



AGENDA
CITY OF YAMHILL, CITY PLANNING COMMISSION MEETING
Council Chambers – 155 E 1st Street
Tuesday – August 7, 2018
7:00 PM

Public Hearing – Planning Commission

1. **Call to Order** –Roll Call
2. **Flag Salute:**
3. **Public Hearing:**
 - A. Public Hearing on Conditional Use Permit Application CUP 18-01.
(Operation of Child Care Center)

Regular Meeting – Planning Commission

4. **Public Comment:** (This time is provided for persons in the audience on ANY item of Planning Commission business, except those items which appear on this agenda or refer to land use requests, however, the Planning Commission reserves the right to defer any request for action from any persons addressing the Planning Commission who have not been placed on the agenda. Comments shall be limited to two to five minutes, at the Chair's discretion.)
5. **New Business:**
 - A. Discuss and review Municipal Code 5.04.030, 10.108.010 and 10.16.020 pertaining to goats or pigs within City Limits.
6. **Unfinished Business:**
 - A. Continue discussion regarding City growth and infrastructure.
7.
 - A. Approval of Planning Commission Minutes from June 5, 2018.
 - B. Schedule next Planning Commission meeting for Tuesday, September 4, 2018.
8. **Information/Announcements:**
 - A. City Council meeting – Wednesday, August 8, 2018

9. **Adjournment**

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

3.A.

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

Conditional Use Case 18-01
Sackett

I. BACKGROUND

- A. APPLICANT: Tania Sackett
- B.
- C. OWNER: Jonathan Siegel
- D. REQUEST: Approve a conditional use permit for the operation of a child care center in the R-2 zone
- E. LOCATION: 870 E. 1st Street, Yamhill, Oregon
- F. APPLICABLE REVIEW CRITERIA: City of Yamhill Community Development Code Section 10.104.030 (available at www.cityofyamhill.com).
- G. PARCEL SIZE: This parcel has 11,984 square feet
- H. EXISTING DEVELOPMENT: A single-family home is located on the property
- I. ZONING: The property is zoned Single-Family Residential (R-2). The minimum lot size in the R-2 zone is 6,000 square feet.

II. DISCUSSION

This is an application for a conditional use permit to allow operation of a registered family child care facility in an existing house in a R-2 Single Family zone.

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

The requested use is listed in Yamhill Development Code Section 10.16.030 –

Conditional Use, as follows:

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

The proposed day care facility will be operated by the resident of the home within the existing residential structure. The facility will be licensed by the State of Oregon as a registered child care center. Such a facility is limited to a maximum of 10 children. At this level of licensing, no additional employees are required nor are none proposed. The license requirements also cover the physical condition and arrangements of the spaces used for caring of children, the programmatic elements of the care including outdoor play times, etc., and the safety requirements relative to potential injury from materials, falls, fire, and other potential hazards.

The single-family residence has a double width driveway long enough to allow parking for four cars. The house is on the corner of 1st and Balm Streets. Neither street has curbs or sidewalks.

Staff does not perceive any potential impacts from the proposed use that will require mitigation other than a concern about pick-up and drop-off times and locations.

As there are no street improvements it may be problematic to allow children to exit or enter cars pulled over to the side of the street. Without sidewalks, it may be more likely a child will wander toward the street. Also, cars pulled to the edge of the relatively narrow street without a designed paved parking lane may create congestion and safety concerns as cars line up to drop off or pick up children.

As the driveway is adequate to accommodate several cars, it is recommended a condition be imposed which requires the applicant to sign the driveway as the approved drop-off and pick-up point and to inform clients of this requirements in the written rules for the day-care center.

II. FINDINGS OF FACT

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

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

FINDING: The applicant speaks to the need for child care. Staff concurs that child care is a needed service in Yamhill, especially considering the high number of Yamhill

residents who commute out-of-town for employment. The criterion is met.

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

FINDING: Other properties may be available, but this negates the provision to provide the service in the operator's own home. This criterion is met and may not be applicable.

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

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

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

FINDING: The proposed day care facility will be licensed by the State of Oregon which determines adequacy of the physical elements of the structure and yards to serve as a day care facility. As the residential character of the house may not change, it will continue to be well incorporated into the neighborhood.

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

FINDING: The use will not impact the ability of the street to handle the minimal amount of additional traffic as a condition of approval is imposed requiring the driveway to be used for pick-up and drop-off purposes.

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

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

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

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

The criterion is met.

III. RECOMMENDATION AND CONDITIONS OF APPROVAL

- A. Staff finds the Conditional Use application, with the proposed conditions of approval, complies with the applicable decision criteria and recommends approval subject to the following conditions:
1. The applicant shall obtain and maintain State of Oregon licensing as required for a Child Care Center.
 2. A sign, not exceeding one square foot in size, will designate the existing driveway as the appropriate location for dropping off and picking up children. Notice of the driveway being the area for drop-off and pick-up will be included in the written rules of the Child Care Center and will be referenced in all contracts for child care services.

IV. PLANNING COMMISSION ACTION

- A. The Planning Commission may either:
1. Approve the application with the recommended conditions of approval and adopt findings contained in the Staff Report;
 2. Approve the application with modified findings and conditions; or
 3. Deny the application; specify reasons why the applicant has not met the criteria.
- B. Staff will prepare an Order for the Chair's signature based on the Planning Commission decision.

CONDITIONAL USE APPLICATION

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

Date Rec'd: July 11, 2018
Docket Number: CUP- 18-01
Hearing Date: August 7, 2018
Date Rec'd: _____

APPLICANT IS	TITLE HOLDER OF THE PROPERTY INFORMATION
Legal Owner <input checked="" type="checkbox"/>	Name: <u>Jonathan Siegel</u> Phone #: <u>503-995-3172</u>
Contract Buyer <input type="checkbox"/>	Address: <u>870 E 1st St Yamhill 97148</u>
Option Holder <input type="checkbox"/>	APPLICANT INFORMATION
Agent <input type="checkbox"/>	Name: <u>Tania Sackett</u> Phone #: <u>503-830-8046</u>
	Address: <u>870 E 1st St Yamhill 97148</u>

LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THIS APPLICATION

Property Address: 870 E 1st St Yamhill Size: 107 X 112 Total Area: 11,984
Map #: 3404AD Lot #: 4000 Block #: 20 Sub-Division: _____
Total Area Involved: _____ Current Zoning: R-1 ___; R-2 xx; 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: Permit to open a registered family child care center out of my home.

Proposed Use(s) and sequence of construction: N/A

Anticipated Timetable for Project: N/A Start _____ Finish _____

Present Use of this property: our residence

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: Child care is always an important need and I would love to provide my services as a child care provider to our community.

How will surface water be taken care of:

N/A

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

N/A - have enough parking in driveway

Total employees and/or occupants: Present: 5 occupants in home Proposed: same occupants

self employed - only myself to run daycare

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.

Tania Surovt

Applicant's Signature

[Signature]

Owner's Signature

7/10/18

Date of Application

To whom it may concern;

I am requesting your consideration for a Conditional Use Permit as I would like to open a childcare center for the Yamhill community. I understand that childcare is always an important need and have been receiving calls for my services as a provider. I'm passionate about children and enjoy watching them grow and learn. I have many years of experience with children by working in the local school districts and by being a mom.

My childcare center will provide an educational, fun and loving environment which is crucial for the growth of our children. I will support and encourage children's curiosity to learn and play, and will guide them by being a kind, compassionate and positive role model. As a childcare provider I know that children's safety comes first. I have taken the necessary courses through the State of Oregon Early Learning Division and am in the process of becoming a Registered Child Care Center.

Thank you for your time and consideration. I am excited for this opportunity and hope to become an important asset to our community.

Thank you,

A handwritten signature in cursive script that reads "Tania Sackett". The signature is written in black ink and is positioned above a solid horizontal line.

Tania Sackett

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Yamhill Planning Commission, at its meeting on August 7, 2018 at 7:00 PM, in the City Council Chambers of the City Hall, City of Yamhill, Oregon, will consider the following application:

APPLICANT: Tania Sackett

OWNER: Jonathan Siegel

REQUEST: Conditional Use Permit for a registered family child care center

LOCATION: 870 E 1st Street, Yamhill, Oregon

APPLICABLE REVIEW CRITERIA: City of Yamhill Community Development Code Section 10.104.030 (available at www.cityofyamhill.com/amc/1112.htm)

(see map on reverse)

NOTICE TO MORTGAGEE, LEINHOLDER, VENDOR, OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

The Public Hearing on this matter will be conducted in accordance with the rules contained in the zoning ordinance adopted by the City of Yamhill City Council, which is available at City Hall.

All interested persons may appear and provide testimony and only those who submit written comments or testify at the hearing shall be entitled to appeal. Written comments may be submitted in advance by US Mail or hand-delivery to the address below.

Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the approval authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

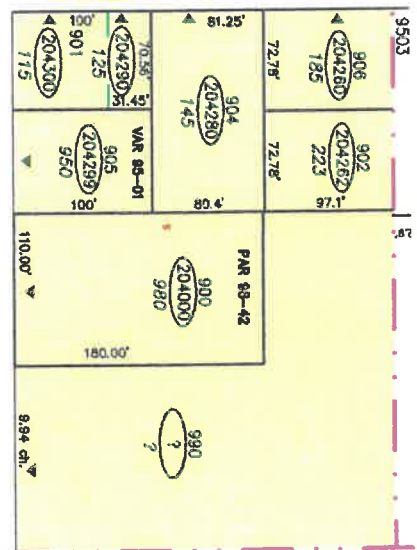
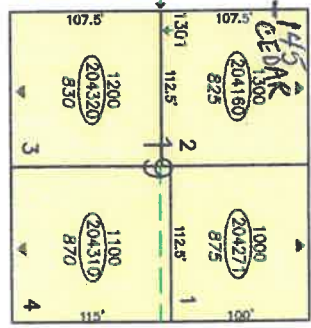
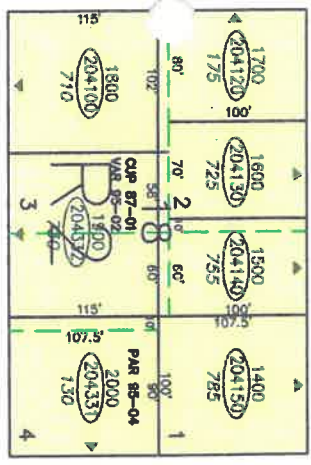
At least seven days prior to the Hearing, a copy of the staff report will be available for inspection at no cost, or a copy can be obtained for fifteen cents per page.

For further information, please contact City of Yamhill City Hall, at 503-662-3511, 205 S Maple Street, Yamhill, OR 97148.

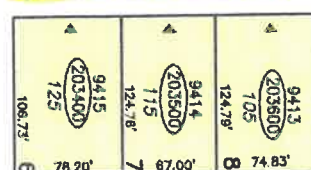
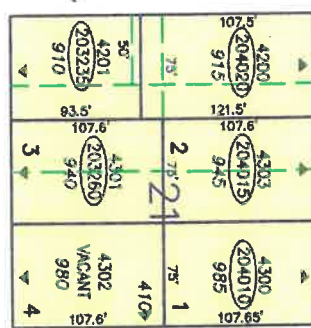
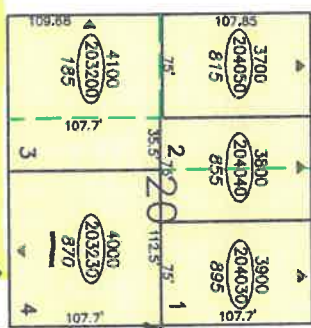
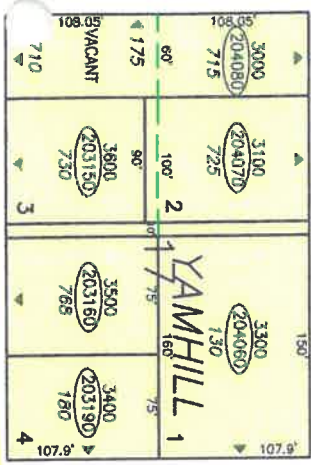
August 7, 2018

E AZALEA ST

3-4-04AD
YAMHILL

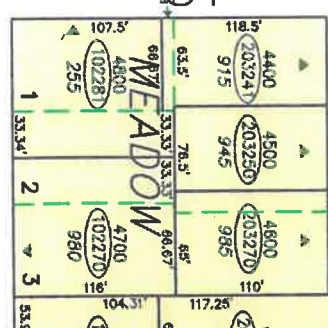
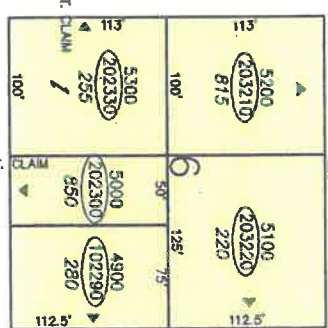
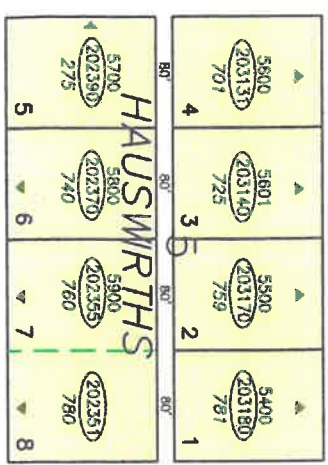


FWY 240)



E FIRST

ST



E SECOND

ST



D.L.C. CERT. CLAIM
2033000
1055

312 N 88' 56" W
of SE Cor. A. 4th

16.

5.A.

Yamhill Municipal Code							
Up	Previous	Next	Main		Search	Print	No Frames

[Title 5 OFFENSES](#)
[Chapter 5.04 NUISANCES](#)

5.04.030 Goats and Swine.

(A) No person shall have or keep goats or swine within the City, except that this section shall not apply to goats or swine being transported for commercial purposes.

(B) Any nuisance as described in this section may be classified as an imminent threat to the public health, safety or property of the citizens of Yamhill by the Chief of Police, and if such imminent threat is allowed to continue by the person or person in charge for a period of more than two hours after citation by the Police Department for violation of this section, the person or person in charge shall be subject to the abatement procedure provided in Sections 5.04.240 through 5.04.260 of this chapter. (Ord. 353 §3, 1985; Ord. 430 §1, 1998)

View the [mobile version](#).

Yamhill Municipal Code							
Up	Previous	Next	Main		Search	Print	No Frames

[Title 10 ZONING](#)

[Chapter 10.108 SPECIFIC CONDITIONAL USES](#)

10.108.010 Standards Governing Keeping of Animals in Residential Zones.

In addition to the other provisions of Chapter 10.104, the following conditions shall apply in a zone when animals are permitted by conditional use procedures. In addition to the lot area per family requirement for the zone, the following additional area requirements apply to the raising of animals:

(A) Agricultural Livestock.

(1) The raising of animals and fowl as a commercial enterprise is prohibited.

(2) Bees and domestic farm animals, except pigs and goats may be raised on lots having an area not less than three acres.

(3) The total number of such animals allowed on a lot, shall be limited to the square footage of the lot divided by the total minimum area required for each animal as follows: horses, cows, sheep—25,000 square feet/each.

(B) Domestic Livestock Kept as Pets.

(1) Miniature livestock animals, including miniature horses and goats, may be kept as pets subject to the following standards:

(a) The total lot area of the parcel upon which the animals are kept shall be no less than 15,000 square feet.

(b) The number of animals shall be limited to two on a 15,000 square foot parcel. For each additional animal, 5,000 square feet of additional land within the lot is required.

(c) Animals shall not exceed 250 pounds in weight or 48 inches in height.

(C) Chickens, fowl or rabbits are allowed to be kept on any lot, but the number of chickens, fowl or rabbits shall not exceed one animal for each 1,000 square feet of property upon which animals are kept. Rabbits, chickens and/or fowl shall be maintained at all times. All food shall be stored in metal or rodent-proof receptacles.

(D) Accessory buildings and structures, for raising and keeping of animals are not permitted in the front 60 feet of the lot. All accessory buildings which are not part of the main building, shall be separated from the main building by at least 10 feet. Exception: Animal runs, pens or barns shall be located on the rear half of the property but not closer than 80 feet from the front property line and 15 feet from a side lot line. Proper sanitation shall be maintained at all times. (Ord. 454 §2, 2000; Ord. 475 §1, 2005; Ord. 515 §1, 2017)

View the [mobile version](#).

Yamhill Municipal Code							
Up	Previous	Next	Main		Search	Print	No Frames

Title 10 ZONING

Chapter 10.16 R-2 SINGLE-FAMILY RESIDENTIAL ZONE

10.16.020 Use.

Within the R-2 zone, no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for one or more of the following uses:

(A) One-family dwelling, including a mobile home, manufactured home or prefabricated home meeting all lot size requirements of the zone and subject to provisions of Section 10.80.020 (Design Standards for Mobile Homes, Manufactured Homes, or Prefabricated Homes on Individual Lots).

(B) Playgrounds, parks.

(C) Gardens, orchards, and crop cultivation, provided no stables or barn, cattle or other livestock or poultry is maintained in connection therewith, except as provided in Section 10.16.030, and provided no sales area or retail business is operated in connection therewith, and provided that all other applicable regulations are complied with, and provided further, in no instance shall goats or pigs be maintained on any lot within the City limits.

(D) Accessory Uses and Structures (subject to the requirements of Chapter 10.72).

(1) Customary residential accessory building for private use, such as pergola, greenhouse, hot house, hobby shop, or summer house, above ground pool, patio, enclosed or covered patio, woodshed, quarters for domestic animals maintained as pets by the residents. This shall not include livestock of any kind including cattle, or other livestock or poultry, except as provided in Section 10.16.030. In no instance shall goats or pigs be maintained on any lot within the City limits;

(2) Fallout shelters;

(3) Fences;

(4) A private garage for not more than three motor vehicles for each single-family dwelling on the same lot with or within the dwelling to which it is accessory and in which no garage business or industry is conducted;

(5) Storage for a commercial vehicle with a maximum of one commercial vehicle per dwelling. No garage business or industry shall be conducted on the property;

(6) Accessory dwelling units subject to the provisions of Chapter 10.116;

(7) Swimming pools for private use below grade requiring a building permit and subject to the requirements of Chapter 10.72.

(E) The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any single-family dwelling, nor more than four in any legally established two-family dwelling.

(F) Home occupations, subject to the provisions of Chapter 10.96. (Ord. 454 §2, 2000; Ord. 515 §1, 2017)

View the [mobile version](#).

7. A.



**CITY OF YAMHILL
CITY PLANNING COMMISSION MEETING
Tuesday – June 5, 2018 7:00 PM**

Minutes

Regular Meeting – Planning Commission

1. Call to Order –Roll Call

The Yamhill Planning Commission meeting was called to order at 7:02pm by Chair Mitchell.

ROLL CALL:

Members present: Commissioners Mitchell, Player, Moore and Prendergast
Excused Absence: Commissioner Fox
City staff present: City Recorder Gilmore, Superintendent Howard,
City Planner John Morgan

2. Flag Salute:

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

3. Public Comment:

None Received.

4. New Business:

- A.** Discussion of resident’s interest in rezoning R-1 property south of town.
- B.** Discussion of City growth, industrial needs and the availability of land and Infrastructure.

Planner Morgan suggested that agenda items A and B be blended and discussed together, as both items are related and tonight will be a brainstorming session for the Commission. Morgan stated that the Commission has spent a lot of time over the years discussing the future and needs of the community including an economic opportunity study approximately ten year ago that determined that Yamhill had a need for about 40 acres of industrial land. At the time, Yamhill had no industrial land, or even a zone for industrial land. Shortly after the study, 27 acres adjacent to Stiller’s Mill Road were brought into the urban growth boundary and rezoned light industrial. The land owners of the industrial property are not interested in selling at this time and have recently planted filbert trees on the acreage and Morgan feels the land should be taken out of the City’s available lands inventory as it is not readily available.

Morgan stated that the Commission has spent a lot of time reviewing and amending the Municipal Code to help meet the housing needs to address the lack of both housing and affordable housing in the community. Recently, there were amendments to lower the minimum lot size that would allow for subdivisions to build more homes and division of existing lots would be easier to divide if it was a smaller minimum square footage. Also amended was the code to allow for accessory dwelling units in all zones and a multi-family zone was created. Morgan suggested that the Commission take a look at agenda Item A, residents interest in rezoning R-1 property along Hwy 47 south of town and have discussion of broad land use patterns and see if the zoning map makes sense for the interest of the community and their future needs. Morgan stated that the City is constrained by water capacity and we need to be mindful of that and possibly face in new construction as capacity improvements are made.

Chair Mitchell suggested that a solution could be to move the City Limits line further north and transfer some of the properties on Hwy 47 south of town back to Yamhill County to avoid the residential code restrictions. Morgan stated that it has been done before, but each land owner would have to be willing to go through the process and it would need to be in the best interest of both the City and land owners. The Commission's consensus was not in favor of moving the City Limits boundary. Discussion continued regarding rezoning the area and whether it is something the City would want to pursue or if the vision for Yamhill involves adding light industrial zoning areas. Also discussed was the expense for the City to initiate the process and because of the current City budget, any major change to the comprehensive plan would be cost-prohibitive at this time. The City may need to apply for grants to update the comprehensive plan, which is very time consuming but may be the most feasible before starting any land change process.

In attendance were residents that have purchased property at 16689 Highway 47, Yamhill and are interested in keeping business equipment on the property and questioned if rezoning would be necessary. The property size is .81 acres and is large enough to meet all setbacks for building a pole barn that residents are inquiring about.

Morgan continued the discussion whether the need for available land is critical, or does the Commission feel the City has sufficient buildable land inventory and would like to postpone the discussion to a future date. Moore questioned if the City has a recent buildable land inventory study and Howard responded that it is in progress, but due to the City budget, it will be a slow process. The legal description of the City has been completed and the inventory study is still in progress with AKS Engineering continuing the GIS mapping process. The Commission understands that any City expansion will need infrastructure consideration and will have budgeting constraints.

5. Unfinished Business:

A. None Scheduled.

6. A. Approval of Planning Commission Minutes from May 1, 2018.

There were no members in opposition to the minutes.

Prendergast made motion, seconded by Moore to approve minutes.

Roll Call: Ayes: Prendergast, Moore, Player and Mitchell
Nays: None

The Motion Carried.

B. Schedule next Planning Commission Meeting/Public Hearing July 3, 2018.
It was noted that due to no land use change applications being received 30 days prior to July 3, 2018, the tentative Public Hearing and next meeting is scheduled for Tuesday, August 7, 2018.

7. Information/Announcements:

A. City Council meeting – Wednesday, June 13, 2018

8. Adjournment: 8:40pm

Moore made motion to adjourn,

All in favor, meeting adjourned at 8:40pm

Respectfully Submitted:
Lori Gilmore
City Recorder/Treasurer