate in size and shape to accommodate said use of all yards, spaces, walls and fences, parking, loading, landscaping, and other features required to incorporate said use with land uses in the neighborhood;

FINDINGS: The subject property contains 2.79 acres, and the site plan includes approximately 4,700 square feet of fenced play area. On balance, this appears sufficient for the use. Further, even if approved by the City, the Office of Child Care of the Oregon Department of Education determines whether the play area is are sufficient to meet the anticipated number of children.

5. 10.1040.030 (E) - The site for the proposed use related to streets and highways is adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

FINDINGS: Access to the site is by a 30-foot wide “stem” connecting the developed portion of the property with the Highway. This width will ensure sufficient width to allow two travel lanes, if needed, for parents entering and exiting the site.

6. 10.1040.030 (F) - The proposed use will have minimal adverse effect on abutting property or the permitted uses thereof; and

FINDINGS: Staff estimated the facility to be over 50-feet from the adjacent residence to the east. Outdoor activities will not occur in the evening or on weekends/holidays and are not ongoing based on the staggered schedule anticipated by the applicant. On balance, the building separation and intermittent facility use should have a minimal impact on adjacent property.

7. 10.1040.030 (G) - The conditions stated in the decision are deemed necessary to protect the public health, safety, and general welfare.

FINDINGS: Staff placed recommended conditions at the end of this report.

- C. The decision criteria do not reference development standards, such as parking. The following review applicable development items:

1. Parking – Chapter 10.52 (Parking) does not identify parking requirements for childcare facilities. The closest comparison would be an elementary school requiring two spaces per classroom, plus an off-street loading and loading facility. The site identifies at least six spaces and up to eleven if needed. Given the applicant indicates children will arrive at staggered times and with no more than ten children, and parent parking is temporary, it would appear the six spaces are more than adequate. For the record, the site includes a circular driveway so that vehicle maneuvering is not an issue.

Section 10.52.060 contains the off-street loading/unloading requirements specific to commercial and industrial uses. The Commission has the option of waiving this requirement. Given the type of use and limited number of children, it does not appear the use requires a separate loading/unloading facility. For the record, the childcare facility includes an area that allows the safe discharge of children. Finally, access and parking contains a hard durable surface, thereby not requiring additional improvements.

2. Setbacks/Height – The facility will use pre-existing structures; the project does not include any building expansion. Based on the site plan, the structures currently comply with the setback and height requirements of the R-1 zone.
3. Flood Hazard Overlay – Based on the submitted information, the residence and shop are not located within the boundary of the flood hazard overlay zone. However, the applicant did not verify this information with a survey. To ensure compliance, and maintain school safety, staff recommends the Commission require the submittal of a base flood elevation certificate to ensure the childcare facility is outside the flood area.
4. Facilities and Building Safety – For reasons of public safety, prior to commencing operations it is appropriate to require the facility include appropriate improvements and/or building inspection, comply with fire safety requirements, and have adequate water and sanitary facilities.

- D. Section 10.104.035 addresses the specific decision criteria for a medical marijuana dispensary. This Section does not apply to the request.

- E. Sections 10.104.040 and 10.104.050 respectively include the effective date of approval and appeal provisions. If approved, the decision and any subsequent appeals must comply with these provisions.
- F. The role of the City of Yamhill is to determine whether the zone can conditionally permit the use. The State of Oregon licenses the facility to ensure compliance with specific childcare standards. Therefore, operation of the facility cannot occur until such time the operator receives the appropriate license.

#### IV. RECOMMENDATION AND CONDITIONS OF APPROVAL

Staff finds the proposal complies with the decision criteria and recommends Planning Commission approval of the Conditional Use subject to the following Conditions of Approval:

- A. The approval shall be subject to the following:
  - 1. The approval shall be limited to a licensed childcare facility with a maximum of ten students.
  - 2. The facility shall operate from 7:30 am to 5:00 pm, Monday to Friday. This limitation shall not prohibit the occasional off-hour meeting between parents and instructors or additional organizational time before or after school hours.
  - 3. Any expansion in the number of students or hours of operation shall require a new conditional use application and approval.
- B. Prior to commencing operation of the facility, the applicant shall complete the following:
  - 1. Shall submit evidence to the City of Yamhill from the Office of Child Care of the Oregon Department of Education, Early Learning Division indicating compliance with applicable state regulations regarding operation of the facility. This shall include compliance with any building and site improvements requirements, such as fencing or play equipment.
  - 2. Shall submit evidence to the City of Yamhill indicating existing public water and sanitary sewer facilities are adequate to serve the proposed facility.
  - 3. Shall submit evidence to the City of Yamhill indicating the facility complies with the applicable requirements of the Yamhill Fire District regarding fire safety.

- C. Compliance with the Conditions of Approval and any regulations related to building, public water, public sanitary sewer, and fire regulations shall be the sole responsibility of the applicant.

#### V. PLANNING COMMISSION ACTION

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

**CONDITIONAL USE APPLICATION**

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

Date Rec'd: 5/3/24  
Docket Number: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Date Rec'd: \_\_\_\_\_

**APPLICANT IS** || **TITLE HOLDER OF THE PROPERTY INFORMATION**

Legal Owner	(X)	Name: <u>Rick + Gina Regalado</u>	Phone #: <u>[REDACTED]</u>
Contract Buyer	( )	Address: <u>16675 Hwy. 47 Yamhill, Or. 97148</u>	
Option Holder	( )	<b>APPLICANT INFORMATION</b>	
Agent	( )	Name: <u>Rick + Gina Regalado</u>	Phone #: <u>[REDACTED]</u>
		Address: <u>16675 Hwy. 47 Yamhill, Or. 97148</u>	

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

Property Address: 16675 Hwy 47 Size: 40' X 40' Total Area: 1600.  
Map #: 88-42 Lot #: 702 Block #: \_\_\_\_\_ Sub-Division: \_\_\_\_\_  
Total Area Involved: 400 sq. Ft. Current Zoning: R-1 \_\_\_; R-2 \_\_\_; R-3 \_\_\_; C-3 \_\_\_; RLC \_\_\_; LI \_\_\_

**INTRODUCTION**

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

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

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

**WHAT IS BEING REQUESTED?**

What is Requested: space approval for pre-school

Proposed Use(s) and sequence of construction: pre-school (more kids)

Anticipated Timetable for Project: Done Start \_\_\_\_\_ Finish \_\_\_\_\_

Present Use of this property: Pre-school (couple of kids)

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

State specific reasons for this request and its effects on the surrounding area:  
Need for day care and pre-school for working parents.



How will surface water be taken care of:

Natural and built in drainage.

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

10 spaces

Total employees and/or occupants: Present: 0

Proposed: \_\_\_\_\_

**APPLICANT'S CERTIFICATION**

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

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

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

*Ricardo Cepalado*  
Applicant's Signature

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

5/1/24

Date of Application

## CONDITIONAL USE PERMIT APPLICATION

### CONDITIONAL USE PERMIT INFORMATION:

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

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

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

### APPLICATION:

A complete Application includes the following items:

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

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

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

**SUBMISSION OF APPLICATION:**

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

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

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

**PROFESSIONAL EXPENSES:**

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

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

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

# Letter/Explanation

## (UPDATED) Written Proposal: In-home Daycare (City of Yamhill)

*Address site:* 16675 Highway 47, Yamhill OR 97148    *Property Owners:* Rick & Gina Regalado

*Childcare Provider:* Shannon Hussey    *Daycare center name:* Tigers Farmhouse Friends

*Map & Tax Lot:* Pt. 98-42 TL 702

### **OVERVIEW OF PROPOSED USE/CURRENT USE:**

Applying for the usage of alternate space on property for child care purposes due to a need for child care in the area to assist local families. The *Child Care Licensing Division* requires prior approval of the space via the *City of Yamhill* and *Yamhill County* prior to state licensing with the *Office of Childcare*. The current status of state licensing with the office of childcare is incomplete until given the approval from Yamhill City and County.

The proposed license being applied for with the *CCLD* is a *Registered Family License*, which allows for max 10 children in the space at once. Once given written approval to utilize the space from Yamhill City and County, the application with the Office of Childcare will be submitted. After the space approval and submission of the application to the Office of Childcare, the licensing specialist with the Early Learning Division will verify all prior permits/licensing, in addition to visiting the space for the Health and Safety Review.

### **Proposed # of children in space following licensing: 10 children school age and younger**

Children under 24 months	Preschoolers	School Age	Total
2 (maximum)	4	4	10 (maximum)

### **Current Use of Space:** Unlicensed child care of 3 or less children

The proposed space is currently being used for licensed exempt child care. The *Office of Child Care* and the *Oregon Early Learning Division* do not require child care to be licensed if three or fewer children are in care at any one time. Care is provided for seven children altogether, but only 3 children are present at any one time. The space is not used for any other purpose than providing care to the number of children mentioned. \*see url for regulations of unlicensed childcare\* <https://www.oregon.gov/delc/providers/pages/become-a-provider.aspx>

**Current Hours of Operation:** 7:30 am - 5:00 pm, Monday through Friday (Closed during State Holidays/Weekends).

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### **Fence plan for improving the space:**

- A 4ft minimum fence will be put in to enclose the playground area (this is marked on the scale plan) - there will be a gate as a part of the playground fence for children to enter during the permitted play time by the provider.

### **Please reference the scale plan of the property for all sections:**

- Main Residence (child care will not take place here)
- Shop (separate section from preschool/daycare area)
- Preschool/Daycare
- Play Area
- Parking spaces are all labeled in location

Additionally, the **flood area** is approximately 250 ft from the point (as labeled on the scale plan) The rest of the property where the residence, shop, and preschool/daycare are located higher in elevation than the noted “flood area” on the field below.

### **Parking Spaces for Residence & Preschool/Daycare:**

All parking spaces are labeled on the scale plan of the property. For the residence (separate from the daycare) there are 6 parking spaces available as shown on the plan. For the daycare/preschool parking spaces, there can be between 10 - 11 parking spaces as shown surrounding the shop area and around the roundabout (see scale plan). During the operational hours (7:30 am - 5 pm), cars will only be parked temporarily for drop-off and pick-up. Other than residential parking, there will be no cars present during the daycare/preschool hours. Additionally, while there are 10 - 11 parking spaces available, there will be no more than 6 cars parked at one time and most families will be staggered for both drop-off and pick-up.

### **Oregon Department of Early Learning Regulations:**

In accordance with the Oregon Department of Early Learning and Care and Child Care Licensing Division the health and safety rules for the space are as follows:

- The room temperature must be at least 68 °F during the hours the child care business is conducted.
- Rooms occupied by children must have a combination of natural and artificial lighting.
- There must be at least one flush toilet and one hand-washing sink available to children. Steps or blocks must be made available to ensure children can use the toilet/sink without assistance.
- All floor levels used by children must have access to two usable exits, as defined in OAR 414-205-0010 (34), to the outdoors.

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- The provider must complete a daily inspection to ensure that evacuation routes are clear and usable exits, including doors and escape windows, are operable.
  - Children shall be protected from fire and safety hazards. Providers must have the following protections in place:
    - Floors must be free of splinters, large unsealed cracks, sliding rugs, and other hazards.
  - All exposed electrical outlets in rooms used by preschool or younger children must have hard to remove protective caps or safety devices installed when outlet is not in use
  - A stable barrier shall be installed to prevent children from falling into hazards, including, but not limited to: fireplaces, heaters and wood stoves that are in use when child care children are present
  - A secure barrier shall be placed at the top and/or bottom of all stairways accessible to infants and toddlers
  - Smoke alarms and carbon monoxide detectors shall be:
    - Installed on each floor level of the home
    - Maintained in operating order
  - There shall be at least one 2-A-10 BC-rated fire extinguisher on each floor of the home unless the floor is not under the direct control of the provider.
  - Fire extinguishers on floors where child care occurs must be designated on the floor plan required and either mounted or stored along the primary evacuation route. Fire extinguishers must be easily accessible and visible.
  - If fire extinguishers are stored in a cabinet or closet, they must be mounted and there must be a sign indication that the fire extinguisher is located inside,
  - Obstructions, including furniture, storage of supplies, or any other items shall not be placed in a manner that blocks access to the cabinet or closet.
  - Firearms, BB guns, pellet guns and ammunition kept under lock, with ammunition stored and locked separately.
  - Cleaning supplies, paints, matches, lighters, and plastic bags are kept under child-safety lock.
  - Other potentially dangerous items, such as medicine, drugs, sharp knives and poisonous and toxic materials are kept under child safety lock.
  - All clear glass panels in doors clearly marked at child level.
  - A telephone in working condition must be in the family child care home.
  - The building, grounds, water supply, and toys, equipment and furniture used by children must be maintained in a hazard-free condition.

## Written Proposal: In-home Daycare (City of Yamhill)

*Address site:* 16675 Highway 47, Yamhill OR 97148    *Property Owners:* Rick & Gina Regalado

*Childcare Provider:* Shannon Hussey    *Daycare center name:* Tigers Farmhouse Friends

*Map & Tax Lot:* Pt. 98-42 TL 702

### OVERVIEW OF PROPOSED USE/CURRENT USE:

Applying for the usage of alternate space on property for child care purposes due to a need for child care in the area to assist local families. The *Child Care Licensing Division* requires prior approval of the space via the *City of Yamhill* and *Yamhill County* prior to state licensing with the *Office of Childcare*. The current status of state licensing with the office of childcare is incomplete until given the approval from Yamhill City and County.

The proposed license being applied for with the *CCLD* is a *Registered Family License*, which allows for max 10 children in the space at once. Once given written approval to utilize the space from Yamhill City and County, the application with the Office of Childcare will be submitted. After the space approval and submission of the application to the Office of Childcare, the licensing specialist with the Early Learning Division will verify all prior permits/licensing, in addition to visiting the space for the Health and Safety Review.

*\*see documents on Registered Family Health & Safety Checklist & Rule Guidance for Garage or Alternate Space for Child Care for further information of licensing\**

In accordance with the Oregon Department of Early Learning and Care and Child Care Licensing Division the health and safety rules for the space are as follows:

- The room temperature must be at least 68 °F during the hours the child care business is conducted.
- Rooms occupied by children must have a combination of natural and artificial lighting.
- There must be at least one flush toilet and one hand-washing sink available to children. Steps or blocks must be made available to ensure children can use the toilet/sink without assistance.
- All floor levels used by children must have access to two usable exits, as defined in OAR 414-205-0010 (34), to the outdoors.
- The provider must complete a daily inspection to ensure that evacuation routes are clear and usable exits, including doors and escape windows, are operable.
- Children shall be protected from fire and safety hazards. Providers must have the following protections in place:
  - Floors must be free of splinters, large unsealed cracks, sliding rugs, and other hazards.

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only 3 children are present at any one time. The space is not used for any other purpose than providing care to the number of children mentioned. \*see url for regulations of unlicensed childcare\* <https://www.oregon.gov/delc/providers/pages/become-a-provider.aspx>

**Current Hours of Operation:** 7:30 am - 5:00 pm, Monday through Friday (Closed during State Holidays/Weekends).



PARTITION PLAT NO. **98-42** for Richard Rigert & Frankie Richter  
 in the South 1/2 of Section 4, T. 3 S., R. 4 W., N.H.,  
 City of Yamhill, Yamhill County, Oregon June 26, 1998  
 SHEET 1 OF 2  
 DOCKET NO. PAR-98-04

BASIS OF BEARINGS  
 (S 89°12'20"W 413.18') PARTITION PLAT NO. 92-23  
 N 89°12'20"E 413.28'

- LEGEND
- FOUND MONUMENT AS NOTED IN FOUND MONUMENT TABLE
  - SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SPRINGER IS 1102"
  - ( ) DATA OF RECORD FROM SOURCE NOTED
  - - - EXISTING FENCE

THIS IS AN EXACT COPY OF THE ORIGINAL PARTITION PLAT.

*Norman D. Springer*  
 NORMAN D. SPRINGER

- FOUND MONUMENT TABLE
- A FOUND 5/8" IRON ROD WITH RED PLASTIC CAP MARKED "SPORER LS2266" FROM PARTITION PLAT NO. 92-23.
  - B FOUND 5/8" IRON ROD WITH RED PLASTIC CAP MARKED "SPORER LS2266" FROM PARTITION PLAT NO. 92-23.
  - C FOUND 1/2" IRON PIPE, CALLED 1" IRON PIPE IN CSP-4538.
  - D FOUND 1/2" IRON PIPE, CALLED 1" IRON PIPE IN CSP-4538.
  - E FOUND 5/8" IRON ROD FROM CSP-206.
  - F FOUND 5/8" IRON ROD FROM CSP-206.
  - G FOUND 1/2" IRON PIPE SHOWN ON CSP-3135-1.
  - H FOUND 3/4" IRON PIPE, CALLED 1" IRON PIPE BY CSP-4538.

NARRATIVE  
 THIS PARTITION WAS DONE TO DIVIDE THE SUBJECT PROPERTY INTO THREE PARCELS. THE LOCATION OF THE DIVISION LINES WAS DETERMINED BY THE OWNERS. THE BASIS OF BEARINGS IS THE NORTH LINE. FROM PARTITION PLAT NUMBER 92-23. BOUNDARY DETERMINATION IS AS FOLLOWS: THE NORTH LINE WAS DETERMINED USING FOUND MONUMENTS FROM PARTITION PLAT NUMBER 92-23. THE RIGHT OF WAY LINE OF HIGHWAY 47 WAS COMPUTED BETWEEN POINTS "A" AND "F". POINT "I" WAS COMPUTED THE RECORD 66.5 FEET NORTHERLY ALONG THE RIGHT OF WAY LINE FROM POINT "H", BASED ON CSP-4538 AND DEED FILM 249, PAGE 0021. THE FOUND MONUMENTS AT POINTS "C", "D", AND "E" WERE HELD. POINT "I" WAS COMPUTED AT RECORD DISTANCE (BASED ON CSP-206) INTERSECTION FROM POINTS "E" AND "G", WHICH ALSO IS IN ALIGNMENT WITH POINTS "C", "D", AND "E". POINT "L" WAS COMPUTED AT RECORD DEED (1998 19185) DISTANCE FROM THE CENTER OF HIGHWAY 47. POINT "J" WAS COMPUTED AT RECORD DEED DISTANCE AND ANGLE FROM POINT "I". POINTS "K" AND "M", AND THE LOCATION OF THE CREEK BETWEEN THEM ARE AT THE CENTER OF THE CREEK AS TIED IN THE FIELD. PIPE DIAMETERS GIVEN ARE INSIDE MEASUREMENT.

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Norman D. Springer*  
 OREGON  
 NORMAN D. SPRINGER  
 1102  
 RENEWAL DATE 6/30/00

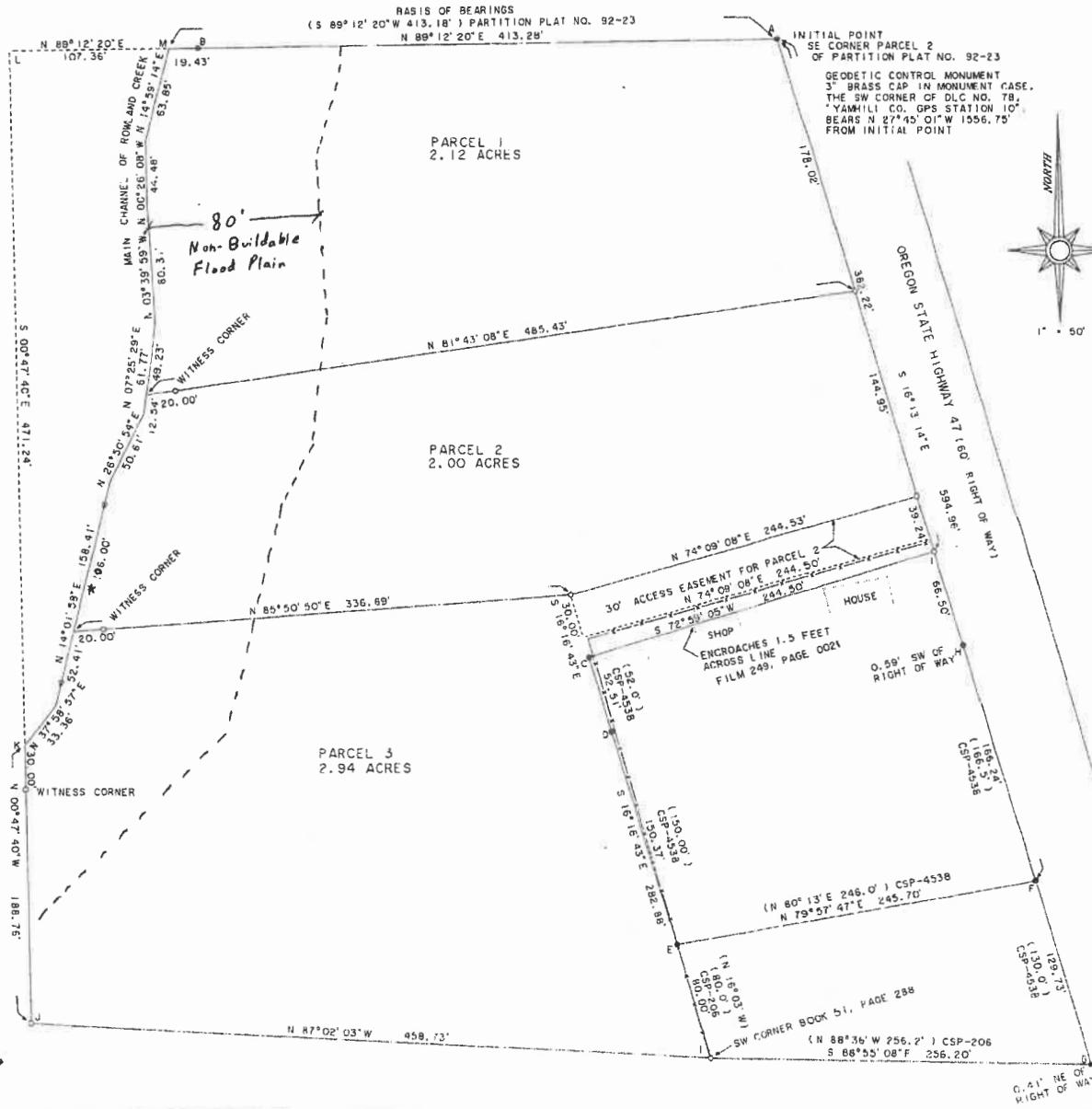
SPRINGER SURVEYING  
 P. O. BOX 1290  
 McMinnville, Oregon 97128  
 PHONE: 472-1975

\* PER AFFIDAVIT OF CORRECTION  
 FILED AS INST# 199900591 ON  
 JAN. 1, 1999 IN THE CO. CLERKS  
 OFFICE.

*Norman D. Springer*  
 CO. SURVEYOR

Received 7-28-1998

County Surveyor



PARTITION 1998-42

N

Hwy 47

Regalado

Sitkora

Prepane

Shop

16675 Hwy 47  
TL 702  
PT. 98-42

Driveway

Home

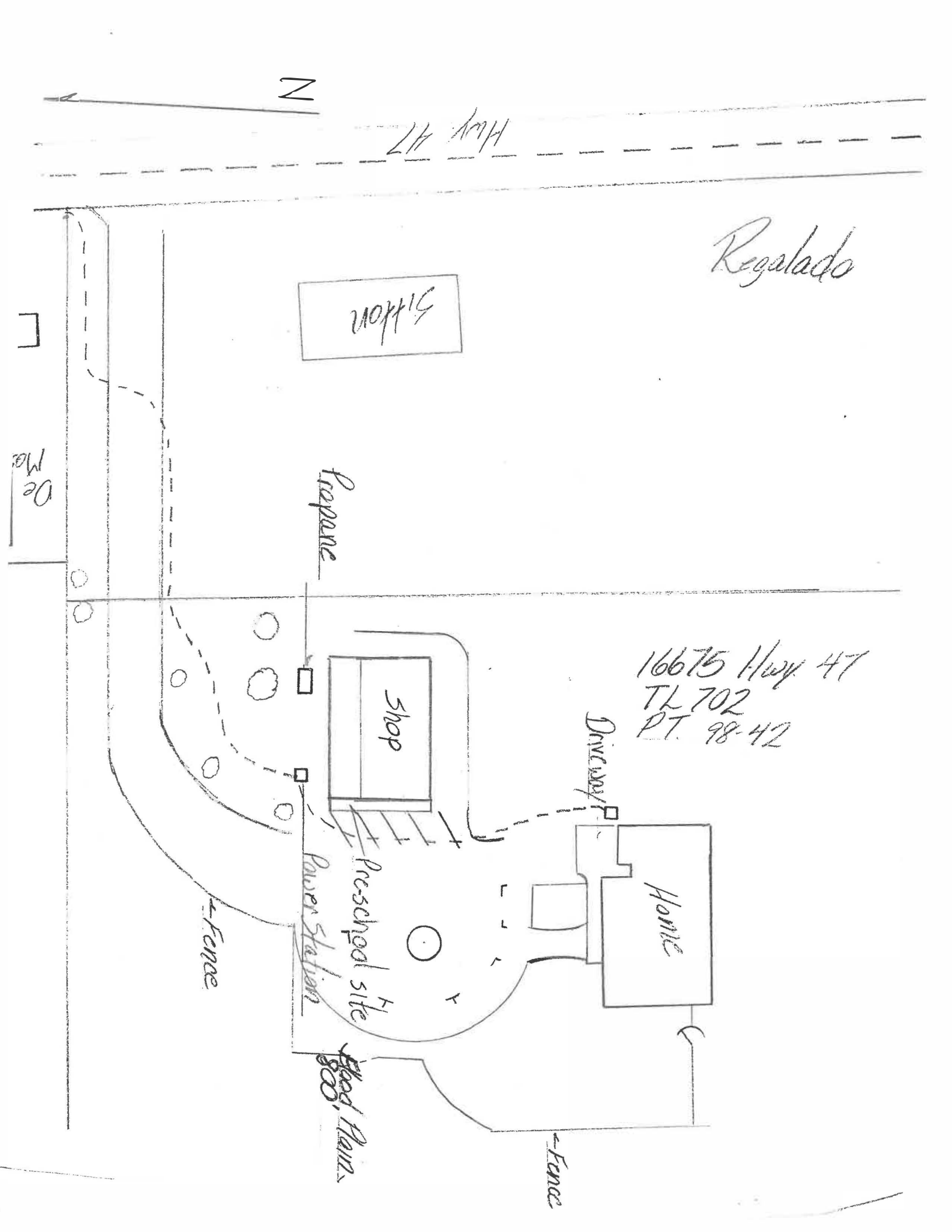
Preschool site  
Power Station

Fence

Wood Pains  
800

Fence

De Ma

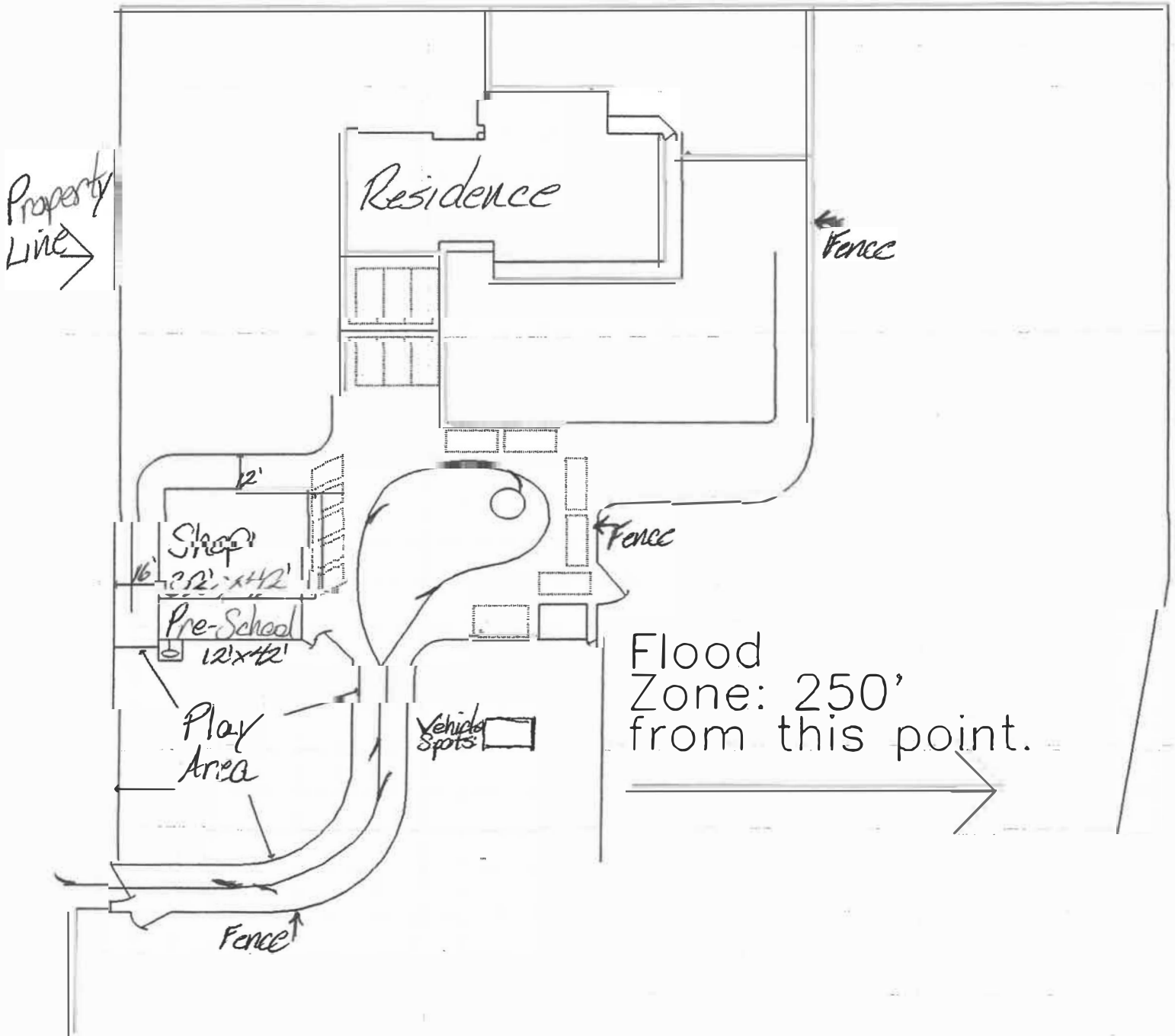


12' (144")



REGALADO  
TL: 702  
Pt: 98-42

16675 Hwy 47  
Yamhill, Or.  
97148



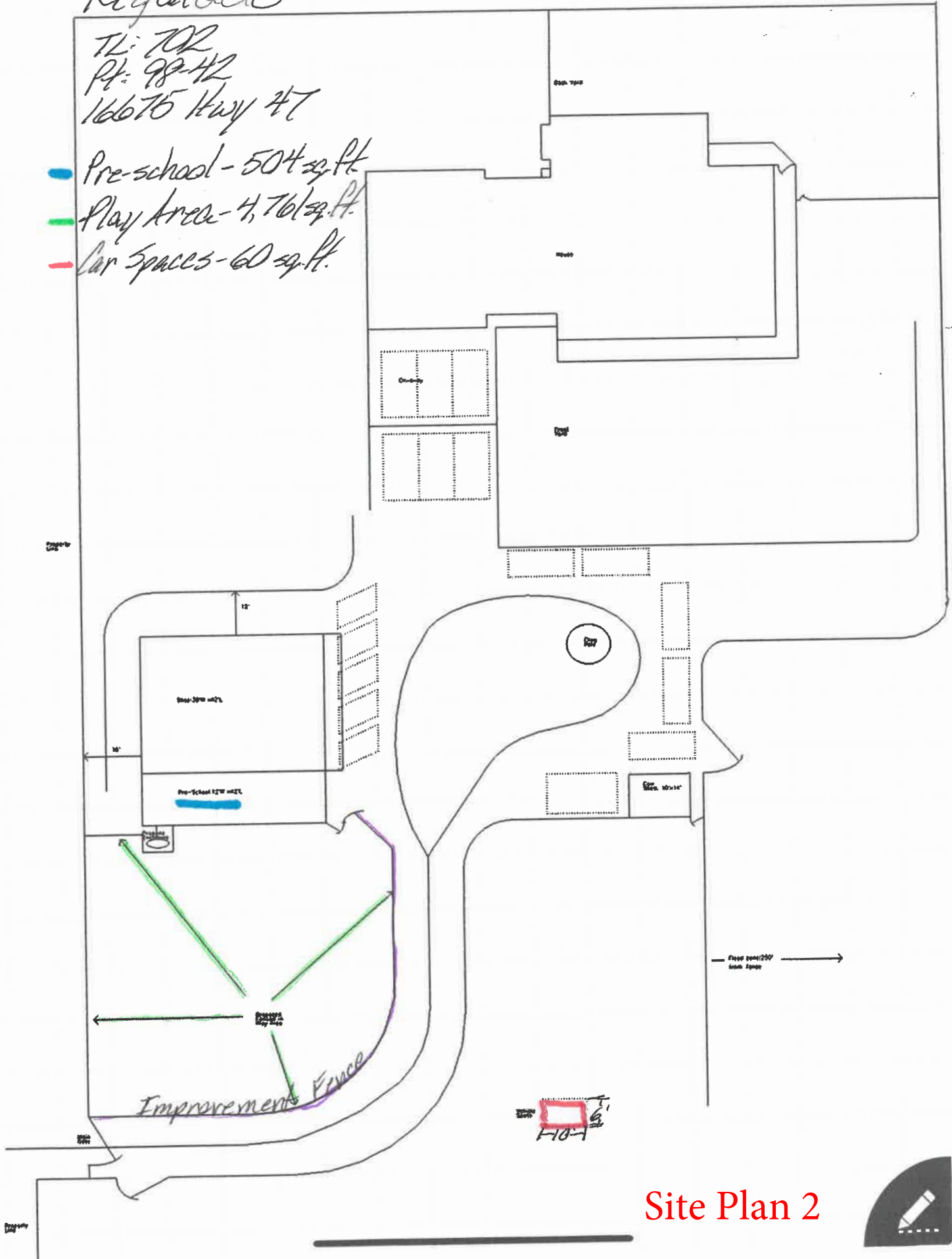
Site Plan 1

1" (12")

Regalado

TL: 702  
Pt: 98-42  
16675 Hwy 47

- Pre-school - 504 sq. ft.
- Play Area - 4,761 sq. ft.
- Car Spaces - 60 sq. ft.



Site Plan 2



**STAFF REPORT**

**TO:** Yamhill Planning Commission

**FROM:** Walt Wendolowski, Contract Planner

**SUBJECT:** Planning File DCA 24-03 – Yamhill Development Code Amendment  
Exterior Lighting Requirements

**DATE:** August 19, 2024

**I. BACKGROUND**

- A. **APPLICANT:** City of Yamhill.
- B. **PROPERTY LOCATION:** The application affects all nonresidential property and uses in the City.
- C. **REQUEST:** The City seeks to amend the Yamhill Municipal Code by establishing new regulations for exterior lighting for commercial, public, and other non-residential uses. Exhibit “A” includes the specific language.
- D. **DECISION CRITERIA:** Yamhill Development Code; Section 10.132.060 to Section 10.320.100.

**II. APPLICATION SUMMARY**

- A. At the July meeting, the Commission agreed to proceed with the adoption process but eliminate requirements for residential uses. The regulations will create a new chapter - Chapter 10.66 Exterior Lighting Standards. Exhibit “A” includes the proposed language for the Commission’s consideration. The City submitted this language to the Department of Land Conservation and Development (DLCD) for their review, and as of the date of this report, the DLCD did not submit comments.
- B. The following reviews each section of the proposed language, summarizing any revisions from the June document. Where sections were significantly modified to eliminate residential provisions, the complete Section will be noted below with the deleted language ~~stricken~~ and new language underlined (does not apply to section or subsection headings).
  - 1. (A) Purpose. The purpose statement is all inclusive and cover the concerns outlined by the Commission.

**Revisions:** No further changes.

2. (B) Guiding Principles. This section “backs-up” the purpose statement by providing guidelines for establishing the standards in this Chapter. As noted, these are not criteria but provide a basis for why the City chooses to adopt the lighting standards. These guidelines are consistent with the Commission’s discussion.

**Revisions**: No further changes.

3. (C) Definitions. This is the definition section. Chapter 10.08 (Definitions) should also include these definitions.

**Revisions**: Revised effective date to January 1, 2025.

4. (D) Applicability. The section notes the applicability of standards. Existing nonconforming lighting must conform to the requirements within one-year from the effective date of January 1, 2025. Revisions focused on eliminating references to residential uses.

**Revisions**: This section revised as follows, eliminating references to residential uses:

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

5. (E) General Requirements. This section includes general requirements that apply to all lighting.

(1) Fully Shielded. Unless subject to an exception, all light fixtures shall be fully shielded and otherwise designed and installed to prevent light trespass and glare. Uplighting is prohibited.

(2) Maximum Brightness. ~~Except as noted in (d) below, the~~ The maximum lumens of any lamp shall not exceed ~~4,000~~ 1,500 lumens. ~~The following additional requirements apply based on type of use:~~

~~(a) Residential. The maximum lumens of any lamp shall not exceed 4,000 lumens.~~

~~(b) Mixed Use and Non-Residential. No individual light fixture may exceed 1,500 lumens.~~

**Revisions**: All residential references were eliminated and only one lumen standard applies.

~~(3) Non-Residential Requirements.~~

- ~~(3)(a)~~ Canopy and Eave Lighting. Lighting levels under eaves and canopies shall be adequate to facilitate the activities taking place in such locations.
- ~~(a)(i)~~ Lighting fixtures mounted on canopies and/or eaves shall be designed, constructed, or installed so the lens cover is recessed from the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy/eave.
- ~~(b)(ii)~~ Lights shall not be mounted on the top or sides (facias) of the canopy/eave and the sides (facias) of the canopy/eave shall not be illuminated.
- ~~(4)(b)~~ Exterior Display and Sales Areas. Lighting levels on areas used for exterior display and/or sales areas shall be subject to the following:
- ~~(a)(i)~~ Lighting fixtures shall be fully cut-off fixtures.
- ~~(b)(ii)~~ Fixtures shall be mounted no more than 20 feet above grade.
- ~~(c)(iii)~~ Fixtures shall not create glare on adjacent streets, highways, or properties, and shall not create light trespass on nearby and abutting properties.
- ~~(d)(iv)~~ Exterior display/sales areas shall be illuminated only when the establishment is open for business unless motion sensing devices are installed.
- ~~(5)(e)~~ Parking Lot Lighting. Parking lot lighting shall be downcast, fully shielded and shall not exceed a threshold of allowable light trespass of 0.1 foot-candle at the property line.
- ~~(6)(d)~~ Lighting Curfew. In all non-residential zones all exterior lighting, including signs, shall be extinguished either by 10 P.M.; or within one (1) hour of the close of normal business hours; or at the conclusion of usual operations, whichever occurs later. The use of such lighting may resume one (1) hour before sunrise (or opening of business for the property, whichever is earlier) of the following day. Businesses whose normal operating hours are twenty-four (24) hours per day are exempt from this provision.
- ~~(7)(e)~~ Security Lighting
- (i) All security lighting fixtures shall be fully shielded, comply with lighting standards, and be directed only onto the designated area, and not illuminate other areas.
- (ii) Sensor activated security lights shall automatically turn off within five minutes after being activated if no additional motion, light, or infrared radiation is detected.
- (iii) Residential security lights shall not be installed or attached to public utility or streetlight poles.
- ~~(8)(f)~~ Color. The Correlated Color Temperature (CCT) shall not exceed 3,000 Kelvins.

~~(9)~~(4) Publicly Owned Lighting. Publicly owned lighting (including streetlights located in the public right-of-way) shall be fully shielded, complying with the color limits in subsection (E)(8) of this section. All outdoor light fixtures on property or buildings owned and operated by the City of Yamhill must be fully shielded, unless exempt under subsection (H) of this section, and adaptive controls and curfews must be employed.

**Revisions:** This is no longer a separate section as all lighting requirements only apply to non-residential uses. All sections were subsequently renumbered to reflect this change. Otherwise, no changes.

6. (F) Signage. External sign illumination is limited to 50 square feet per sign. Note that Chapter 10.64 allows internal illumination which has less of an impact – these provisions apply to external lighting.

**Revisions:** No changes necessary regarding residential uses.

7. (G) Prohibitions. The use of lasers, searchlights, upward pointing lights, blinking/flashing lights, and external neon lights are prohibited. Exemptions are provided for lighting the U.S. flag at night and emergency situations. Neon lighting is limited to trim.

**Revisions:** This prohibition extended to lights located within a building and visible from a public street.

8. (H) Exemptions. Existing lights are exempt but must eventually conform. This section includes provisions on string lights. Decorative lighting and lighting for special events is exempt, as are lighting the U.S. flag, athletic fields (with limits), temporary lighting, and lighting needed for emergencies.

**Revisions:** String lights are limited to 100 lumens per light. Note that most of these lights are associated with commercial uses and turned off after business hours. Expanded item (8) Temporary Lighting to require turning-off the lights within one hour of the end of operations. The only potential residential regulation that remains is decorative lighting. Decorative lighting between October 15 to January 15 is exempt from the requirements in this Chapter.

9. (I) Existing Nonconforming Lighting. Existing outdoor light fixtures are exempt but must conform within two years of the effective date. Conformance also applies to replacement lights and these requirements may be placed as a condition of approval.

**Revisions:** No changes.



10. (J) Lighting Plan Required. Finally, development, including building permits, will require a lighting plan. It is important for the Commission to consider how these regulations will be implemented and staff training will likely be needed.

**Revisions:** No changes.

- C. The remaining proposed amendments include placing all definitions in Section 10.66(C) in Chapter 10.08 (Definitions) and eliminating the phrase “festoon lighting” in Section 10.64.110(C).

### III. FINDINGS

- A. Section 10.132.060 notes that any amendment to the text shall be initiated by the governing body or by the Planning Commission by ordinance. Consistent with this requirement, the Commission initiated the proposed text amendment with concurrence of the City Council.
- B. Section 10.132.070 states the Planning Commission shall conduct a public hearing for a proposed Comprehensive Plan amendment and shall submit a recommendation to the City Council. The City Council shall then conduct a public hearing on the proposed Comprehensive Plan amendment. If the decision of the Council is contrary to the Planning Commission’s decision, the Council shall refer the proposal back to the Planning Commission for further review. The Planning Commission and Council must make written findings of its decision, and if the Council approves the Comprehensive Plan amendment, such action shall be confirmed by resolution.

FINDINGS: The amendment will follow the above noted procedure. At this stage, the purpose of the hearing is to review the request and for the Planning Commission is to provide a recommendation to the City Council.

- C. Section 10.132.080 outlines the application procedures, noting it must be filed in accordance with the provisions of Chapter 10.128 of this title.

FINDINGS: The amendment application complies with the above noted requirements.

- D. Section 10.132.090 identifies the required findings (i.e., decision criteria) to support a proposed amendment. The Planning Commission and City Council shall analyze the following points and, in a written form, incorporate such findings in its decision:
  - 1. 10.132.090(A) - That there is a public need for a Comprehensive Plan amendment.

FINDINGS: The Commission recognized the potential impact of unrestricted lighting. The Commission therefore determined that establishing a consistent set of regulations to be beneficial to the community.

2. 10.132.090(B) - That there was an error in the original Comprehensive Plan.

FINDINGS: In this case, the Commission through several public work sessions identified potential impacts of unrestricted lighting due to a lack of consistent regulations.

3. 10.132.090(C) - That there is a need to change the currently adopted Comprehensive Plan.

FINDINGS: As noted, a change in the Code is necessary to address the identified need.

4. 10.132.090(D) - That there is an inadequacy of other comparatively planned and/or zoned land currently available to satisfy the public need.

FINDINGS: This subsection does not apply as the proposal does not alter existing zoning.

5. 10.132.090(E) - That the property proposed to be changed is the best property available for the Comprehensive Plan amendment.

FINDINGS: This subsection does not apply as the proposal does not alter existing zoning.

6. 10.132.090(F) - That the proposed Comprehensive Plan amendment is in conformance with all statewide goals, and any applicable street, highway, and/or utility plans for the area.

FINDINGS: The proposed exterior lighting regulations address specific design and aesthetic concerns of the City and do not conflict with the statewide land use goals.

7. 10.132.090(G) - That the proposed property is adequate in size and shape to facilitate those uses allowed in the proposed zone upon adoption of the Comprehensive Plan amendment.

FINDINGS: This subsection does not apply as the proposal addresses changes to exterior lighting regulations and does not change allowed uses within the various zones.

8. 10.132.090(H) - That the proposed property is properly related to streets and highways to adequately serve the type of traffic that will be generated by the uses in the proposed zone upon adoption of the Comprehensive Plan amendment.

FINDINGS: This subsection does not apply as the proposal addresses changes to exterior lighting regulations and does not change allowed uses within the various zones and therefore associated traffic impacts. However, restricting certain types of lighting (e.g., strobe lights, glare producing lights) will have a positive impact on traffic safety.

9. 10.132.090(I) - That the proposed Comprehensive Plan amendment will have no adverse effect on abutting property or the permitted uses thereof.

FINDINGS: The Commission considered potential impact of exterior lighting for commercial uses, and the proposed regulations include provisions to regulate brightness, hours of operation, and similar limitations.

- E. Section 10.132.100 notes the amendments shall be effective upon the passage of the ordinance by the City Council changing the Plan. This is a procedural matter that applies if the Council approves the changes.
- F. The City determined the establishment of a consistent set of regulations for exterior lighting to be beneficial to the community. The language sets limits as to brightness, hours of operation, and limiting impacts on adjacent property.

#### IV. RECOMMENDATION

City staff finds the proposal complies with the identified criteria and recommends the Planning Commission recommend the City Council approve the proposed Development Code amendments contained in Exhibit "A."

#### V. PLANNING COMMISSION ACTION

- A. The Planning Commission has the following options:
  1. Recommend City Council approval of the proposed amendments, adopting findings contained in the staff report;
  2. Recommend City Council approval of the proposed amendments, adopting modified findings; or
  3. Recommend City Council reject the proposed amendments, establishing findings as to why the application fails to comply with the decision criteria.

4. Continue the hearing to a date and time certain to receive additional information or testimony.
- B. If the Planning Commission makes a decision, staff will prepare an Order of Recommendation for the Chair's signature based on that decision.

## Exhibit A

### 10.66 Exterior Lighting Standards

- (A) Purpose. The purpose of these lighting standards are to conserve energy to the greatest extent possible; promoting traffic and pedestrian safety; minimizing glare, light trespass, obtrusive lighting, and light pollution; and preserving the dark sky of the natural nighttime environment. Further, it is the intent of this code to control the obtrusive aspects of excessive and careless outdoor lighting while preserving, protecting, and enhancing the lawful nighttime use and enjoyment of all property; to preserve the quality of life for residents; and to aid property owners and occupants in bringing nonconforming lighting into compliance with this code.
- (B) Guiding Principles. The standards in this Chapter are based on the following guiding principles and are not mandatory approval criteria:
- (1) Useful. Only use light when needed. All light should have a clear purpose, with consideration about how light will impact neighbors, wildlife, and their habitats.
  - (2) Targeted. Target light fixtures so that light falls only where required. Shielding and careful aiming of the light beam to target its direction downward should be employed to prevent spill beyond immediate lighting needs.
  - (3) Low Level. Lights should be no brighter than necessary, using the lowest light level possible. Consider reflective surfaces that will amplify light and direct light into the sky or neighboring properties.
  - (4) Controlled. Provide lighting only when needed. Controls such as timers or motion detectors should be employed to ensure that light is available when needed, dimmed when possible, and turned off when not needed.
  - (5) Color. Prefer the use of warmer color lights where possible.
- (C) Definitions.
- ANSI**. American National Standards Institute.
- Bulb**. The component of the fixture that produces light.
- Canopy**. A covered structure open to the elements, with at least one side open for pedestrian and/or vehicular access.
- Correlated Color Temperature (CCT)**. A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in kelvins (K).
- Dark Skies Lighting Standards**. The provisions of this Chapter 10.66.
- Downcast**. Directing the light only down toward the ground and in which the fixture shield is parallel with the level ground (see Figure 1).
- Effective Date**. January 1, 2025.
- Fixture**. The complete lighting assembly that houses the lamp or lamps together with everything required to control and distribute the light output. The terms "fixture" and "luminaire" are interchangeable.
- Foot-candle**. A measurement of light intensity. One foot-candle has sufficient light

to saturate a surface having an area of one square foot with one lumen of light.

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

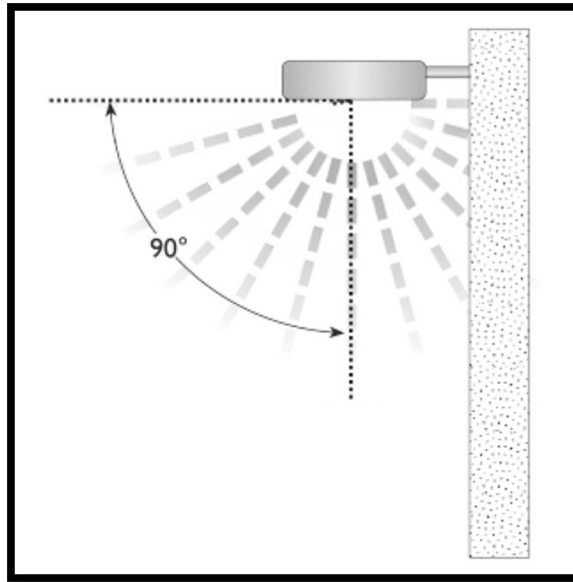


Figure 1.

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

**IES.** Illuminating Engineering Society.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (D) Applicability. The lighting standards in this Chapter are applicable to lighting for commercial uses, and publicly owned and operated uses. Existing nonconforming lighting must conform to the requirements in subsection (I). These standards are in addition to applicable provisions of the Building Code and Electrical Code, and other provisions of Title 10 including Chapter 10.64 (Signs).
- (E) General Requirements. All non-exempt outdoor lighting fixtures shall meet the following requirements:

- (1) Fully Shielded. Unless subject to an exception, all light fixtures shall be fully shielded and otherwise designed and installed to prevent light trespass and glare. Uplighting is prohibited.
- (2) Maximum Brightness. The maximum lumens of any lamp shall not exceed 1,500 lumens.
- (3) Canopy and Eave Lighting. Lighting levels under eaves and canopies shall be adequate to facilitate the activities taking place in such locations.
  - (a) Lighting fixtures mounted on canopies and/or eaves shall be designed, constructed, or installed so the lens cover is recessed from the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy/eave.
  - (b) Lights shall not be mounted on the top or sides (facias) of the canopy/eave and the sides (facias) of the canopy/eave shall not be illuminated.
- (4) Exterior Display and Sales Areas. Lighting levels on areas used for exterior display and/or sales areas shall be subject to the following:
  - (a) Lighting fixtures shall be full cut-off fixtures.
  - (b) Fixtures shall be mounted no more than 20 feet above grade.
  - (c) Fixtures shall not create glare on adjacent streets, highways, or properties, and shall not create light trespass on nearby and abutting properties.
  - (d) Exterior display/sales areas shall be illuminated only when the establishment is open for business unless motion sensing devices are installed.
- (5) Parking Lot Lighting. Parking lot lighting shall be downcast, fully shielded and shall not exceed a threshold of allowable light trespass of 0.1 foot-candle at the property line.
- (6) Lighting Curfew. In all non-residential zones all exterior lighting, including signs, shall be extinguished either by 10 P.M.; or within one (1) hour of the close of normal business hours; or at the conclusion of usual operations, whichever occurs later. The use of such lighting may resume one (1) hour before sunrise (or opening of business for the property, whichever is earlier) of the following day. Businesses whose normal operating hours are twenty-four (24) hours per day are exempt from this provision.
- (7) Security Lighting
  - (a) All security lighting fixtures shall be fully shielded, comply with lighting standards, and be directed only onto the designated area, and not illuminate other areas.
  - (b) Sensor activated security lights shall automatically turn off within five minutes after being activated if no additional motion, light, or infrared radiation is detected.
  - (c) Security lights shall not be installed or attached to public utility or streetlight poles.
- (8) Color. The Correlated Color Temperature (CCT) shall not exceed 3,000 Kelvins.



- (9) Publicly Owned Lighting. Publicly owned lighting (including streetlights located in the public right-of-way) shall be fully shielded, complying with the color limits in subsection (E)(8) of this section. All outdoor light fixtures on property or buildings owned and operated by public agencies shall be fully shielded, unless exempt under subsection (H) of this section, and adaptive controls and curfews must be employed.
- (F) Signage. Unless otherwise permitted in Chapter 10.64 (Signs), all lighting must be downcast and fully shielded. The external illuminated surface area of any one sign shall not exceed 50 square feet.
- (G) Prohibitions.
- (1) Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment.
  - (2) Searchlights and Strobe Lights. The use of searchlights or strobe lights for purposes other than public safety or emergencies.
  - (3) Upward-pointing light fixtures. All light fixtures must be downcast including illumination of signs, landscaping, flags (except the U.S. and state flags, if flown on the same flagpole), and other items.
  - (4) Blinking and Flashing Lights. Any lighting that is flashing, blinking, rotating, chasing, or rapidly changing in color or intensity, except for traffic control fixtures, those used for public safety or emergencies, and seasonal holiday lights. This prohibition applies to lights located within a building and visible from an adjacent public street.
  - (5) Externally Affixed Neon Lighting. Externally affixed neon lighting, except as a trim element that surrounds windows, doors, or building edges when located on building façades that face street frontages. Such lighting must not include flashing, intermittent or rotating lights.
- (H) Exemptions. Notwithstanding anything herein to the contrary, the following forms of lighting are exempt from the standards in this Chapter.
- (1) Existing Nonconforming. Nonconforming lighting, subject to subsection (I) of this section.
  - (2) String Lights. These lights are subject to the following standards:
    - (a) All installations of string lighting shall employ lamps that do not flash or flicker and whose individual output does not exceed 100 lumens.
    - (b) String lights shall consist only of white light sources with a CCT not to exceed three thousand (3,000) Kelvin.
    - (c) String lights are exempt from the downcast and full shielding requirements of subsection (E) of this section.
    - (d) The above limitations do not apply to holiday lighting.
  - (3) Holiday Lighting. Holiday lighting shall only be allowed between October 15 and January 15, provided such lighting does not create glare on adjacent streets or adjacent or nearby properties.
  - (4) Special Events. Events that require the use of temporary outdoor light fixtures are exempt if the exemption does not exceed five (5) days for a

particular property in any calendar year; however, permanent installations special event venues must conform to these standards.

- (5) Flags. Lighting for U.S. flags properly displayed (consistent with the U.S. Flag Code).
  - (6) Government Authority. Lighting under the authority of the Oregon Department of Transportation or required by Federal or State laws or regulations.
  - (7) Athletic Fields. Athletic field lighting meeting the following conditions:
    - (a) Field lighting is provided exclusively for illumination of the surface of play and viewing stands and not for any other applications.
    - (b) Illuminance levels must be adjustable based on the task (e.g., active play vs. field maintenance).
    - (c) Lights must be extinguished by 10:00 pm local time or one hour after the end of play, whichever is later.
    - (d) Timers must be installed to prevent lights being left on accidentally overnight.
  - (8) Temporary Lighting. Except for permitted security lighting, lighting for theatrical, television, performance areas, and construction sites shall be turned-off within one hour after the end of operations.
  - (9) Emergencies. Lighting only used under emergency conditions.
  - (10) Landscaping. Low voltage landscape lighting not exceeding 200 lumens per fixture and aimed so that glare is not visible from adjacent properties.
- (I) Existing Nonconforming Lighting. Outdoor light fixtures lawfully installed and operable prior to the Effective Date are exempt from all such requirements, except as follows:
- (1) Compliance. All lighting must conform to the requirements of this Chapter within six (6) months after the Effective Date.
  - (1) Replacement. Any replacement or modification to nonconforming outdoor lighting must comply with these standards.
  - (2) Condition of Approval. All nonconforming outdoor lighting must comply with the requirements in this Chapter as a condition of land use approval involving a Conditional Use or Development Review.
- (J) Lighting Plan Required. All applications involving the construction of new buildings, expansion of existing structures, or building permits must include lighting plans showing location, type, height, color temperature, lumen output and amount of all proposed and existing light fixtures, along with light fixture cut sheets from the manufacturer. The applicant must provide enough information to demonstrate compliance with these standards. The City may request any additional information necessary or appropriate to evaluate compliance with these standards.

## **10.08. Definitions**

All definitions contained in proposed Section 10.66(C) shall be included in Section 10.08.010 – Definitions.

## **10.64 Signs**

Amend Section 10.64.110(C) by eliminating reference to “festoon lighting:”

(C) Pennants, streamers, ~~festoon lighting~~, banners, inflatable signs including blimps and/or hot or cold air balloons except as provided by this chapter. Nothing contained in this section shall be construed to prohibit the display of the flag of the United States, the State of Oregon or other political subdivision;

**CITY OF YAMHILL**

RESOLUTION NO. R-xxx

**A RESOLUTION AUTHORIZING THE YAMHILL CITY COUNCIL TO CREATE AN ECONOMIC DEVELOPMENT SUBCOMMITTEE**

**WHEREAS**, The Yamhill City Council is responsible to provide a public forum for issues impacting the community and give the approval for development, infrastructure investment, and land use plans; and,

**WHEREAS**, the Council creates and implements comprehensive plans for orderly growth and development in the City of Yamhill; and,

**WHEREAS**, the Council seeks to create viable economic opportunities for businesses and residents in the City of Yamhill; and,

**WHEREAS**, the Council seeks to initiate a broader and more holistic conversation regarding the future and planning of the City of Yamhill, and the economic development of the downtown business community; and,

**WHEREAS**, a Council goal is to enhance the City of Yamhill community by developing a visually appealing and economically viable community; and,

**WHEREAS**, the City of Yamhill is in need of improvements to provide an economically sound community for businesses and residents to thrive; and,

**WHEREAS**, the Economic Development Subcommittee will seek out grants for economic improvements which may require matching funds:

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAMHILL, OREGON AS FOLLOWS:**

SECTION 1: ECONOMIC DEVELOPMENT COMMITTEE. The Yamhill City Council hereby establishes an Economic Development Committee subject to the following provisions, terms and conditions:

- A. Purpose: The purpose of the Economic Development Committee is to perform research into economic development questions, consider options regarding economic opportunities, development and investments, investigate grant and funding options for economic development in the city, recommend code updates to the Planning Commission, and make recommendations to the City Council concerning economic development for the City of Yamhill.

- B. Establishment: The Economic Development Committee shall be established as a sub-committee to the City Council on September 11, 2024, and shall remain in existence until the City Council deems the committee is no longer needed.
- C. Membership: The Economic Development Committee shall consist of eight members including one non-voting advisory member and seven voting members. The non-voting member shall be the contract City Planner. The voting members shall include the City Administrator, City Public Works Manager, a Yamhill Planning Commissioner, one representative from the YDA, one representative from the downtown business district, one resident from inside the UGB, and one at-large member.
- D. Appointment: The City Administrator, Public Works Manager, and Contract Planner shall be members by virtue of their role with the City. All other members shall be appointed to the Economic Development Committee by the City Council for two-year terms from the effective date of this Resolution.
- E. Replacement: Any vacant appointed position on the Economic Development Committee may be filled through appointment by the City Council to fill out the remainder of the vacant position's term.
- F. Committee Chair: At its first meeting, the Economic Development committee shall elect a Chairperson to serve for a one-year term. The Chairperson shall preside over all regularly scheduled meetings and may call special meetings of the Economic Development Committee no earlier than 24 hours after notice is given according to ORS 192.640.
- G. Meetings: Members of the Economic Development Committee shall meet regularly. Meetings of the Economic Development Committee shall be open to the public and must have adequate pro notice under ORS 192.640. A majority of the voting members present at a regular meeting shall constitute a quorum. These meetings shall generally be guided by Robert's Rules of Order subject to modification by the Chairperson. Minutes shall be kept during the meetings and shall include all members present, any votes taken, motions presented, recommendations to be made, and the substance of any discussion.
- H. Public Meeting Laws: As the Economic Development Committee provides advisory recommendation to the City Council, all discussions and conversation of members regarding any matter related to economic development shall be subject to Oregon Public Meeting laws.
- I. Powers and Duties: The Economic Development Committee shall have the power and authority to make advisory recommendations to the City Council regarding all matters related to economic development. Any decision to make an advisory recommendation to the City Council must occur through a majority vote of the voting members. The Economic Development Committee may make

recommendations to the Budget Committee for budget allocations for the purpose of funding investigations, research, consulting services and grant writing. The Economic Development Committee shall have no authority to authorize expenditures on behalf of the City or to obligate the city for payment of any sums of money. It is within the purview of the committee to seek out and suggest possible funding sources for improvements to the City's economic development.

- J. Removal: A member of the Economic Development Committee may be removed by the appointing authority, after a hearing for misconduct or nonperformance of duty, or upon absence from meetings of the Committee for 60 days without consent of the Committee Chair.

SECTION 2: ECONOMIC DEVELOPMENT COMMITTEE APPOINTMENT: The City Council appoints the following individuals as members of this committee, subject to the membership conditions stated above:

**Voting Members:**

- Shelley Reimer, City Administrator
- Jason Wofford, Public Works Manager
- Jenny Morrison, YDA representative
- Philip Higgins, At-large
- Sue Richardson, Planning Commissioner
- One Downtown business representative
- Robert Davis, Resident inside UGB

**Non-voting member:**

- Walt Wendolowski, Contract City Planner

SECTION 3: EFFECTIVE DATE: The effective date of this resolution is September 11, 2024.

**INTRODUCED AND ADOPTED** by the City of Yamhill Council and signed by me in authentication of its passage this 11<sup>th</sup> day of September 2024.

**AYES:** \_\_\_\_\_  
**NAYES:** \_\_\_\_\_  
**ABSTAIN:** \_\_\_\_\_

\_\_\_\_\_  
Yvette Potter  
Mayor, City of Yamhill

ATTEST:  
  
\_\_\_\_\_

Angie Fowler, City Recorder

**PASSED AND ADOPTED** by the City Council the **(Date)** by the following vote:

AYES:

NAYS:

**DATED** this **(Date)**.

By: \_\_\_\_\_  
Yvette Potter, Mayor

ATTEST:

By: \_\_\_\_\_  
Angela Fowler, City Recorder

## CITY OF YAMHILL

### RESOLUTION NO. R-xxx

#### **A RESOLUTION AUTHORIZING THE CITY OF YAMHILL ECONOMIC DEVELOPMENT COMMITTEE TO CONDUCT RESEARCH ON DESIGNATING THE CITY OF YAMHILL CENTRAL BUSINESS DISTRICT AS HISTORIC DISTRICT**

**WHEREAS**, the City of Yamhill Oregon is currently on the National Register of Historic Places including the John Marion Bunn House, a turreted Victorian house in which Beverly Cleary spent the first six years of her life in the City of Yamhill Oregon; The Lee Laughlin House, a Victorian home which was the residence of Lee Laughlin located in the City of Yamhill Oregon; and,

**WHEREAS**, establishing an Historic District enables the preservation of historic building, playing an important role in the revitalization of Downtown and other neighborhoods within the City of Yamhill Oregon; and,

**WHEREAS**, a local historic district is a geographically or thematically defined area, possessing a significant concentration of buildings united by their history and/or architecture; and,

**WHEREAS**, property owners in an historic district are not required to make changes to their properties or restore buildings to their historic appearance; rather, the historic review process applies only when a property owner initiates a construction project that requires a Certificate of Appropriateness; and,

**WHEREAS**, locally designated historic districts offer the strongest protection and greatest benefit for older neighborhoods, and designation requires the support of a majority of property owners or land area owners as well as a high level of architectural integrity; and,

**WHEREAS**, the Economic Development Committee will be tasked with locating historic buildings contributing to the historic character of the City of Yamhill; and,

**WHEREAS**, the Economic Development Committee will present their findings to the City Council for discussion of zoning or rezoning for historic preservation; and,

**WHEREAS**, this Resolution No. R-xxx seeks to initiate a broader and more holistic conversation regarding the future and planning of the City of Yamhill, Oregon on the National Register Historic District; and,

**WHEREAS**, a Planning Commission goal is to enhance the City of Yamhill community by developing a visually appealing and culturally rich community; and,



**WHEREAS**, the City of Yamhill is committed to the historic preservation of area culture, and the Economic Development Committee will be charged with providing recommendations for code updates to the Planning Commission; and,

**WHEREAS**, the City of Yamhill is in need of improvements to provide an acceptable and accessible repository for historical records and artifacts related to the city and the surrounding area; and,

**WHEREAS**, the Economic Development Committee will seek out grants for the improvements which may require matching funds:

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAMHILL, OREGON AS FOLLOWS:**

A resolution authorizing the City of Yamhill Economic Development Committee to be appointed authority to conduct research on the City of Yamhill Oregon as a designated historic district.

**PASSED AND ADOPTED** by the City Council the **(Date)** by the following vote:

AYES:

NAYS:

**DATED** this **(Date)**.

By: \_\_\_\_\_  
Yvette Potter, Mayor

ATTEST:

By: \_\_\_\_\_  
Angie Fowler, City Recorder