

City of Yamhill

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LA2025-01 Hearing Packet

June 11, 2025,
6:30 p.m.

CITY OF YAMHILL PLANNING COMMISSION HEARING

LA 2025-01

STAFF REPORT

Hearing Date: May 19, 2025
File Number: LA 2025-01
Subject: Omnibus Comprehensive Plan and Legislative Text Amendments
Criteria: Yamhill City Chapter IV
Yamhill Municipal Code Chapter 10.132.060-10.132.090
City of Yamhill Comprehensive Plan
City of Yamhill Development Code Chapters
Exhibits: **Exhibit A:** Housing Code Amendments to Title 10 with changes tracked
Exhibit B: Housing Code Amendments to Title 11 with changes tracked
Exhibit C: Downtown Code Amendments to Title 10 with changes tracked
Exhibit D: Housing Code Annexation amendments with changes tracked
Exhibit E: Comprehensive Plan amendments with changes tracked
Exhibit F: Yamhill Housing Code Audit Summary – Final
Exhibit G: Yamhill Downtown Code Audit Summary – Final
Exhibit H: CAC #3 Presentation with Comprehensive Plan Audit Results
Exhibit I: BLI Memo City of Yamhill

I. BACKGROUND

The Comprehensive Plan and code amendments included in LA 2025-01 are the result of work performed in satisfaction of two Technical Assistance Grants from the Department of Land Conservation and Development (DLCD). The first was to update the Zoning and Land Division Ordinances related to housing in accordance with state statute and rule that apply to cities with populations over 2,500. The second grant responds to community desires to further activate the Central Business District and the future of the downtown area. LA 2025-01 consolidates the results of both these projects into the code amendment package in Exhibits A-E. For citizen input, the consultant team primarily relied on a Citizen Advisory Committee (CAC), which met three times over the course of the project to review and provide feedback on key project deliverables.

The development requirements of the Yamhill Municipal Code (YMC) are contained in Titles 10 and 11 of the YMC. Title 13 of the YMC applies to annexations. The consultant team also reviewed the Comprehensive Plan to ensure the City has the necessary policies in place to support the housing and economic goals of the city (Exhibit E).

Exhibit F includes the final audit of the housing elements of the development code. Section III includes the key findings of the audit, with descriptions of the amendments that are implemented in the amendments shown in Exhibits A and B as directed by the Citizen Advisory Committee (CAC).

Exhibit G includes the final audit of the elements of the development code related to downtown and other employment districts. Section III includes the key findings of the audit, with descriptions of the amendments that are implemented in the amendments shown in Exhibit C as directed by the Citizen Advisory Committee (CAC).

Exhibit H includes the results of the Comprehensive Plan audit with descriptions of the amendments shown in Exhibit E.

II. PROCEDURE

Chapter 10.132 of the Yamhill Municipal Code describes the process for Comprehensive Plan amendments. Chapter 10.132.070 describes how the Planning Commission may initiate Comprehensive Plan Amendments by conducting a public hearing and submitting a recommendation to the City Council. The Code does not currently include procedures or criteria for legislative text amendments. New criteria for legislative text amendments are included in this text amendment package proposed as Chapter 10.132.110, which are substantially similar to the criteria for Comprehensive Plan amendments with regard to how they are necessary to fulfill a public need and comply with statewide goals. Therefore, for this code update, LA 2025-01 is following the procedural steps described in Chapter 10.132.070, and the process for ordinance adoption described in Chapter IV of the Yamhill City Charter.

III. CRITERIA & FINDINGS

The City must make findings concluding the proposed amendments are consistent with the procedural requirements of the Yamhill Municipal Code, the Yamhill Comprehensive Plan, and Statewide Planning Goals, as summarized below.

§ 10.132.090 Findings Required for Granting a Comprehensive Plan Amendment.

The Planning Commission and City Council shall analyze the following points and, in a written form, incorporate such findings in its decision:

(A) That there is a public need for a Comprehensive Plan amendment.

Finding: The need for the Comprehensive Plan amendment and the related amendments to the implementing ordinances included in LA 2025-01 was identified to eliminate conflicting language and creating clear and objective guidelines for the development within the Central Business reduce subjectivity and streamline the review process. The City has noted that the last look at the CBD, and associated C3 zone, was in 2004. The economic world has changed in the last 19 years, especially retail sales and the role of the downtown. LA 2025-01 will help ensure that the City's land use regulations align with the City's current economic vision for the CBD, as well as applicable State laws and Statewide Planning Goals.

For residential uses, the need for LA 2025-01 was identified to incorporate new housing types (Single Room Occupancies) into the code, examine standards permitting the development of housing using state statutes and Administrative Rules (OAR Chapter 660) and recent legislation as guidance, incorporate clear and objective standards for review and approval of housing projects, and streamline the process of development review for housing projects.

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

Finding: Staff is not aware of any errors in the original Comprehensive Plan. The amendments include updates to maps in the body of the plan to reflect current conditions and text amendments for consistency with the code updates.

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

Finding: The need to change the currently adopted Comprehensive Plan is described in criterion (A) above.

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

Finding: LA 2025-01 does not involve redesignating any land shown on the Comprehensive Plan Map. This criterion does not apply.

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

Finding: LA 2025-01 does not involve redesignating any land shown in the Comprehensive Plan Map.

(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.*

LA 2025-01 complies with applicable statewide planning goals as follows:

Goal 1, Citizen Involvement: LA 2025-01 is the product of three work sessions with the Citizen Advisory Committee to review key deliverables and a joint work session with Planning Commission and City Council that were advertised and open to the public. Public hearings are scheduled before the Planning Commission on May 19, 2025, and a second public hearing is scheduled before City Council on June 11, 2025. Public notice has been provided in accordance with notice requirements in the Yamhill Municipal Code for legislative public hearings by the Planning Commission and the City Council. Goal 1 is satisfied.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the Yamhill Municipal Code requirements for processing legislative amendments to the Yamhill Comprehensive Plan. Goal 2 supports clear and thorough local procedures. Goal 2 is satisfied.

Goal 3, Agricultural Lands: Goal 4, Forest lands: Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is not applicable. The proposal does not address Goal 5 resources.

Goal 6, Air, Water, and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: The proposal does not address Goal 7 resources. Goal 7 does not apply.

Goal 8, Recreation: The proposal does not address recreational needs. Goal 8 does not apply.

Goal 9, Economy of the State: The potential to stimulate economic activity in the Central Business District has been a primary motivator for the project, however LA 2025-01 does not involve the adoption of an Economic Opportunity Analysis. Goal 9 does not apply.

Goal 10, Housing: Goal 10 requires cities to plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory buildable residential lands, project future needs, and plan and zone enough buildable land to meet those needs. Goal 10 is typically satisfied with a Housing Capacity Analysis (HCA) and Housing Production Strategy prepared in accordance with Division 8 of OAR 660. One of the project deliverables was the Draft Residential Buildable Lands Inventory (BLI) in Exhibit I. The project produced this product internal guidance and not as part of an HCA. The current acknowledged Comprehensive plan was adopted in May of 2000. The Land Use and Urbanization chapter discusses the need to provide for a projected population of 1,517 by 2017, but does not provide specifics as to residential needs. The draft residential BLI findings indicate there is a total of 35 acres of buildable residential land. 37% of the buildable land (13 acres out of 35 acres) is vacant.

Yamhill's population growth has been slower than what was projected in 2000. The current population is 1,245 residents and the most recent population projections published by the PSU Center for Population Research projects a population of 1,395 residents in 2044. Finally, according to the Oregon Housing Needs Analysis Draft Methodology published in September 2024, Yamhill is projected to need 109 new housing units over the next 20-year planning period to accommodate future residents. While it isn't possible to predict the capacity of buildable residential land given the incomplete information available, LA 2025-01 creates new opportunities for efficient utilization of buildable residential land by reducing the regulatory requirements for siting duplexes and single-room occupancies on lots zoned for single-family homes. The need (109 units) can theoretically be met on the vacant land alone (13 acres) at a modest density of 8.38 units per acre ($109/13 = 8.38$). LA 2025-01 is consistent with Goal 10.

Goal 11, Public Facilities and Services: No amendments to the Plan map or Zoning Map are recommended that will affect existing public facilities and services. Goal 11 does not apply.

Goal 12, Transportation: The proposed amendments do not involve rezoning any land or updating the transportation system plan. Goal 12 is satisfied.

Goal 13, Energy Conservation: The proposal does not address Goal 13 issues. Goal 13 does not apply.

Goal 14, Urbanization: LA 2025-01 does not involve a change to the Urban Growth Boundary. Goal 14 does not apply.

Goals 15 through 19: LA 2025-01 does not involve the Willamette Greenway, estuarine resources, coastal shorelands, beaches and dunes, or ocean resources. Goals 15 through 19 do not apply.

LA 2025-1 satisfies the statewide planning goals.

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

Findings: LA 2025-01 does not involve a UGB expansion or other map amendments affecting specific properties. Criteria G-I do not apply.

RELEVANT COMPREHENSIVE PLAN GOALS AND POLICIES

Current Comprehensive Plan goals and policies relevant to LA 2025-01 are discussed below. LA 2025-01 includes proposed amendments to a number of these goals and policies as shown in Exhibit E. Additions to the relevant goals and policies are shown underlined.

Economic Goals and Policies

Goals:

1. *To provide for the needs of existing industries, encourage desired economic growth, develop a stable community-based economy, and provide for greater employment opportunities for Yamhill's citizens.*
2. *To provide a Central Business District (CBD) with commercial and mixed use development that meets the needs of residents and visitors.*

Policies:

1. *The City shall encourage the type of industrial development that contributes substantially to the community's economy by assuring revenues and wages generated will be recycled through the local economy.*
2. *The City shall encourage industry that will raise the wage scale in the community.*
3. *The City shall encourage industry that would offer employment to, and create a balance between, a broad range of workers, including professional, skilled and unskilled labor.*
4. *The City shall encourage industry that provides training opportunities in skills that can be transferred to other job categories and opportunities.*
5. *The City shall encourage industry that would pay its fair share for services required for its establishment and maintenance.*

6. *The City shall encourage industry and/or economic activity that will not drain the energy resources of the area. Energy efficient, and conservation measures that shall be promoted, include, but are not limited to the following:*
 - (a) *Efficient building, manufacturing, and heating practices.*
 - (b) *Co-generation systems, including the burning of wastes.*
 - (c) *Utilization of new and alternative systems.*
7. *The City shall encourage industrial development that is non-polluting.*
8. *The City shall encourage a strategy of economic development that will:*
 - (a) *Efficiently utilize and develop existing resources.*
 - (b) *Encourage further development and expansion of existing facilities and industries, and/or economic activity.*
 - (c) *Identify local, state, and federal resources to assist in the economic and industrial expansion desired in Yamhill.*
 - (d) *Identify and correct problems that discourage desired economic growth.*
 - (e) *Identify and promote industry and/or economic activity that will be compatible with, enhance, and maintain Yamhill's small town character, quality of life, and identity.*
9. *Future industrial growth found to be incompatible with residential use shall be directed away from existing or proposed areas of residential development. These industries shall be sited in concentrated areas sufficiently buffered from adjacent uses to prevent conflict.*
10. *An industrial facility proposal shall be evaluated to consider the social, environmental, and economic impacts to the City and surrounding area before being approved.*
11. *Area for future industrial expansion shall be designated on the Plan map.*

Findings: Policies 1 through 11 generally address industrial development. Exhibit C includes limiting housekeeping amendments in the Industrial zones but does not include any amendments intended to address these policies.

12. Ensure that the CBD includes sufficient land to accommodate the city's current and future commercial needs.

13. Promote downtown Yamhill to attract new businesses that will diversify the economy and provide needed services.

14. Expand downtown by allowing live/work units and home occupations in residential zones adjacent to the CBD.

Findings: Policies 12,13, and 14 are new policies that will guide future planning actions and promotional efforts.

15. Allow limited industrial uses in the CBD when co-located with a primary commercial use.

Findings: These use have been added to Section 10.46.040 of the YMC in satisfaction of this policy.

Housing Goals and Policies

Goals:

1. *To support housing development and preservation that meets the needs of Yamhill residents at all income levels.*
2. *To recognize manufactured homes as an important source of housing supply.*

Policies:

1. *The City shall provide a 20-year land supply to accommodate a mixture of housing types and densities throughout the City.*

Findings: LA 2025-01 updates Title 10 And 11 of the YMC using provisions of HB 3395 which requires ordinances to allow duplexes and single-room occupancy (SRO) on any lot zoned for single-family detached housing as guidance. Additionally, LA 2025-01 codifies the middle housing land division standards from ORS 92 to allow for the division of lots for attached middle housing. Lowering regulatory obstacles for these housing types encourages a variety of housing types and densities in the future housing supply consistent with this policy.

2. *The maintenance, rehabilitation, and conservation of the existing housing supply shall be encouraged.*

Findings: LA 2025-01 does not affect the City's existing approach toward encouraging the maintenance, rehabilitation, and conservation of the existing housing supply.

3. *The use of new and innovative design and development techniques shall be provided for through the planned unit development portion of the Zoning Ordinance.*

Findings: LA 2025-01 involves the addition of SROs - a new and innovative housing type for Yamhill – which now can be permitted through a planned unit development, subdivision, middle housing land division, or on existing platted lots.

4. *The City shall plan for full urban services to support residential development. Development shall be approved when services are available or can be provided by the developer.*

Findings: LA 2025-01 does not involve any changes to regulations for siting or delivering urban services.

5. *The City shall allow manufactured homes on all lands designated for single-family residential uses.*

Findings: LA 2025-01 includes amendments to comply with statutes to ensure that manufactured homes are permissible under the same standards as single-family homes.

IV. ACTION

The Planning Commission's options for taking action on Legislative Amendment 2025-01 include the following:

- A. Adopt the findings in the staff report and recommend that the City Council adopt Legislative Amendment 2025-01:
 1. As presented by staff; or
 2. As amended by the Planning Commission (stating revisions).
- B. Recommend that the City Council take no action on Legislative Amendment 2025-01.
- C. Continue the public hearing to a time certain.

EXHIBIT A

Housing Code Changes Title 10 Zoning Amendments 5/1/2025

The proposed amendments are shown in ~~strike through~~ for language to be deleted and in double underline for language to be added.

Chapters:

- 10.04 Preamble
- 10.08 General Definitions
- 10.12 R-1 Single-Family Residential Zone
- 10.16 R-2 Single-Family Residential Zone
- 10.20 R-3 ~~Two-Family~~ Mixed Residential Zone
- 10.21 RM Multifamily Residential Zone
- 10.24 RLC Residential Limited Commercial Zone
- 10.28 C-3 General Commercial Zone
- 10.32 L-I Light Industrial Zone
- 10.34 E-I Employment Industrial Zone
- 10.36 PF Public Facility Overlay Zone
- 10.40 FHO Flood Hazard Overlay Zone
- 10.44 LUO Limited Use Overlay Zone
- 10.46 CBD Central Business District Overlay Zone
- 10.48 General Provisions
- 10.52 Off-Street Parking and Loading
- 10.56 Bicycle Parking
- 10.60 Fence and Wall Regulations
- 10.64 Sign Regulations
- 10.68 Clear-Vision Area
- 10.72 Accessory Structures
- 10.76 Lot Area, Yards and Height Restrictions
- 10.80 Manufactured ~~Home/Manufactured Dwelling/Mobile Home~~ Prefabricated Structures Regulations
- 10.84 Temporary Structures
- 10.88 Nonconforming Buildings and Uses
- 10.92 Land Use and Building Permit Procedure
- 10.96 Home Occupation Permits
- 10.98 Review of Demands for Compensation Under Oregon Revised Statutes Chapter 197
- 10.100 Variances
- 10.104 Conditional Uses
- 10.108 Specific Conditional Uses
- 10.112 ~~Development Permits~~ Site Development Review
- 10.116 Specific ~~Development Permits~~ Site Development Review
- 10.120 Mobile Home and Manufactured Dwelling Parks
- 10.124 Planned Unit Development
- 10.128 Administrative Provisions
- 10.132 Change of Zone, Comprehensive Plan Amendment

A. Amend Chapter 10.04.010 Established Zones to read as:

Sections:

10.04.010 Zones Established.

10.04.020 Zoning Map.

10.04.030 All Use Shall Be Consistent with Regulations.

10.04.040 Future Annexations Shall Comply with Regulations.

10.04.050 Zoning of Future Street Vacations.

10.04.010 Zones Established.

(A) In order to designate and regulate the size and use of structures and lands within the City of Yamhill, the City is hereby divided into ~~five~~ eight zones as follows:

- (1) R-1 Single-Family Residential
- (2) R-2 Single-Family Residential
- (3) R-3 Mixed-Residential ~~Two-Family Residential~~
- (4) ~~RM~~ Multi-family Residential Zone
- (4 ~~5~~) RLC Residential Limited Commercial
- (5 ~~6~~) C-3 General Commercial Zone
- (7) L-I Light Industrial Zone
- (8) E-I Employment Industrial Zone

(B) The City shall also contain ~~three~~ four overlay zones as follows:

- (1) PFO Public Facilities Overlay Zone
- (2) FHO Flood Hazard Overlay Zone
- (3) LUO Limited Use Overlay Zone
- (4) CBD Central Business District Overlay Zone

(C) These zones and their boundaries are shown upon a map made a part of this title, which map is designated as the official Zoning Map of the City. Such map shall constitute the official record of the zones within the City as of the effective date of the ordinance codified in this title. (Ord. 454 §2, 2000)

B. Amend Chapter 10.08 General Definitions with the addition, modification or deletion of the following definitions:

Section:

10.08.010 Definitions.

10.08.010 Definitions.

As used in this title, the word “City” shall mean the City of Yamhill, Oregon, including its officers, agents and employees. For the purpose of this title, words used in the present tense include the future, the singular number includes the plural, the word “shall” is mandatory and directory, the word “building” includes a structure.

[...]

“Accessory dwelling unit” means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

“Accessory structure” means a detached, subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land. subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land but does not include dwellings or living quarters.

“Affordable housing” means as defined in ORS 197A.445.

“Assisted living facility (ALF)” means a building, complex, or distinct part thereof, consisting of fully, self-contained, individual living units where six or more seniors and adult individuals with disabilities may reside in homelike surroundings. The assisted living facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents as described in these rules. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, and independence.

“Basement” means that portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, then it shall be considered a story. a portion of a building which has less than one-half or more of its height measured from finished floor to finished ceiling below the average elevation of the adjoining grade.

“Boardinghouse” means a building or portion thereof used for the purpose of providing meals, or meals and lodging, for pay or compensation of any kind to persons other than members of the family occupying such dwelling.

“Boarding, lodging or roominghouse” means a building where lodging with or without meals is provided for compensation for not more than five persons in addition to members of the family occupying such buildings.

“Height of building” means the vertical distance from grade plane to the average height of the highest roof surface, vertical distance from the grade to the highest point of the coping of a flat roof or the highest point of a mansard roof or to the highest gable of a pitch or hip roof.

“Child care center” means a child care facility, other than a family child care home, that is certified under ORS 329A.280(3).

“City” means the City of Yamhill, Oregon.

“Comprehensive Plan” means a plan adopted by Ordinance No. 350, or as amended, as a guide in the growth and improvement of the City, including modifications or refinements which may be made from time to time.

~~**“Day nursery (kindergarten)”** means an institution, establishment, or place, not part of the public school system, in which are commonly received at one time three or more children, not of common parentage, under the age of 14 years, for a period or periods not exceeding 12 hours per day for the purpose of being given board, care, or training, apart from their parents or guardians for compensation or reward.~~

~~**“Dwelling”** means any building or any portion thereof, which is not an apartment house or a hotel as defined in this code, which contains one or more apartments or guest rooms used, intended or designed to be built, used, rented, leased, let or hired out to be occupied, or which is occupied for living purposes, but excluding hotels, motels, boarding or rooming houses, mobile homes, travel trailers and campers.~~ **means a building or portion of a building, including a manufactured dwelling and manufactured home, which is occupied in whole or in part as a dwelling unit, home, residence, or sleeping place, either permanently or temporarily, but excluding hotels, motels and tourist courts.**

~~**Dwelling, Two-Family (Duplex). “Two-family dwelling (duplex)”** means a detached building containing two dwelling units designed exclusively for occupancy by two families living independently of each other.~~

“Dwelling, duplex” means two dwelling units on one lot or parcel in any configuration. A duplex dwelling does not include a lot or parcel developed with a single-family dwelling and an accessory dwelling unit.

~~**Dwelling, Multifamily. “Multifamily dwelling”** means a building containing three or more dwelling units designed for occupancy by three or more families, living independently of each other.~~

“Dwelling, multi-family” means a building designed and used for three or more dwelling units on one lot or parcel, occupancy, all living independently of each other, and having separate housekeeping facilities. “Dwelling, multifamily” includes assisted living facilities.

~~**Dwelling, Single-family. “Single-family dwelling”** means a detached building containing one dwelling unit designed exclusively for occupancy by one family.~~

“Dwelling, single-family” means one dwelling unit on one lot or parcel.

“Dwelling, townhouse” means a dwelling unit constructed in a row of two or more attached units where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit, also commonly called a “single-family attached dwelling,” “row house” or “common-wall house.”

~~**“Dwelling unit”** means one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.~~ **means a**

building, or portion of a building, that has independent living facilities including provisions for sleeping, cooking and sanitation, and that is designed for residential occupancy by a group of people.

“Easements” means a grant of the right to use a strip of land for specific purposes.

“Family” means an individual or two or more persons related by blood, marriage, adoption or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants, living together as one housekeeping unit using one kitchen.

“Family child care home” means a child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280(2) or is registered under ORS 329A.330.

“Group care home” means a home or private institution maintained and operated for the care, boarding and/or training of one or more but does not include foster homes, correctional homes, or detention facilities.

“Government assisted housing” means housing that is financed in whole or part by either a federal or state housing agency or a housing authority as defined in ORS 456.005, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

“Height of building” means the vertical distance from the grade to the highest point of the coping of a flat roof or the highest point of a mansard roof or to the highest gable of a pitch or hip roof. means the vertical distance from grade plane to the average height of the highest roof surface.

Kindergarten. See “Day nursery.”

“Lot” means a parcel or tract of land occupied, or to be occupied, by a building or unit group of buildings, and its accessory buildings, together with such yards or open spaces as are required by this title and having a frontage upon a street. means a unit of land that is created by a subdivision of land or tract of land having a frontage upon a street occupied or to be occupied, by a building or unit group of buildings and its accessory structures buildings, together with such yards or open spaces as required by this Title.

Lot, Corner. “Corner lot” means a lot abutting on two or more streets, other than an alley, at their intersection. means a lot at least two adjacent sides of which abuts streets other than alleys, provided the angle on intersection of the adjacent streets does not exceed 135 degrees.

Lot, Through. “Through lot” means an interior lot having frontage on two streets. means a lot having frontage on two parallel streets other than alleys.

“Manufactured or prefabricated home” means a dwelling unit whose components are assembled and brought to site and erected. The manufactured or prefabricated home is intended to be placed upon a permanent foundation and substantial construction is needed until it is complete and ready for permanent occupancy.

“Manufactured dwelling” means a residential trailer, mobile home or manufactured home. “Manufactured dwelling” does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.020 or 455.610 or the Small Home Specialty Code adopted under section 2, chapter 401, Oregon Laws 2019.

“Manufactured home”, except as provided in paragraph (b) of this subsection, means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

(b) For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, “manufactured home” has the meaning given the term in the contract.

“Middle housing (duplex) land division” means a partition or subdivision of a lot or parcel on which the development of middle housing (duplex) is allowed.

“Mobile home” means a detached residential dwelling unit designed after fabrication for transportation on streets on its own wheels and axles or on a flatbed truck or other trailer; and arriving at a lot or site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, locations on jacks or other temporary or permanent foundations, connecting to utilities and the like. A travel trailer is not to be considered a mobile home. **means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.**

“Mobile home park” means a privately owned place where two or more mobile homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership and are used for human occupancy. **means any place where four or more manufactured dwellings, recreational vehicles as defined in ORS 174.101, or a combination thereof, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.**

Does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

“Parcel” means a unit of land that is created by a partitioning of land.

“Partitioning” means the division of an area or tract of land into two or three parcels within a calendar year and when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. **“Partitioning land”** does not include division of land resulting from lien, foreclosure; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including, but not limited to, court orders in proceedings involving testate or intestate successions; and “partition land” does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning requirement.

“Partitioning plat” means and includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

“Person” means an individual firm, partnership, corporation, company, association, syndicate or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

“Planning Commission” means the Planning Commission of the City of Yamhill.

“Planning official” means the Yamhill city administrator or an official designated by the Yamhill city administrator with authority to administer the provisions of this Title.

“Plat” means the final map, diagram, drawing, replat, and other writing containing the description, location, specifications, dedications, provisions and other information concerning a subdivision, replat, or partition plat.

“Prefabricated structure” means a building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site. Does not mean a manufactured dwelling.

“Property line” means the division line between two units of land.

“Recreational vehicle” means a vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by rule by the Director of Transportation.

“Redevelopment” means a remodel or addition that requires a Type II application.

“Residential home” means a residence for five or fewer unrelated physically or mentally handicapped persons and for staff persons who need not be related to each other or any other home resident. For the purposes of this title, a residential home shall be considered a single-family dwelling. means a residential treatment facility or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to ORS 443.825 that provides residential care alone or in conjunctions with treatment or training or a combination thereof of five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

“Residential facility” means a residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with the treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

“Residential trailer” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

“Right-of-way” means the area between boundary lines of a street or dedicated easement.

“Service drive” means a driveway entering a street from a drive-in business establishment or from an off-street parking area, excluding residential driveways serving single-family and duplex dwellings.

“Sidewalk” means a pedestrian walkway with permanent surfacing.

“Single room occupancy” means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

“Street” means the entire width between the boundary lines of a way of travel which has been dedicated or deeded to the public for public use for the purpose of vehicular and/or pedestrian traffic and the placement of utilities and including the terms road, highway, drive, lane, place, avenue, alley or other similar designation. ~~means the entire width between the boundary lines of a public way provided for vehicular and pedestrian traffic, and the placement of utilities and including “road,” “highway,” “lane,” “place,” “avenue,” “alley,” or similar designations.~~

(1) **“Alley”** means a narrow street through a block primarily for access by service vehicular to the back or side of properties fronting on another street.

(2) **“Arterial”** means a street of considerable continuity which is primarily for intercommunication among large areas.

(3) **“Collector”** means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used partly by through traffic and partly for access to abutting properties.

(4) **“Cul-de-sac (dead-end street)”** means a short street with one end open to traffic and the other terminated by a vehicle turn-around.

(5) **“Half-street”** means a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.

(6) **“Marginal access street”** means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic. Also known as a “frontage road.”

(7) **“Minor street”** means a street intended primarily for access to abutting properties.

“Subdivision” means either an act of subdividing land of an area or a tract of land subdivided.

“Subdivision plat” means and includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

C. Amend Chapter 10.12 R-1 Single-Family Residential Zone to read as:

Sections:

- 10.12.010 Purpose.**
- 10.12.020 Use.**
- 10.12.030 Conditional Uses.**
- 10.12.040 Uses Requiring Development Permits Site Development Review.**
- 10.12.050 Height of Building.**
- 10.12.060 Yard Setback Requirements.**
- 10.12.070 Lot Size and Width.**
- 10.12.080 Development Regulations.**
- 10.12.090 Parking Requirements.**
- 10.12.100 Fence Regulations.**
- 10.12.110 Clear-Vision Area.**
- 10.12.120 Sign Regulations.**

10.12.010 Purpose.

It is the purpose of the R-1 zone to permit single-family ~~residential dwellings~~ uses and their accessory structures, duplex dwellings and their accessory structures, and Accessory Dwelling Units, and to permit with Planning Official or Planning Commission, based on the required review authority, approval of certain other uses which are necessary and compatible to single-family residential dwellings living. The target net density is 4.7 dwelling units per acre. (Ord. 454 §2, 2000)

10.12.020 Use.

Within a R-1 Single-Family Residential 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) Single-family dwelling, including manufactured dwellings, mobile homes, manufactured homes, or prefabricated structures ~~homes~~ meeting all lot size requirements of the zone and subject to the provisions of Section 10.80.020 (Design Standards for ~~Mobile Homes~~, Manufactured Homes, Manufactured Dwellings, or Prefabricated Structures ~~Homes~~ on Individual Lots).

(B) Duplex dwelling meeting all lot size and setback requirements of the zone.

(C) Accessory Dwelling Unit subject to the provisions of Chapter 10.116.

(D) Affordable Housing.

(E) Assisted Living Facility.

(F) Government Assisted Housing.

(G) Residential Home.

(H) Single Room Occupancy.

~~(B)~~ (I) Playgrounds, parks.

~~(C)~~ (J) Gardens, orchards and crop cultivation, provided no stable or barn, cattle or other livestock or poultry is maintained in connection therewith, except as provided in Section 10.12.030, and provided no sales area of 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)~~ (K) 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 of the residents. This shall not include livestock of any

kind including cattle, or other livestock or poultry, except as provided in Section 10.12.030. In no instances 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 or duplex 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) Guest houses and guest quarters not in the main building, provided such houses and quarters are and remain dependent upon the main building for the bathroom facilities, that the facilities do not provide kitchens, and that the guest facilities are not used for residential purposes;
- (7) Swimming pools for private use that are built 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.~~

~~(FL)~~ Home occupation, subject to the provisions of Chapter 10.96. (Ord. 454 §2, 2000)

~~(M)~~ Child Care Center.

~~(P)~~ Child Care Facility.

~~(N)~~ Family Child Care Home.

~~(O)~~ Private Parking Area within 500 feet of the CBD Overlay.

~~(P)~~ Planned Unit Development, subject to the provisions of Chapters 10.112 and 10.124.

~~(Q) Right-of-way (subject to provisions of Section 10.48.080, Underground Utility Installation) for:~~

- ~~(1) Electric service lines;~~
- ~~(2) Gas mains;~~
- ~~(3) Communications lines;~~
- ~~(4) Water lines;~~
- ~~(5) Sewer lines; and~~
- ~~(6) TV cable lines.~~

10.12.030 Conditional Uses.

When authorized under the procedure provided for conditional uses in this title, the following uses will be permitted in an R-1 zone:

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

~~(2 1)~~ Beauty shop, where no assistants are employed.

(B) Boat, camper, trailer and equipment storage area on lot, subject to the provisions of Chapters 10.104 and 10.108.

(C) Livestock maintained on lots, subject to the provisions of Chapters 10.104 and 10.108.

(D) Other uses which can meet the provisions of Section 10.104.030, Circumstances for Granting Conditional Uses. (Ord. 454 §2, 2000)

10.12.040 Uses Requiring Development Permits Site Development Review.

When authorized under the procedure provided for Development Permits in this ~~chapter~~ Title, the following uses will be permitted in an R-1 zone per Chapter 10.112:

(A) Semi-Public, Parochial and Private Buildings and Structures.

(1) ~~Churches~~ Religious Institutions;

(2) Community or neighborhood club buildings, swimming pools and other allied facilities when erected by a non-profit community club for the improvement of the zone or social recreation of the members.

(B) ~~Dwellings. Two family duplex meeting all lot size and setback requirements of the zone. Subject to the provisions of Chapters 10.112 and 10.116.~~

(C) ~~Dwellings. Accessory dwelling units subject to the provisions of Chapter 10.116.~~

(D) ~~Planned development, subject to the provisions of Chapters 10.112 and 10.124.~~

(B) Assisted Living Facility.

(C) Child Care Center.

(D) Parks

(E) Public Facility Zone Overlay, including educational, municipal and public facilities.

(F) ~~Right of way (subject to provisions of Section 10.48.080, Underground Utility Installation) for:~~

~~—— (1) Electric service lines;~~

~~—— (2) Gas mains;~~

~~—— (3) Communications lines;~~

~~—— (4) Water lines;~~

~~—— (5) Sewer lines; and~~

~~—— (6) TV cable lines.~~

(G) Public utility structures when they comply with all yard and setback requirements.

(H) Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (1984; Ord. 454 §2, 2000; Ord. 515 §1, 2017)

10.12.050 Height of Building.

~~In any residential zone, n~~No building or structure shall exceed 35 feet in height as measured using the Oregon Structural Specialty Code, at its highest point from natural ground level or two and one half stories in height from natural ground level. (Ord. 454 §2, 2000)

10.12.060 Yard Setback Requirements.

In an R-1 zone, each lot shall have yards of the following size unless otherwise provided for in Section 10.76.050 (General Exceptions to Yard Requirements):

(A) Rear Yards. There shall be a rear yard on every lot in any R-1 zone, which rear yards shall have a minimum depth of 15 20 feet. In the case of a corner lot, the minimum depth shall be 14 feet for a one story building, 20 feet for a two story building and 26 feet for a two and one half story building; provided, however, any side yard provided adjacent to a street shall conform to the setback requirements set forth below.

(B) Side Yards. There shall be a side yard on each side of the main building on every lot in a R-1 zone in width of five seven and one half feet. A side yard on the street side of a corner shall be not less than 20 feet.

(C) Front Yards. Every building erected, constructed, or altered in a zone shall have a front yard of not less than 15 feet to a living space and 20 feet to a garage or carport. When by this title or any other regulations a greater setback or a front yard of greater depth is required than specified in this chapter, then such greater setback line or front yard depth shall apply. (Ord. 454 §2, 2000)

10.12.070 Lot Size and Width.

(A) In an R-1 zone, except as noted in subsection (B) below, the minimum requirements for lot area shall be 7,000 square feet for each dwelling, including a legally established duplex two family dwelling. The width of the lot at the building line shall be not less than 60 feet. ~~The depth of the lot shall not be less than 90 feet.~~

(B) In an R-1 zone, a lot on which a legally established duplex two family dwelling exists or is being built may be divided so as to allow the duplex two family dwelling to be divided and have

separate ownerships of each dwelling and the associated portion of the original lot in accordance with Chapter 11.14 and providing all State of Oregon residential requirements are met. The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided duplex two-family dwelling. The width of each lot at the building line shall be not less than 30 feet. ~~The depth of the lot shall not be less than 90 feet.~~ (Ord. 454 §2, 2000; Ord. 515 §1, 2017; Ord. 528 §1, 2020)

10.12.080 Development Regulations.

(A) All developments shall be subject to the provisions of Chapter 10.48, General Provisions.

(B) All accessory structures, except Accessory Dwelling Units, shall be subject to the provisions of Chapter 10.72, Accessory Structures. (Ord. 454 §2, 2000)

10.12.090 Parking Requirements.

All new developments shall require off-street parking, which shall be provided in accordance with Chapter 10.52, Off-Street Parking and Loading. (Ord. 454 §2, 2000)

10.12.100 Fence Regulations.

All new developments shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence and Wall Regulations. (Ord. 454 §2, 2000)

10.12.110 Clear-Vision Area.

All new developments shall adhere to the clear-vision requirements which shall be provided in accordance with Chapter 10.68, Clear-Vision Area. (Ord. 454 §2, 2000)

10.12.120 Sign Regulations.

All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations. (Ord. 454 §2, 2000)

D. Amend Chapter 10.16 R-2 Single-Family Residential Zone to read as:

Sections:

- 10.16.010 Purpose.**
- 10.16.020 Use.**
- 10.16.030 Conditional Uses.**
- 10.16.040 Uses Requiring Development Permits Site Development Review.**
- 10.16.050 Height of Building.**
- 10.16.060 Yard Setback Requirements.**
- 10.16.070 Lot Size and Width.**
- 10.16.080 Development Regulations.**
- 10.16.090 Parking Requirements.**
- 10.16.100 Fence Regulations.**
- 10.16.110 Clear-Vision Area.**
- 10.16.120 Sign Regulations.**

10.16.010 Purpose.

The purpose of the R-2 zone is to permit single-family dwelling ~~residential uses~~ and their accessory structures; ~~to provide the opportunity for duplex dwellings two-family residential units and their accessory structures, Accessory Dwelling Units to be located on corner lots;~~ and to permit with Planning Official or Planning Commission, based on the required review authority, approval, certain other uses which are necessary and compatible to single-family and duplex dwelling ~~living~~. The target net density is 5.4 dwelling units per acre. (Ord. 454 §2, 2000)

10.16.020 Use.

Within the R-2 Single-family Residential Zone ~~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) Single-family ~~One-family~~ dwelling, including a manufactured dwellings, mobile homes, manufactured homes, or prefabricated structures ~~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, Manufactured Dwellings, or Prefabricated Structures ~~Homes~~ on Individual Lots).

(B) Duplex dwelling meeting all lot size and setback requirements of the zone.

(C) Accessory Dwelling Unit subject to the provisions of Chapter 10.116.

(D) Affordable Housing.

(E) Assisted Living Facility.

(F) Government Assisted Housing.

(G) Residential Home.

(H) Single Room Occupancy.

(I) Playgrounds, parks.

(~~E~~) 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 or duplex 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 L) Home occupations, subject to the provisions of Chapter 10.96. (Ord. 454 §2, 2000; Ord. 515 §1, 2017)~~
- ~~(M) Child Care Center.~~
- ~~(P) Child Care Facility.~~
- ~~(N) Family Child Care Home.~~
- ~~(O) Private Parking Area within 500 feet of the CBD Overlay.~~
- ~~(P) Planned Unit Development subject to the provisions of Chapters 10.112 and 10.124~~
- ~~(Q) Mobile home and manufactured dwelling parks.~~
- ~~(R) Right-of-way (subject to the provisions of Section 10.48.080, Underground Utility Installation) for:~~
 - ~~(1) Electric service lines;~~
 - ~~(2) Gas mains;~~
 - ~~(3) Communications lines;~~
 - ~~(4) Water lines;~~
 - ~~(5) Sewer lines; and~~
 - ~~(6) TV cable lines.~~

10.16.030 Conditional Uses.

When authorized under the procedure provided for conditional uses in this title, the following uses will be permitted in an R-2 zone:

- (A) Miscellaneous Uses.
- ~~(1) Public, semi-public, parochial and privately owned kindergartens or day nurseries, provided the residential character of the building is unchanged;~~
- ~~(21) Beauty shop, where no assistants are employed.~~
- (B) Boat, camper, equipment and trailer storage areas on a lot, subject to the provisions of Chapters 10.104 and 10.108.
- (C) Livestock maintained on lots, subject to the provisions of Chapters 10.104 and 10.108.
- ~~(D) Boarding, lodging or rooming house and/or group care home, subject to the provisions of Chapters 10.104 and 10.108.~~
- ~~(ED) Other uses which can meet the provisions of Section 10.104.030, Circumstances for Granting Conditional Uses. (Ord. 454 §2, 2000)~~

10.16.040 Uses Requiring Development Permits Site Development Review.

When authorized under the procedure provided for Development Permits in this ~~€~~Title, the following uses will be permitted in an R-2 zone per Chapter 10.112:

- (A) Semi-Public, Parochial and Private Buildings and Structures.

- (1) ~~Churches~~ Religious Institutions;
- (2) Community or neighborhood club buildings, swimming pools and other allied facilities when erected by a non-profit community club for the improvement of the zone or social recreation of the members.
- (B) ~~Dwellings. Two family duplex meeting all lot size and setback requirements of the zone, subject to the provisions of Chapters 10.112 and 10.116.~~
- (C) ~~Planned development, subject to the provisions of Chapters 10.112 and 10.124.~~
- (~~DB~~) Mobile home and manufactured home parks, subject to the provisions of Chapters 10.112 and 10.120.
- (C) Assisted Living Facility.
- (D) Child Care Center.
- (~~I~~) ~~Child Care Facility.~~
- (E) Parks
- (~~EE~~) Public Facility Overlay Zone, including educational, municipal and public facilities.
- (F) ~~Right of way (subject to the provisions of Section 10.48.080, Underground Utility Installation) for:~~
 - ~~(1) Electric service lines;~~
 - ~~(2) Gas mains;~~
 - ~~(3) Communications lines;~~
 - ~~(4) Water lines;~~
 - ~~(5) Sewer lines; and~~
 - ~~(6) TV cable lines.~~
- (GG) Public utility structures when they comply with all yard and setback requirements.
- (HH) Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (Ord. 454 §2, 2000)

10.16.050 Height of Building.

~~In an R-2 zone, n~~No building or structure shall exceed 35 feet in height as measured using the Oregon Structural Specialty Code, at its highest point from natural ground level or two and one half stories in height from natural ground level. (Ord. 454 §2, 2000)

10.16.060 Yard Setback Requirements.

In an R-2 zone, each lot shall have yards of the following size unless provided for in Chapter 10.76:

- (A) Rear Yards. There shall be a rear yard on every lot in an R-2 zone, which rear yard shall have a minimum depth of 15 20 feet. ~~In the case of a corner lot, the minimum depth shall be 14 feet for a one-story building and 26 feet for a two and one-half story building.~~
- (B) Side Yards. There shall be a side yard on each side of the main building on every lot in an R-2 zone in width of five feet. A side yard on the street side of a corner shall be not less than 10 feet.
- (C) Front Yard. Every building erected, constructed, or altered in an R-2 zone shall have a front yard of not less than 15 feet to a living space and 20 feet to a garage or carport. When by this title or any other regulations a greater setback or a front yard of greater depth is required than specified in this chapter, then such greater setback line or front yard depth shall apply. (Ord. 454 §2, 2000; Ord. 529 §1, 2020)

10.16.070 Lot Size and Width.

- (A) In an R-2 zone, except as noted in subsection (B) below, the minimum requirements for lot area shall be 6,000 square feet for each dwelling, including and 7,000 square feet for a legally established duplex two-family dwelling. The width of the lot at the building line shall be not less than 60 feet. ~~The depth of the lot shall not be less than 90 feet.~~

(B) In an R-2 zone, a lot on which a legally established ~~duplex two-family~~ dwelling exists or is being built may be divided so as to allow the ~~duplex two-family~~ dwelling to be divided and have separate ownerships of each dwelling and the associated portion of the original lot in accordance with Chapter 11.14 and providing all State of Oregon Residential Structure Specialty Code requirements are met. ~~The~~ The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided ~~duplex two-family~~ dwelling. The width of each lot at the building line shall be not less than 30 feet. ~~The depth of the lot shall not be less than 90 feet.~~ (Ord. 454 §2, 2000; Ord. 515 §1, 2017; Ord. 528 §1, 2020)

10.16.080 Development Regulations.

(A) All developments shall be subject to the provisions of Chapter 10.48, General Provisions.

(B) All accessory structures, except Accessory Dwelling Units, shall be subject to the provisions of Chapter 10.72, Accessory Structures. (Ord. 454 §2, 2000)

10.16.090 Parking Requirements.

All new developments shall require off-street parking, which shall be provided in accordance with Chapter 10.52, Off-Street Parking and Loading. (Ord. 454 §2, 2000)

10.16.100 Fence Regulations.

All new developments shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence and Wall Regulations. (Ord. 454 §2, 2000)

10.16.110 Clear-Vision Area.

All new developments shall adhere to the clear-vision requirements which shall be provided in accordance with Chapter 10.68, Clear-Vision Area. (Ord. 454 §2, 2000)

10.16.120 Sign Regulations.

All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations. (Ord. 454 §2, 2000)

E. Amend Chapter 10.20 R-3 Mixed-Residential ~~Two-family Residential~~ Zone to read as:

Sections:

- 10.20.010 Purpose.**
- 10.20.020 Use.**
- 10.20.030 Conditional Uses.**
- 10.20.040 Uses Requiring Development Permits Site Development Review.**
- 10.20.050 Height of Building.**
- 10.20.060 Yard Setback Requirements.**
- 10.20.070 Lot Size and Width.**
- 10.20.080 Development Regulations.**
- 10.20.090 Parking Requirements.**
- 10.20.100 Bicycle Requirements.**
- 10.20.110 Fence Regulations.**
- 10.20.120 Clear-Vision Area.**
- 10.20.130 Sign Regulations.**

10.20.010 Purpose.

The purpose of the R-3 zone is to permit single-family dwellings and their accessory structures, duplex dwellings and their accessory structures, Accessory Dwelling Units and permit the integration of multi-family dwellings through the conditional use process, within and adjacent to single-family and two-family residential areas. The target net density is 5.4 dwelling units per acre and for multi-family 3.3 – 20 dwelling units per acre. (Ord. 454 §2, 2000)

10.20.020 Use.

Within an R-3 ~~zone~~ Mixed-Residential 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) Single-family dwelling including manufactured dwellings, mobile homes, manufactured homes, or prefabricated structures ~~homes~~ meeting all lot size requirements of the zone and subject to the provisions of Section 10.80.020 (Design Standards for ~~Mobile Homes~~, Manufactured Homes, Manufactured Dwellings, or Prefabricated Structures ~~Homes~~ on Individual Lots).

(B) ~~Two-family dwellings. Duplex dwelling meeting all lot size and setback requirements of the zone.~~

(C) Multi-family dwellings ~~with no more than eight dwelling units per building~~ (with Site Development Review Development Permit as per Section 10.20.040).

(D) Tiny house developments (with Development Permit as per Section 10.20.040 or Planned Unit Development approval as per Chapter 10.124).

(E) Accessory dwelling units subject to the provisions of Chapter 10.116.

(F) Affordable Housing.

(G) Assisted Living Facility.

(H) Government Assisted Housing.

(I) Residential Home.

(J) Residential Facility.

(K) Single Room Occupancy.

(~~EL~~) Playgrounds, parks.

(~~FM~~) Gardens, orchards and crop cultivation, provided no stable or barn, cattle or other livestock or poultry is maintained in connection therewith, except as provided in Section 10.20.030, 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.

~~(GN)~~ 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 of the residents. This shall not include livestock of any kind including cattle, or other livestock or poultry, except as provided in Section 10.20.030. 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 that are built below grade requiring a building permit and subject to the requirements of Chapter 10.72.

~~(H)~~ 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.

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

~~(P)~~ Child Care Center.

~~(Q)~~ Family Child Care Home.

~~(R)~~ Private Parking Area within 500 feet of the CBD Overlay.

~~(S)~~ Planned Unit Development subject to the provisions of Chapters 10.112 and 10.124.

~~(T)~~ Mobile home and manufactured dwelling parks.

~~(U)~~ Right-of-way (subject to provisions of Section 10.48.080, Underground Utility

Installation) for:

~~(1)~~ Electric service lines;

~~(2)~~ Gas mains;

~~(3)~~ Communications lines;

~~(4)~~ Water lines;

~~(5)~~ Sewer lines; and

~~(6)~~ TV cable lines.

10.20.030 Conditional Uses.

When authorized under the procedure provided for conditional uses in this title, the following uses will be permitted in an R-3 zone:

(A) Miscellaneous Uses.

~~(4)~~ Public, semi-public, parochial and privately operated kindergartens or day nurseries, provided the residential character of the building is unchanged;

~~(21)~~ Beauty shop where no assistants are employed.

~~(B)~~ Boarding, lodging or rooming house and/or group care home, subject to the provisions of Chapters 10.104 and 10.108.

~~(CB)~~ Boat, camper, equipment and trailer storage area on a lot, subject to the provisions of Chapters 10.104 and 10.108.

~~(DC)~~ Livestock maintained on lots, subject to the provisions of Chapters 10.104 and 10.108.

~~(ED)~~ Other uses which can meet the provisions of Section 10.104.030, Circumstances for Granting Conditional Uses. (Ord. 454 §2, 2000)

10.20.040 Uses Requiring Development Permits Site Development Review.

When authorized under the procedure provided for Development Permits in this ~~€~~Title, the following uses will be permitted in an R-3 zone per Chapter 10.112:

(A) Semi-Public, Parochial and Private Buildings and Structures.
(1) ~~Churches~~ Religious Institutions;
(2) Community or neighborhood club buildings, swimming pools and other allied facilities when erected by a non-profit community club for the improvement of the zone or social recreation of the members.

~~(B) Planned development, subject to the provisions of Chapters 10.112 and 10.124.~~

~~(CB)~~ For multi-family dwellings a development plan shall be submitted to the Planning Official Planning Commission for its approval. Such plan shall show the location of all existing and proposed buildings and structures, parking areas, drainage facilities, utility services, access points, lighting, signs, landscaping and other such data as may have a bearing on the adjacent properties.

~~(DC)~~ Manufactured dwelling parks and Mobile home parks, subject to the provisions of Chapters 10.112 and 10.120.

~~(ED)~~ Tiny house developments, subject to the provisions of Chapters 10.112 and 10.120.

~~(E)~~ Assisted Living Facility.

~~(F)~~ Residential Facility.

~~(G)~~ Child Care Center.

~~(H)~~ Parks

~~(FI)~~ Public Facilities Overlay Zone, including educational, municipal and public facilities.

~~(G)~~ Right of way (subject to provisions of Section 10.48.080, Underground Utility

Installation) for:

- ~~_____ (1) Electric service lines;~~
- ~~_____ (2) Gas mains;~~
- ~~_____ (3) Communications lines;~~
- ~~_____ (4) Water lines;~~
- ~~_____ (5) Sewer lines; and~~
- ~~_____ (6) TV cable lines.~~

~~(HI)~~ Public utility structures when they comply with all yard and setback requirements.

~~(IQ)~~ The governing body may impose conditions relating to site amenities such as, but not limited to, children's playgrounds, fencing/screening, additional landscaping, garbage area screening and provisions for rubbish control, and adjacent street improvements if the scale of the project warrants the additional amenities for general livability of the community and of the proposed project.

~~(JK)~~ Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (Ord. 454 §2, 2000; Ord. 515 §1, 2017)

10.20.050 Height of Building.

~~In an R-3 zone, n~~No building or structure shall exceed 35 feet in height as measured using the Oregon Structural Specialty Code, at its highest point from natural ground level or two and one half stories in height from natural ground level. (Ord. 454 §2, 2000)

10.20.060 Yard Setback Requirements.

In an R-3 zone, each lot shall have yards of the following size unless provided for in Section 10.76.050 (General Exceptions to Yard Requirements):

(A) Rear Yards. There shall be a rear yard on every lot in an R-3 zone, which rear yards shall have a minimum depth of 15 except for multi-family which shall be 20 feet. ~~In the case of a corner lot, the minimum depth shall be 20 feet for a one-story building, 26 feet for a two or two and one half story building.~~

(B) Side Yards. There shall be a side yard on each side of the main building on every lot in an R-3 zone in width of ~~five~~ ~~seven and one-half~~ feet; however, any side yard provided adjacent to a street shall not be less than 10 feet except for multi-family which shall be 20 feet.

(C) Front Yard. Every building erected, constructed or altered in a zone shall have a front yard of not less than 15 to a living space and 20 feet to a garage. The setback shall be 20 feet for multi-family. When by this ~~title~~ or any other regulations a greater setback or a front yard of greater depth is required than specified in this chapter, then such greater setback line or front yard depth shall apply.

(D) The yard width between two or more buildings, excluding duplex dwellings, but including multi-family dwellings, on the same lot shall not be less than 15 feet.

(E) Landscaped Yards. Multi-family dwellings shall include landscaped yards provided according to or in excess of the following:

(1) For each multi-family dwelling unit, 500 square feet of landscaped yard shall be provided for each unit, plus 100 square feet per each additional bedroom over three in each unit.

(2) All required yards adjacent to a street shall be landscaped, save that portion devoted to accessing off-street parking. Such landscaping may be counted in fulfilling the requirements of the preceding section. (Ord. 454 §2, 2000)

10.20.070 Lot Size, Width, and Depth.

(A) In an R-3 zone, except as noted in subsection (C) below, the minimum requirements for lot area shall be 6,000 square feet. including a legally established duplex dwelling. The width of the lot at the building line shall be not less than 60 feet. ~~The depth of the lot shall not be less than 90 feet.~~

(B) ~~Each additional dwelling unit for multi-family shall require 2,000 square feet of lot area~~ The minimum requirements for lot area for multi-family dwellings shall be based on the number of dwelling units. (See table). No main building or group of main buildings shall occupy more than 60% of the lot area, and no detached accessory structure may occupy more than 25% of any side or rear yard.

Multifamily Dwelling Lot Area Requirements

No. of Dwelling Units	Lot Area (Sq. Ft.)
1	6,000
2	8,000
3	10,000
4	12,000
5	14,000
6	16,000
7	18,000
8	20,000
9	22,000
10	24,000
15	34,000
20	44,000
<u>11 or more</u>	<u>4,000 + 2,000* number of dwelling units</u>

(C) In an R-3 zone, a lot on which one legally established ~~duplex two-family~~ dwelling exists or is being built may be divided so as to allow the ~~duplex two-family~~ dwelling to be divided and have separate ownerships of each dwelling and the associated portion of the original lot in accordance with Chapter 11.14, and providing all State of Oregon Residential Structure Specialty Code requirements are met. The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided ~~duplex two-family~~ dwelling. The width of each lot at the building line shall be not less than 30 feet. ~~The depth of the lot shall not be less than 90 feet.~~ (Ord. 454 §2, 2000; Ord. 515 §1, 2017; Ord. 528 §1, 2020)

10.20.080 Development Regulations.

(A) All developments shall be subject to the provisions of Chapter 10.48, General Provisions.

(B) All accessory structures, except Accessory Dwelling Units, shall be subject to the provisions of Chapter 10.72, Accessory Structures. (Ord. 454 §2, 2000)

10.20.090 Parking Requirements.

All new developments shall require off-street parking, which shall be in accordance with Chapter 10.52, Off-Street Parking and Loading. (Ord. 454 §2, 2000)

10.20.100 Bicycle Requirements.

All new developments shall require bicycle parking, which shall be provided in accordance with Chapter 10.56, Bicycle Parking. (Ord. 454 §2, 2000)

10.20.110 Fence Regulations.

All new developments shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence and Wall Regulations. (Ord. 454 §2, 2000)

10.20.120 Clear-Vision Area.

All new developments shall adhere to the clear-vision requirements which shall be provided in accordance with Chapter 10.68, Clear-Vision Area. (Ord. 454 §2, 2000)

10.20.130 Sign Regulations.

All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations. (Ord. 454 §2, 2000)

F. Amend Chapter 10.21 RM Multifamily Residential Zone to read as:

Sections:

- 10.21.010 Purpose.**
- 10.21.020 Use.**
- 10.21.030 Conditional Uses.**
- 10.21.040 Uses Requiring Development Permits Site Development Review.**
- 10.21.050 Height of Building.**
- 10.21.060 Yard Setback Requirements.**
- 10.21.070 Lot Size, Width, and Depth.**
- 10.21.080 Development Regulations.**
- 10.21.090 Parking Requirements.**
- 10.21.100 Bicycle Requirements.**
- 10.21.110 Fence Regulations.**
- 10.21.120 Clear-Vision Area.**
- 10.21.130 Sign Regulations.**

10.21.010 Purpose.

The purpose of the RM zone is to provide higher-density housing options to meet the needs of Yamhill residents for more affordable housing in a manner compatible with adjacent single-family and duplex two-family residential areas dwellings. The target net density is 5.4 – 20 dwelling units per acre. (Ord. 515 §1, 2017)

10.21.020 Use.

Within an RM Multi-family 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) ~~Two-family dwellings.~~ Duplex dwellings meeting all lot size and setback requirements of the zone.
- (B) Multi-family dwellings (with Development Permit as per Section 10.20.040).
- (C) Tiny house developments (with Development Permit as per Section 10.20.040 or Planned Unit Development approval as per Chapter 10.124).
- (D) Affordable Housing.
- (E) Assisted Living Facility.
- (F) Government Assisted Housing.
- (~~HG~~) Residential Home.
- (H) Residential Facility.
- (I) Single Room Occupancy.
- (~~GJ~~) Playgrounds, parks.
- (~~DK~~) 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 of the residents. This shall not include livestock of any kind including cattle, or other livestock or poultry, except as provided in Section 10.21.030. In no instance shall goats or pigs be maintained on any lot within the City limits;
- (2) Fallout shelters;
- (3) Fences;

(4) Private garages for not more than two motor vehicles for each 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; residential purposes;

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

~~(EL)~~ Home occupation, subject to the provisions of Chapter 10.96. (Ord. 515 §1, 2017)

~~(M)~~ Child Care Center.

~~(N)~~ Family Child Care Home.

~~(O)~~ Private Parking Area within 500 feet of the CBD Overlay.

~~(P)~~ Planned Unit Development subject to the provisions of Chapters 10.112 and 10.124.

~~(Q)~~ Mobile home and manufactured dwelling parks.

~~(R)~~ Right-of-way (subject to provisions of Section 10.48.080, Underground Utility Installation) for:

~~(1)~~ Electric service lines;

~~(2)~~ Gas mains;

~~(3)~~ Communications lines;

~~(4)~~ Water lines;

~~(5)~~ Sewer lines; and

~~(6)~~ TV cable lines.

10.21.020 Conditional Uses.

When authorized under the procedure provided for conditional uses in this title, the following uses will be permitted in an RM zone:

(A) Miscellaneous Uses.

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

~~(2)~~ Beauty shop where no assistants are employed.

~~(B)~~ Boarding, lodging or rooming house and/or group care home, subject to the provisions of Chapters 10.104 and 10.108.

~~(CB)~~ Boat, camper, equipment and trailer storage area on a lot, subject to the provisions of Chapters 10.104 and 10.108.

~~(DC)~~ Livestock maintained on lots, subject to the provisions of Chapters 10.104 and 10.108.

~~(ED)~~ Other uses which can meet the provisions of Section 10.104.030, Circumstances for Granting Conditional Uses. (Ord. 515 §1, 2017)

10.21.040 Uses Requiring Development Permits Site Development Review.

When authorized under the procedure provided for Development Permits in this ~~€~~Title, the following uses will be permitted in an RM zone per Chapter 10.112:

(A) Semi-Public, Parochial and Private Buildings and Structures.

(1) ~~Churches~~ Religious Institutions;

(2) Community or neighborhood club buildings, swimming pools and other allied facilities when erected by a non-profit community club for the improvement of the zone or social recreation of the members.

~~(B)~~ Planned development, subject to the provisions of Chapters 10.112 and 10.124.

~~(CB)~~ For multi-family dwellings a development plan shall be submitted to the Planning Official Planning Commission for its approval. The plan shall demonstrate compliance with the following design criteria:

(1) Gross housing density shall not exceed 20 dwelling units per acre.

(2) No single building shall contain more than eight dwelling units.

(3) Impervious surface shall not cover more than 75% of the lot. All non-impervious land shall be permanently landscaped.

(4) Side and rear yards shall be buffered from adjacent uses by fencing or hedges dense enough to obscure 80% of all light passage. Fences shall be no less than six feet in height. Hedges shall be designed, planted, and maintained so as to be no less than six feet in height and achieve the 80% light obscuring standard within three years of planting and then shall be maintained as such in perpetuity.

(5) The plan shall show the location of all existing and proposed buildings and structures, parking areas, drainage facilities, utility services, access points, lighting, signs, landscaping and other such data as may have a bearing on the adjacent properties.

~~(DC)~~ Mobile home and Manufactured home parks, subject to the provisions of Chapters 10.112 and 10.120.

~~(D)~~ Assisted Living Facility.

~~(E)~~ Residential Facility.

~~(F)~~ Child Care Center.

~~(G)~~ Parks

~~(EH)~~ Public facilities including educational, municipal and public facilities.

~~(F)~~ Right of way (subject to provisions of Section 10.48.080, Underground Utility Installation) for:

~~—— (1) Electric service lines;~~

~~—— (2) Gas mains;~~

~~—— (3) Communications lines;~~

~~—— (4) Water lines;~~

~~—— (5) Sewer lines; and~~

~~—— (6) TV cable lines.~~

~~(GI)~~ Public utility structures when they comply with all yard and setback requirements.

~~(HN)~~ The governing body may impose conditions relating to site amenities such as, but not limited to children's playgrounds, fencing/screening, additional landscaping, garbage area screening and provisions for rubbish control, and adjacent street improvements if the scale of the project warrants the additional amenities for general livability of the community and of the proposed project.

~~(I)~~ Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (Ord. 515 §1, 2017)

10.21.050 Height of Building.

~~In an RM zone, n~~No building or structure shall exceed 35 feet in height as measured using the Oregon Structural Specialty Code, at its highest point from natural ground level or two and one-half stories in height from natural ground level. (Ord. 515 §1, 2017)

10.21.060 Yard Setback Requirements.

In an RM zone, each lot shall have yards of the following size unless provided for in Section 10.76.050 (General Exceptions to Yard Requirements):

(A) Rear Yards. There shall be a rear yard on every lot in an RM zone, which rear yards shall have a minimum depth of 15 feet except for multi-family which shall be 20 feet. ~~In the case of a corner lot, the minimum depth shall be 20 feet for a one-story building, 26 feet for a two or two and one-half story building.~~

(B) Side Yards. There shall be a side yard on each side of the main building on every lot in an RM zone in width of five seven and one-half feet expect for multi-family which shall be seven and one half feet; however, any side yard provided adjacent to a street shall not be less than 20 feet.

(C) Front Yard. Every building erected, constructed or altered in a zone shall have a front yard of not less than 15 feet to a living space and 20 feet to a garage or carport. The setback shall be 20 feet for multi-family. When by this title or any other regulations a greater setback or a front yard of greater depth is required than specified in this chapter, then such greater setback line or front yard depth shall apply.

(D) The yard width between two or more ~~main~~ buildings, excluding duplex dwellings, but including multi-family dwellings, on the same lot shall not be less than 15 feet. (Ord. 515 §1, 2017)

10.21.070 Lot Size, Width, and Depth.

(A) In an RM zone, except as noted in subsection (B) below the minimum requirements for lot area shall be 6,000 square feet. The width of a lot at the building line shall be not less than 60 feet, ~~and the depth of a lot shall be not less than 90 feet.~~

(B) In an RM zone, a lot on which one legally established ~~duplex two-family~~ dwelling exists or is being built may be divided so as to allow the ~~duplex two-family~~ dwelling to be divided and have separate ownerships of each dwelling and the associated portion of the original lot in accordance with Chapter 11.14, and providing all State of Oregon Residential Structure Specialty Code requirements are met. The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided ~~duplex two-family~~ dwelling. The width of each lot at the building line shall be not less than 30 feet. ~~The depth of the lot shall not be less than 90 feet.~~ (Ord. 515 §1, 2017; Ord. 528 §1, 2020)

10.21.080 Development Regulations.

(A) All developments shall be subject to the provisions of Chapter 10.48, General Provisions.

(B) All accessory structures shall be subject to the provisions of Chapter 10.72, Accessory Structures. (Ord. 515 §1, 2017)

10.21.090 Parking Requirements.

All new developments shall require off-street parking, which shall be in accordance with Chapter 10.52, Off-Street Parking and Loading. (Ord. 515 §1, 2017)

10.21.100 Bicycle Requirements.

All new developments shall require bicycle parking, which shall be provided in accordance with Chapter 10.56, Bicycle Parking. (Ord. 515 §1, 2017)

10.21.110 Fence Regulations.

All new developments shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence and Wall Regulations. (Ord. 515 §1, 2017)

10.21.120 Clear-Vision Area.

All new developments shall adhere to the clear-vision requirements which shall be provided in accordance with Chapter 10.68, Clear-Vision Area. (Ord. 515 §1, 2017)

10.21.130 Sign Regulations.

All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations. (Ord. 515 §1, 2017)

G. Amend Chapter 10.24 RLC Residential Limited Commercial Zone to read as:

Sections:

- 10.24.010 Purpose.**
- 10.24.020 Use.**
- 10.24.030 Conditional Uses.**
- 10.24.040 Uses Requiring Development Permits Site Development Review.**
- 10.24.050 Limitations on Use.**
- 10.24.060 Height of Building.**
- 10.24.070 Yard Setback Requirements.**
- 10.24.080 Lot Size, Width, and Depth.**
- 10.24.090 Sign Regulations.**
- 10.24.100 Parking Requirements.**
- 10.24.110 Bicycle Requirements.**
- 10.24.120 Fence Regulations.**
- 10.24.130 Clear-Vision Area.**

10.24.010 Purpose.

The purpose of the RLC zone is to permit the integration of limited commercial activities through the conditional use process, and multi-family dwellings through the conditional use process within and adjacent to single-family and duplex two-family residential areas dwellings. The target net density is 5.4 dwelling units per acre and for multi-family 5.4 dwelling units per acre. (Ord. 454 §2, 2000)

10.24.020 Use.

Within an RLC 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) Single-family dwelling including manufactured dwellings, mobile homes, manufactured homes, or prefabricated structures homes meeting all lot size requirements of the zone and subject to the provisions of Section 10.80.020 (Design Standards for ~~Mobile Homes~~, Manufactured Homes, Manufactured Dwellings, or Prefabricated Structures Homes on Individual Lots).

(B) ~~Two-family dwellings. Duplex dwelling meeting all lot size and setback requirements of the zone.~~

(C) Multi-family dwellings.

(D) Accessory dwelling units subject to the provisions of Chapter 10.116.

(E) Affordable Housing.

(F) Assisted Living Facility.

(G) Government Assisted Housing.

(H) Residential Home.

(I) Residential Facility.

(J) Single Room Occupancy.

~~(K)~~ Playgrounds, parks.

~~(L)~~ Gardens, orchards and crop cultivation, provided no stable or barn, cattle or other livestock or poultry is maintained in connection therewith, except as provided in Section 10.24.030, 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 limit.

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

(1) Customary residential accessory building for private use, such as pergola, greenhouse, hothouse, hobby shop, or hobby house, summer house, above-ground pool, patio, enclosed or covered

patio, woodshed, quarters for domestic animals maintained as pets of the residents. This shall not include livestock or poultry, except as provided in Section 10.24.030. In no instance shall goats or pigs be maintained on any lot within the City limits.

(2) Fall-out 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 that are built below grade requiring a building permit and subject to the requirements of Chapter 10.72.

~~(F) 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.~~

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

~~(O) Child Care Center.~~

~~(P) Child Care Facility.~~

~~(Q) Child Care Home.~~

~~(R) Private Parking Area within 500 feet of the CBD Overlay.~~

~~(TS) Mobile home and Manufactured dwelling parks~~

~~(T) Right-of-way (subject to provisions of Section 10.48.080, Underground Utility~~

~~Installation) for:~~

~~(1) Electric service lines;~~

~~(2) Gas mains;~~

~~(3) Communications lines;~~

~~(4) Water lines;~~

~~(5) Sewer lines; and~~

~~(6) TV cable lines.~~

10.24.030 Conditional Uses.

When authorized under the procedure provided for conditional uses in this title, the following uses will be permitted in an RLC zone:

~~(A) Miscellaneous Uses. Public, semi-public, parochial and privately operated kindergartens or day nurseries, provided the residential character of the building is unchanged.~~

~~(B) Boarding, lodging or rooming house and/or group care home, subject to the provisions of Chapters 10.104 and 10.108.~~

~~(CA)~~ Boat, camper, equipment, and trailer storage area on a lot, subject to the provisions of Chapters 10.104 and 10.108.

~~(DB)~~ Livestock maintained on lots, subject to the provisions of Chapters 10.104 and 10.108.

~~(EC)~~ Commercial Uses (excluding the manufacturing, processing, or compounding of products).

(1) Non-profit membership organizations;

(2) Office uses;

(3) Professional office or clinic;

(4) Beauty shop;

(5) Restaurants, excluding drive-ins;

(6) Retail uses (storage and sales inside).

(~~FD~~) Other uses which can meet the provisions of Section 10.104.030, Circumstances for Granting Conditional Uses. (Ord. 454 §2, 2000)

10.24.040 Uses Requiring ~~Development Permits~~ Site Development Review.

When authorized under the procedure provided for Development Permits in this ~~§~~Title, the following uses will be permitted in an RLC zone per Chapter 10.112:

- (A) Semi-Public, Parochial and Private Buildings and Structures.
- (1) ~~Churches~~ Religious Institutions;
- (2) Community or neighborhood club buildings, swimming pools and other allied facilities when erected by a non-profit community club for the improvement of the zone or social recreation of the members.
- (~~B~~) ~~Planned development, subject to the provisions of Chapters 10.112 and 10.124.~~
- (~~CB~~) Multi-family dwellings ~~units~~, subject to the provisions of Chapters 10.112 and 10.116.
- (~~DC~~) Mobile home and Manufactured dwelling parks and, subject to the provisions of Chapters 10.112 and 10.120.
- (~~D~~) Assisted Living Facility.
- (~~E~~) Residential Home.
- (~~F~~) Child Care Center.
- (~~J~~) ~~Child Care Facility.~~
- (~~G~~) Parks
- (~~H~~) Public Facilities Overlay Zone, including educational, municipal and public facilities.
- (~~F~~) ~~Right of way (subject to provisions of Section 10.48.080, Underground Utility~~

Installation) for:

- ~~(1) Electric service lines;~~
- ~~(2) Gas mains;~~
- ~~(3) Communications lines;~~
- ~~(4) Water lines;~~
- ~~(5) Sewer lines; and~~
- ~~(6) TV cable lines.~~
- (~~GI~~) Public utility structures when they comply with all yard and setback requirements.
- (~~HJ~~) Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (Ord. 454 §2, 2000)

10.24.050 Limitations on Use.

In an RLC zone, the following conditions shall apply for commercial uses:

(A) For expansion of existing buildings and for new construction, a development plan shall be submitted to the Planning Official ~~Planning Commission~~ for their approval. Such plan shall show the location of all existing and proposed buildings and structures, parking areas, drainage facilities, utility services, access points, lighting, signs, landscaping, and other such data as may have a bearing on the adjacent properties. In approving a development plan, the governing body may impose conditions relating to:

- (1) Size and location of signs through a separate sign permit;
- (2) Size, type, and location of outdoor lighting;
- (3) Landscaped area;
- (4) Screening;
- (5) Building setbacks;
- (6) Ingress, parking, vehicle storage, and egress for commercial uses;
- (7) Drainage and utility service.

Construction shall be in conformance to the plan approved by the Planning Official ~~Planning Commission~~ to assure compatibility with adjacent residential dwellings ~~properties~~.

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

~~(CB)~~ Use of activity shall be conducted wholly within an enclosed structure.

~~(DC)~~ The portion of a structure devoted to commercial or office use shall not exceed 5,000 square feet gross floor area. There is no limit on the total size of a structure housing multiple uses authorized in this zone.

~~(ED)~~ Use of activity shall not be conducted before 6:00 a.m. or after 10:00 p.m.

~~(FE)~~ Compliance with requirements of Chapter 10.52, Off-Street Parking and Loading, shall be the minimum required for the plan approval. The Planning Commission may impose more stringent requirements to preserve compatibility with adjacent residential properties. (Ord. 454 §2, 2000; Ord. 515 §1, 2017)

10.24.060 Height of Building.

~~In an RLC zone, a~~No building or structure shall exceed 35 feet in height as measured using the Oregon Structural Specialty Code, at its highest point from natural ground level or two and one half stories in height from natural ground level. (Ord. 454 §2, 2000)

10.24.070 Yard Setback Requirements.

In an RLC zone, each lot shall have yards of the following size unless provided in Section 10.76.050, General Exceptions to Yard Requirements:

(A) Rear Yard. There shall be a rear yard on every lot in an RLC zone, which rear yard shall have a minimum depth of 15 feet except for multi-family which shall be 20 feet. ~~In the case of a corner lot, the minimum depth shall be 20 feet for a one-story building, 26 feet for a two or two and one half story building.~~

(B) Side Yard. There shall be a side yard on each side of the main building on every lot in an RLC zone in width of five ~~seven and one half~~ feet; however, any side yard provided adjacent to a street shall not be less than 10 feet except for multi-family which shall be 20 feet.

(C) Front Yard. Every building erected, constructed or altered in an RLC zone shall have a front yard of not less than 15 feet to a living space and 20 feet to a garage. The setback shall be 20 feet for multi-family and commercial uses. When by this title or any other regulations a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply. (Ord. 454 §2, 2000)

10.24.080 Lot Size, Width, and Depth.

In an RLC zone, the minimum requirements for lot area shall be 6,000 square feet for each single-family dwelling and duplex dwelling, and/or commercial, multi-family, or a mixed use building housing multiple land uses building and shall be 8,000 square feet for each two family dwelling or mixed use building housing multiple land uses authorized in this zone. ~~The width of a lot at the building line shall be not less than 50 feet, and the depth of a lot shall be not less than 90 feet. The width of a lot at the building line shall be not less than 60 feet for each two family dwelling.~~ (Ord. 454 §2, 2000; Ord. 515 §1, 2017)

10.24.090 Sign Regulations.

All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations. (Ord. 454 §2, 2000)

10.24.100 Parking Requirements.

All new developments shall require off-street parking, which shall be provided in accordance with Chapter 10.52, Off-Street Parking and Loading. (Ord. 454 §2, 2000)

10.24.110 Bicycle Requirements.

All new developments shall require bicycle parking, which shall be provided in accordance with Chapter 10.56, Bicycle Parking. (Ord. 454 §2, 2000)

10.24.120 Fence Regulations.

All new developments shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence and Wall Regulations. (Ord. 454 §2, 2000)

10.24.130 Clear-Vision Area.

All new developments shall adhere to the clear-vision requirements which shall be provided in accordance with Chapter 10.68, Clear-Vision Area. (Ord. 454 §2, 2000)

H. Amend Chapter 10.40 FHO Flood Hazard Overlay Zone to read as:

Sections:

10.40.010 Purpose.

10.40.020 Statutory Authorization, Findings of Fact, Purpose and Objectives.

10.40.030 Definitions.

10.40.040 General Provisions.

10.40.050 Administration.

10.40.060 Provisions for Flood Hazard Protection.

10.40.070 Use.

10.40.010 Purpose.

(A) It is the purpose of the FHO zone to regulate and prohibit some uses in those areas in the Flood Hazard Overlay Zone that would endanger the safety and general welfare of the community.

(B) A Flood Hazard Overlay Zone shall be considered as an overlay to any existing zone and the development of said property shall be in accordance with this zone's requirements for use, except as may be specifically allowed by the Planning Official ~~Planning Commission~~ under the provisions of this section.

(C) A Flood Hazard Overlay Zone shall be identified on the Zoning Map in addition to the existing zone. (Ord. 384 §2, 1988; Ord. 454 §2, 2000; Ord. 488 §1, 2010)

10.40.020 Statutory Authorization, Findings of Fact, Purpose and Objectives.

(A) Statutory Authorization. The legislature of the State of Oregon has in ORS 92.046 delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

(B) Findings of Fact.

(1) The flood hazard areas of Yamhill are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to flood loss.

(C) Statement of Purpose. It is the purpose of this Flood Hazard Overlay Zone to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in areas by provisions designed:

(1) To protect human life and health;

(2) To minimize expenditures of public money and costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, street and bridges located in areas of specific flood hazard;

(6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) To insure that potential buyers are notified that property is in an area of special flood hazard; and

(8) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(D) **Methods of Reducing Flood Losses.** In order to accomplish its purposes, this section includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights and velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, to be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural flood plains, stream channels and protective barriers which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage;

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas; and

(6) Coordinating and supplementing the provisions of the State Building Code with local land use and development ordinances. (Ord. 384 §2, 1988; Ord. 454 §2, 2000; Ord. 488 §1, 2010)

10.40.030 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Appeal” means a request for a review by the City Council of the interpretation of any provision of this chapter or a request for a variance.

“Area of shallow flooding” means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. An AO zone is characterized as sheet flow and an AH zone indicates ponding.

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year; designation on maps always includes the letters “A” or “V.”

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year; also referred to as the “100-year flood.” Designation on maps always includes the letters “A” or “V.”

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Below-grade crawl space” means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four feet at any point.

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

“Development” means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

“Elevated building” means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Existing manufactured home park or subdivision” means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets,

and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Insurance Rate Map” (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 10.40.060(B)(1).

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots or sale.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

“Recreational vehicle” means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as

clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

“State Building Code” means the combined specialty codes.

“Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

“Substantial improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- (1) Before the improvement or repair is stated; or
- (2) If the structure has been damaged and is being restored, before the damage occurred, for the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State inventory of Historic Places.

“Variance” means a grant of relief from the requirements of this title which permits construction in a manner that would otherwise be prohibited by this title.

“Water dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 454 §2, 2000; Ord. 488 §1, 2010)

10.40.040 General Provisions.

(A) Lands to which this Zone Applies. The Flood Hazard Overlay Zone shall apply to all areas of special flood hazards within the jurisdiction of the City of Yamhill.

(B) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas,” dated March 2, 2010, with accompanying flood insurance maps, is hereby adopted as reference and declared to be part of this chapter. The study is on file at Yamhill City Hall, and Yamhill Planning Department, County Courthouse, McMinnville, Oregon.

(C) Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. This chapter does not apply to existing structures in the floodplain where proposed alterations and improvements do not constitute substantial improvements as defined in Section 10.40.030.

(D) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and other regulations, the State Building Code, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

(E) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes and rules including the State Building Code.

(F) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering

considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Yamhill, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 454 §2, 2000; Ord. 488 §1, 2010)

10.40.050 Administration.

(A) Establishment of Development Permit. A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 10.40.040(B). The permit shall be for all structures, including manufactured homes, as set forth in the “definitions” and for all other development, including fill and other activities, also set forth in the “definitions.” Application for a Development Permit shall be on forms furnished by the Planning Department and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relationship to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meets the floodproofing criteria in Section 10.40.060(B); and
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(B) Designation of the Planning Official ~~Planning Commission~~. The Planning Official ~~Planning Commission~~ is hereby appointed to administer and implement this chapter by granting or denying Development Permit applications in accordance with its provisions.

(C) Duties and responsibilities of the Planning Official ~~Planning Commission~~ shall include, but not be limited to:

- (1) Permit Review.
 - (a) Review all Development Permits to determine that the permit requirements and conditions of this chapter have been satisfied.
 - (b) Review all Development Permits to determine those federal, state or local governmental agencies from which prior approval is required.
 - (c) Review all Development Permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 10.40.060(C) are met.
- (2) Use of Other Base Flood Data. When base flood data has not been provided in accordance with Section 10.40.040(B), Basis for Establishing the Areas of Special Flood Hazard, the Planning Commission shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 10.40.060(B), Specific Standards, and 10.40.060 (C), Floodways.
- (3) Information to be Obtained and Maintained.
 - (a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basements and below-grade crawlspaces) of all new or substantially improved structures and whether or not the structure contains a basement.
 - (b) For all new or substantially improved floodproofed structures:
 - (1) Verify and record the actual elevation (in relation to mean sea level); and
 - (2) Maintain the floodproofing certifications required in Section 10.40.050.
 - (c) Maintain for public inspection all records pertaining to the provisions of this chapter.
 - (4) Alterations of Watercourses.

(a) Notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(b) Require that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished.

(5) Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 10.40.050(D).

(D) Variance and Appeal Procedure.

(1) The Planning Commission as established by the City of Yamhill shall hear and decide appeals and request for variances from the requirements of this chapter.

(2) The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning Commission in the enforcement or administration of this chapter.

(3) Those aggrieved by the decision of the Planning Official ~~Planning Commission~~, or any taxpayer, may appeal such decision to the Planning Commission and City Council, as provided in Chapter 10.128.

(4) In passing upon such applications the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

- (a) Danger that materials may be swept onto other lands to the injury of others;
- (b) Danger to life and property due to flooding or erosion damage;
- (c) Susceptibility of the proposed facility and its content to flood damage and the effect of such damage on the individual owner;
- (d) Importance of the services provided by the proposed facility to the community;
- (e) Necessity to the facility of a waterfront location, where applicable;
- (f) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) Compatibility of the proposed use with existing and anticipated development;
- (h) Relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
- (i) Safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (k) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Upon consideration of the factors of Section 10.40.050(D)(4) and the purposes of this chapter, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(6) The Planning Official ~~Planning Commission~~ shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(E) Conditions for Variances.

(1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing paragraphs (a) through (k) in Section 10.40.050(D)(4) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

(2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this chapter.

(3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon a:

(a) Showing of good and sufficient cause;

(b) Determination that failure to grant the variance would result in exceptional hardship to the applicant;

(c) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 10.40.050(4)(D), or conflict with existing local laws or regulations.

(6) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 10.40.050(E)(1), and otherwise complies with Sections 10.40.060(A)(1) and 10.40.060(A)(2) of the General Standards.

(8) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 454 §2, 2000; Ord. 488 §1, 2010)

10.40.060 Provisions for Flood Hazard Protection.

(A) General Standards. In all areas of special flood hazards, the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure;

(b) All manufactured homes shall be anchored to prevent floatation, collapse or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top and frame ties to ground anchors (Reference FEMA's "Manufacturing Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(2) Construction Materials and Methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities.

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems, and discharge from the systems into floodwaters; and
- (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
- (4) Subdivision Proposals.
 - (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least five lots or one acre (whichever is less).
- (5) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 10.40.050(C)(2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high-water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- (B) Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided through the FIRM, or as provided in Section 10.40.040(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 10.40.050(C)(2), Use of Other Base Flood Data, the following provisions are required:
 - (1) Residential Construction.
 - (a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.
 - (b) All enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a total open area of not less than one square inch for every square foot of enclosed area subject to flood shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - (a) Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 10.28.050(C)(3)(b);
 - (d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 10.28.060(B)(1)(b);

(e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base foot level will be rated as one foot below that level).

(3) Manufactured Homes.

(a) All manufactured homes to be placed or substantially improved on sites:

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood,

shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated to a minimum 18 inches (46 cm) above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

(b) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community’s FIRM that are not subject to the above manufactured home provisions shall be elevated so that either:

(i) The finished floor of the manufactured home is elevated to a minimum of 18 inches (46 cm) above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

(4) Recreational Vehicles. Recreational vehicles placed on sites are required to either:

(a) Be on the site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(c) Meet the requirements of this section and the elevation and anchoring requirements for manufactured homes.

(5) Below-Grade Crawlspace. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in subsection (5)(b) below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

(b) The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

(c) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

(d) Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

(e) The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

(f) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

(g) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

(h) The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01.

(C) Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(D) Floodways. Located within areas of special flood hazard established in Section 10.28.040(B) are areas designated as "floodways." Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(1) Except as provided in subsection (D)(3), encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Section 10.28.060(D)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(3) Projects for stream habitat restoration may be permitted in the floodway provided:

(a) The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and

(b) A qualified professional (a registered professional engineer; or staff of NRCS; the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and

(c) No structures would be impacted by a potential rise in flood elevation; and

(d) An agreement to monitor the project, correct problems, and ensure that flood-carrying capacity remains unchanged is included as part of the local approval.

(4) New installation of manufactured dwellings are prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:

(a) If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or

(b) A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:

(i) As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;

(ii) The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 cm) above the BFE as identified on the Flood Insurance Rate Map;

(iii) The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;

(iv) The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;

(v) The location of a replacement manufactured dwelling is allowed by the local Planning Department's ordinances; and

(vi) Any other requirements deemed necessary by the authority having jurisdiction.

(D) Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. (Ord. 454 §2, 2000; Ord. 488 §1, 2010)

10.40.070 Use.

In an ~~F-H~~ FHQ zone the following uses and their accessory uses are permitted:

- (A) Public park, open space;
- (B) Farming;
- (C) Campgrounds;
- (D) Travel trailer park;
- (E) Drive-in theater. (Ord. 454 §2, 2000; Ord. 488 §1, 2010)

I. Amend Chapter 10.48 General Provisions to read as:

Sections:

- 10.48.010 General Requirements.**
- 10.48.020 Minimum Requirements.**
- 10.48.030 Minimum Street Width.**
- 10.48.040 Lots Abutting a Partial Street.**
- 10.48.050 Dwellings to Be Accessible to a Public Street.**
- 10.48.060 Protection of Solar Access.**
- 10.48.070 Runoff, Sedimentation and Erosion Control.**
- 10.48.080 Underground Utility Installation.**
- 10.48.090 Review of Historic Sites.**
- 10.48.100 Demolishment of Historic Sites.**
- 10.48.110 Stream Corridor Protection.**
- 10.48.120 Changes and Amendments.**
- 10.48.130 Interpretation of Title.**
- 10.48.140 Interpretation of Zoning Boundaries.**
- 10.48.150 Uses Not Specifically Covered.**
- 10.48.160 Penalties for Violation.**
- 10.48.170 Savings Clause.**

10.48.010 General Requirements.

The provisions of this title shall be construed to be the general requirements of the promotion of the public health, safety, and general welfare. When this title imposes a greater restriction upon the use of specific buildings or premises, or upon the height of specific buildings, or requires in specific instances, larger open spaces than appears to be necessary in the public interest as set forth in this title or required by other laws, rules or regulations, the provisions of this title pertaining to variances shall be applicable. (Ord. 454 §2, 2000)

10.48.020 Minimum Requirements.

In interpreting and applying this title, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. (Ord. 454 §2, 2000)

10.48.030 Minimum Street Width.

All street rights-of-way shall be not less than set forth below:

- (A) Major Arterials, ~~80~~ 100 feet.
 - (B) Secondary Arterial, 80 feet.
 - (~~BC~~) Collector streets and continuing residential streets, 60 feet. ~~unless otherwise specified by the Planning Commission.~~
 - (~~CD~~) Cul-de-sac, 50 feet radius. ~~unless otherwise specified by the Planning Commission.~~
- (Ord. 454 §2, 2000)

10.48.040 Lots Abutting a Partial Street.

No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and is located on that side which has not yet been dedicated or condemned unless the yards provided on such lot include both that portion of the lot lying within the required street and the required yards. This provision shall not be construed as being in lieu of

or waiving any subdivision or partitioning requirement of this or any other regulations. (Ord. 454 §2, 2000)

10.48.050 Dwellings to Be Accessible to a Public Street.

(A) Every dwelling shall be situated on a lot having direct access by abutting on a public street or a driveway of required dimensions. Where a private driveway is used to serve dwellings it shall be of the following width:

- (1) Serving one dwelling: 18 to 24 feet.
- (2) Serving two dwellings: ~~24~~ 18 to ~~30~~ 24 feet.

When the number of lots served by the drive exceeds two, then the drive will be improved to street status consistent with Title 11 of this code.

(B) The property owner shall be responsible for providing adequate access to any street or roadway. The property owner shall contact the Oregon Department of Transportation ~~State Highway Department~~ for standards regarding access onto any State highway. The property owner shall contact the Yamhill County Public Works Department ~~Road Department~~ for standards regarding access onto any County road. The property owner shall contact the Building ~~Inspector~~ Official regarding access onto any City street. No building permit shall be issued until provisions for appropriate and adequate access are made. Driveway width, in any case, shall not exceed the width as set forth herein. (Ord. 454 §2, 2000; Ord. 523 §1, 2018)

10.48.060 Protection of Solar Access.

The use of solar energy systems including solar collectors, storage facilities, and distribution components for space heating and cooling and domestic water heating is a permitted use within all zones, whether as a part of a structure or incidental to a group of structures nearby.

(A) Solar collectors and the equipment used for the mounting and operation of such collectors where necessary, may be elevated above the two and one-half story height limitation in residential zones. However, elevation of solar collectors shall not restrict solar access to adjacent properties.

(B) Chimneys, private communication transmission towers, private television and private radio antennas are all exempt from the structural height limitations of this title. Although exempted from structural height limitations, these structures should not significantly impair solar access of buildings or solar collector locations. (Ord. 454 §2, 2000)

10.48.070 Runoff, Sedimentation and Erosion Control.

A property owner shall not modify or grade his/her property so as to direct runoff onto an adjacent property other than that which is naturally occurring along existing drainage-ways. Roof drainage shall be accommodated within the confines of the property and not directed onto another property. Roof drainage shall be directed out to the curb-line of the adjacent street ~~whenever possible~~. Development plans submitted to the Building Inspector shall assure that proper site grading measures are taken whenever necessary to avoid excessive runoff or erosion. (Ord. 454 §2, 2000)

10.48.080 Underground Utility Installation.

(A) All new construction and redevelopment shall provide for underground utility installation, including, but not limited to, single-family dwellings, duplex dwelling, multi-family dwellings, commercial, public facilities, semi-public facilities, private facilities, ~~parochial~~ religious institution facilities, industrial facilities, and other uses permitted in this title.

(B) All damaged structures exceeding 50% of the fair market value as indicated by the records of the County Assessor shall provide for underground utility installation prior to issuance of a building permit.

(C) Upon replacement or relocation of a manufactured dwelling, mobile home, or manufactured home in accordance with this title, the owner shall provide for underground utility installation prior to issuance of a placement permit.

(D) All utility service companies shall plan for and implement a program for installation of underground facilities on any new, upgrading or replacement construction performed within the urban growth boundary of the City of Yamhill. (Ord. 454 §2, 2000)

10.48.090 Review of Historic Sites.

Upon receiving a land use application, the Planning Official ~~Planning Commission~~ shall review the application to determine its conformance to the historical preservation policies of the City. Further, if it is determined that a land use action will result in the demolition of a structure on a designated historic site, the Planning Commission shall review the application taking into account the following:

- (A) The state of repair of the building.
- (B) The reasonableness of the cost of restoration or repair.
- (C) The purpose of preserving such designated historical buildings and sites.
- (D) The character of the neighborhood.
- (E) All the other factors the Planning Commission feels appropriate. (Ord. 454 §2, 2000)

10.48.100 Demolishment of Historic Sites.

If a designated historical building is to be demolished, the City shall keep a pictorial and graphic history of the historical building or site in so far as funds are available. (Ord. 454 §2, 2000)

10.48.110 Stream Corridor Protection.

No development shall occur within a stream corridor area unless otherwise provided within this section.

(A) A stream corridor area shall apply within 50 feet of the top of the bank of Yamhill Creek and within 25 feet of the top of the bank of Rowland Creek.

(B) Development of properties adjoining stream corridors shall preserve the stream corridor area through one of the following means:

(1) Dedication to the City for park purposes, if acceptable to the Planning Commission and City Council.

(2) Creation of a tract of land to be owned in common by the owners of lots within the development. A non-profit ~~home-owners~~ homeowners association or conservation organization shall be created, in a manner acceptable to the City Attorney, for the ownership and maintenance of such tracts. The tract shall be preserved in perpetuity as open space through the use of conservation easements, deed restrictions, or by appropriate notation on the face of a subdivision plat.

(3) Creation of a conservation easement within the stream corridor area serving to prohibit development and the removal of riparian vegetation.

(C) Development and/or removal of riparian vegetation may occur in conjunction with an application submitted and approved by the ~~Division~~ Department of State Lands and U.S. Army Corp of Engineers. (Ord. 454 §2, 2000)

10.48.120 Changes and Amendments.

Any amendment of this ~~€~~Title which amends, supplements or changes only the text hereof, shall be initiated by the governing body or by the Planning Commission by ordinance. Whenever an amendment is initiated by the governing body, the ordinance shall be referred to the Planning Commission for its recommendation. (Ord. 454 §2, 2000)

10.48.130 Interpretation of Title.

When, in the administration of this title, there is doubt regarding the intent of the title, the City Recorder shall request an interpretation of the provision by the Planning Commission, who may issue an interpretation of the question if they have determined that such interpretation is within their power and is not a legislative act. Any interpretation of the title shall be based on the following:

- (A) — The purpose and intent of the title as applied to the particular section and question; and
- (B) — The opinion of the City Attorney or designated City Planner when requested by the Planning Commission. (Ord. 454 §2, 2000)

Some terms or phrases within this Title may have two or more reasonable meanings. This chapter provides a process for resolving differences in the interpretation of the Title text.

- (A) Except as otherwise provided herein or by law, the Planning Official shall be responsible for interpreting the provisions of this code.
- (B) The provisions of this Title shall be interpreted as minimum requirements. When this Title imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Title shall control.
- (C) Where a certain provision of this Title conflicts with another provision of this Title, the more restrictive provision shall apply.
- (D) Where the provisions of this Title are not clear, any party may request a formal interpretation of this Title in accordance with the procedures in Section 10.48.140.
- (E) The planning official may correct scrivener's errors in the text of this code.

10.48.140 Process for Formal Title Interpretations.

(A) Requests. Any party requesting a formal code interpretation shall make the request in writing to the Planning Official. The request shall be made on forms provided by the Planning Official, and shall be accompanied by a fee set by resolution of the City Council.

(B) Decision to Issue Interpretation. The Planning Official shall have the authority to review a request for an interpretation. The Planning Official shall advise the requester in writing within 14 days after the request is made on whether or not the city will issue the requested interpretation.

(C) Declining Requests for Interpretations. The Planning Official is authorized to issue or decline to issue a requested interpretation. The basis for declining may include, but is not limited to, a finding that the subject code section affords only one reasonable interpretation and the interpretation does not support the request. The Planning Official's decision to issue or decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation and the decision is not subject to any further local appeal. If the Planning Official declines the request for interpretation, the Planning Official shall refund the unexpended portion of the application fee.

(D) Written Interpretation. If the Planning Official decides to issue an interpretation, he or she shall issue it in writing and mail or deliver it to the person requesting the interpretation and any other person who specifically requested a copy of the interpretation. The written interpretation shall be issued within 14 days after the Planning Official advises the requester that an interpretation will be issued. The decision shall become effective 14 calendar days later, unless an appeal is filed in accordance with subsection (E) of this section.

(E) Appeals. The applicant and any party who received such notice or who participated in the proceedings through the submission of written or verbal evidence of an interpretation may appeal the interpretation to the Planning Commission within 14 days after the interpretation was mailed or delivered to the applicant. The appeal may be initiated by filing a notice of appeal with the Planning Official. The appeal shall be handled in the same manner as provided under Chapter 10.128.

(F) Interpretations on File. The Planning Official shall keep on file a record of all formal code interpretations.

10.48.140 Interpretation of Zoning Boundaries.

Where uncertainty exists with respect to the boundaries on the various districts, as shown on the map accompanying and made a part of this title, the following rules shall apply:

(A) The district boundaries are either streets or alleys unless otherwise shown and where the districts designated on the map accompanying and made a part of this title are bounded approximately by street or alley lines, said street or alley shall be construed to be the boundary of such district.

(B) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the districts designated on the map accompanying and made a part of this title are bounded approximately by lot lines said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.

(C) In un-subdivided property, the district boundary lines on the map accompanying and made a part of this title, shall be determined by use of the scale contained on such map. (Ord. 454 §2, 2000)

10.48.150 ~~Uses Not Specifically Covered~~ Authorization of similar use.

~~The City Recorder, upon approval by the Planning Commission and Council, may permit in a zone any use not described in this title if the Recorder finds that the proposed use is in general keeping with the uses authorized in such zone or district. (Ord. 454 §2, 2000)~~

The purpose of this section is to provide for those uses not specifically listed in a particular zoning district but which are similar in character, scale and performance to the permitted uses specified therein.

(A) The Planning Official, through a Type I procedure, may determine that a use not specifically listed among the allowed uses in a zone is permitted, permitted with special use standards, or allowed subject to approval of a conditional use permit based on all of the following criteria:

(1) The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to permitted uses specified in the underlying district;

(2) The use does not conflict with the standards and limitations of the underlying zoning district. The Planning Official shall determine whether additional land use review, such as conditional use approval or a Development Permit, is required;

(3) The proposed use, by definition, is not limited to a different zone.

(B) The applicant and any party who received such notice or who participated in the proceedings through the submission of written or verbal evidence of a similar use may appeal the interpretation to the Planning Commission within 14 days after the interpretation was mailed or delivered to the applicant. The appeal may be initiated by filing a notice of appeal with the Planning Official. The appeal shall be handled in the same manner as provided under Chapter 10.128.

(C) The determination by the Planning Official that a proposed similar use cannot be accommodated in a given zone does not preclude an application by the appropriate party for an amendment to the text of the comprehensive plan and/or zoning regulations.

10.48.160 Penalties for Violation.

(A) Any violation or infraction of this chapter will be punishable upon conviction as a violation in accordance with Chapter 1.36 of this code.

(B) The penalties imposed by this chapter are not exclusive and are in addition to any other remedies available under City ordinance or State statute. (Ord. 445 §28, 1998; Ord. 454 §2, 2000)

10.48.170 Savings Clause.

If any section, paragraph, subdivisions, clause, sentence or provisions of this chapter shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this chapter, except for that sentence, or provision

immediately involved in the controversy in which such judgment or decree shall be rendered. It being the intent of the governing body to enact the remainder of this chapter notwithstanding the parts so declared unconstitutional or invalid. Should any section, paragraph, subdivision, clause, sentence or provision of this chapter be declared unreasonable or inapplicable to a particular use at any particular location, such declaration of judgment shall not affect, impair, invalidate, or nullify such section, paragraph, subdivision, clause, sentence, or provision as to any other premises or use. (Ord. 454 §2, 2000)

J. Amend Chapter 10.52 Off-Street Parking and Loading to read as:

Sections:

- 10.52.010 Purpose.**
- 10.52.020 New and Existing Facilities to Provide Parking and Loading.**
- 10.52.030 Reduction of Required Parking Area Prohibited.**
- 10.52.040 Location.**
- 10.52.050 Off-Street Automobile Parking Requirements.**
- 10.52.060 Off-Street Loading Requirements.**
- 10.52.070 Parking and Loading Area Development Requirements.**
- 10.52.080 General Provisions—Off-Street Parking and Loading.**
- 10.52.090 Parking Dimensional Standards.**
- 10.52.100 Calculation of Required Parking.**
- 10.52.110 Parking Space Markings.**
- 10.52.120 Parking for Handicapped.**
- 10.52.130 D.E.Q. Permit Required.**
- 10.52.140 Shared Parking.**
- 10.52.150 Joint Use.**
- 10.52.160 Availability of Required Off-Street Parking.**
- 10.52.170 Maintenance of Parking Areas.**

10.52.010 Purpose.

The purpose of these regulations is to establish parking areas having adequate capacity and which are appropriately located and designed to accommodate the majority of traffic generated by the range of uses which may locate on a site over time. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.52.020 New and Existing Facilities to Provide Parking and Loading.

Except as noted in subsection D below, off-street parking and loading areas as hereinafter set forth shall be provided and maintained:

- (A) For any new building or structure erected.
- (B) For additional seating capacity, floor area, guest rooms, or dwelling units added to any existing building or structure.
- (C) When the use of the building or structure as set forth in Section 10.52.080 is changed, which changed use would require additional parking areas and off-street loading areas under the provisions of this chapter.
- (D) In the Central Business District, no off-street parking is required for commercial, public, or industrial uses.
- (E) In the Central Business District multi-family and single room occupancy shall provide 1 space per unit. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.52.030 Reduction of Required Parking Area Prohibited.

Off-street parking and loading areas which existed on the effective date of the ordinance codified in this chapter shall not be reduced below the required minimum as set forth in this chapter. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.52.040 Location.

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

(A) In a residential zone, automobile parking areas for dwellings and other uses permitted in a residential zone may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure or use.

(B) In any commercial zone and CBD Overlay, the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.52.050 Off-Street Automobile Parking Requirements.

Off-street parking shall be provided as required by Section 10.52.080 and approved by the Planning Official ~~Planning Commission~~ in the amount not less than those listed in the following table:

Parking Requirements

~~A~~	~~Single-family and duplex dwellings 1, 2 and 3~~ <u>family dwelling</u>	1 space per dwelling unit
~~B~~	<u>Accessory dwelling units</u>	<u>No parking required</u>
~~BC~~	Multi-family dwellings, ~~4~~ <u>3</u> or more units located on the same lot	1½ spaces per dwelling unit
~~D~~	<u>Assisted living facility</u>	<u>0.5 spaces per unit</u>
~~E~~	<u>Childcare Center</u>	<u>1 per employee, plus 1 per 10 pupils</u>
~~F~~	<u>Child care home</u>	<u>No off-street parking other than for the required dwelling</u>
~~G~~	<u>Residential home</u>	<u>1 space per 4 beds, plus 1 space per employee</u>
~~H~~	<u>Single room occupancy</u>	1 per room
~~GI~~	Hotel, ~~motel and boarding houses~~	1 space per guest room, plus 1 space for the owner or manager
~~DJ~~	Club, lodge	Spaces sufficient to meet the combined minimum requirements of the heaviest uses being conducted, such as hotel, restaurant, auditorium, etc.
~~EK~~	Hospital, nursing home	1 space per 2 beds, plus 1 space per 2 employees
~~FL~~	Churches, auditorium, stadium, theater	1 space per 4 seats or every 8 feet of bench length
~~GM~~	Elementary or junior high school	2 spaces per classroom, plus off-street loading and unloading facility
~~HN~~	High school	1 space per classroom, plus 1 space per employee, plus 1 space for each 10 students, plus off-street loading and unloading facility
~~IO~~	Bowling alley, skating rink, community center	1 space per 100 sq. ft. of gross floor area, plus one space per 2 employees
~~JP~~	Retail store, except as provided in (Q)	1 space per 400 sq. ft. of gross floor area, plus one space per 2 employees
~~KQ~~	Service or repair shop, retail store handling exclusively bulky merchandise such as automobile and furniture	~~Service or repair shop, retail store handling exclusively bulky merchandise such as automobile and furniture~~ <u>1 space per 900 s.f. of gross floor area</u>
~~LR~~	Bank; professional office; and office buildings	1 space per 200 sq. ft. of gross floor area, plus 1 space per 2 employees
~~MS~~	Medical and dental clinic	1 space per 200 sq. ft. of gross floor area, plus 1 space per 2 employees

<u>NT</u>	Eating and drinking establishment	1 space per 4 seats or every 8 feet of bench length
<u>OU</u>	Drive-in fast food restaurant	5 spaces or 1 space for every 4 seats, plus 1 space for every 100 square feet of floor area, plus 1 space for every two employees, whichever is greater
<u>PV</u>	Storage warehouse	0-49,999 sq. ft. of floor area: 1 space per 5,000 sq. ft. or 1 space per employee, whichever is greater. 50,000-99,999 sq. ft. of floor area: 1 space per 10,000 sq. ft. or 1 space per employee, whichever is greater. 100,000 sq. ft. and over of floor area: 1 space per 15,000 sq. ft. or 1 space per employee, whichever is greater
<u>QW</u>	Wholesale establishment	1 space per employee or 1,000 sq. ft. of gross floor area, whichever is greater, plus 1 space per 700 sq. ft. of patron-serving area
<u>RX</u>	Municipal and governmental buildings	1 space per 600 sq. ft. of gross floor area, plus 1 space per 2 employees

Note: When a parking requirement is stated in terms of employees, it means the maximum number of employees who will be at the site at one time, either on a single shift or an overlap of shifts.

(Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.52.060 Off-Street Loading Requirements Commercial and Industrial.

Off-street loading space shall be provided as listed below, except in those cases that the Planning Commission may approve a variance ~~waive to~~ such requirements as provided for in Chapter ~~10.128~~ 10.100.

(A) Commercial retail buildings shall require a minimum loading space size of 12 feet wide, 30 feet long and 14 feet high in the following amounts:

(1) ~~For~~ buildings containing up to 2,000 square feet of gross floor area, one space and one additional space for each additional 10,000 square feet of gross floor area, or any portion thereof, or otherwise determined by the Planning Official ~~Planning Commission.~~

(B) All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 50 feet long, and 14 feet high in the following amounts:

(1) ~~For~~ buildings containing up to 2,000 square feet of gross floor area, one space and one additional space for each additional 10,000 square feet of gross floor area, or any portion thereof, or otherwise determined by the Planning Official ~~Planning Commission.~~ (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

(C) Loading may be allowed in the right-of-way with compliance of clear vision requirements of Chapter 10.68.

10.52.070 Parking and Loading Area Development Requirements.

All parking and loading areas, except single-family and duplex dwellings, shall be developed and maintained as follows:

(A) Surfacing. All driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded and drained as required by City Public Works design and engineering standards ~~the Planning Commission.~~

(B) Size of Parking Spaces and Driveways. The following standards shall apply to all parking areas and driveways:

(1) Standard parking spaces shall provide an area of not less than 9 10 feet in width by 18.5 ~~20~~ feet in length, exclusive of maneuvering and access area.

(2) Compact parking spaces shall provide an area of not less than 8 eight and one-half feet in width by 16 feet in length, exclusive of maneuvering and access area.

(3) One-way drives shall have a minimum improved width of at least 12 feet, exclusive of parking spaces.

(4) Two-way drives shall have a minimum improved width of at least 24 feet, exclusive of parking spaces.

(5) Or as otherwise determined by City Public Works design and engineering standards ~~the~~ Planning Commission.

(C) Angle Parking. Angle parking is permitted; provided, that each space contains a rectangle of not less than 9 10 feet in width and 18.5 ~~20~~ feet in length or 8 eight and one-half feet in width and 16 feet in length for compact spaces, and an appropriate aisle width as determined by interpolation of the table in Section 10.52.090.

(D) Compact Parking. The compact parking spaces described in this chapter shall not be used to satisfy more than 40% ~~50%~~ of the total required number of parking spaces.

(E) Screening. When any public parking or loading area is within or adjacent to a residential zone, such parking or loading area shall be screened from all residential properties with an ornamental fence, wall or hedge of at least five feet in height but not more than six ~~seven~~ feet in height, except along an alley.

(F) Lighting. Any light used to illuminate a parking or loading area shall be so arranged as to be directed entirely onto the loading or parking area, shall be deflected away from any residential use, and shall not cast a glare or reflection onto moving vehicles on public right-of-way. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.52.080 General Provisions—Off-Street Parking and Loading.

(A) The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading spaces. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this chapter. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this chapter to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are complied with.

(B) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Official ~~Planning Commission~~.

(C) A plan drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled shall accompany an application for a building permit.

(D) Design Requirements for Parking Lots and Loading Areas.

(1) Areas used for standing and maneuvering of vehicles shall be paved with asphalt or concrete surfaces maintained adequately for all-weather use and so drained as to avoid flow of water across sidewalks.

(2) Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

(3) Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

(4) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.

(5) ~~Service drive exits shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street or alley right of way line, and a straight line joining said lines through points 15 feet from their intersection.~~

(6~~5~~) Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail so placed to prevent a motor vehicle from extending over an adjacent property or street. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

(6) EV parking requirements of ORS 455.417 shall be provided.

10.52.090 Parking Dimensional Standards.

Table of Standards. Minimum standards for a standard parking stall's length and width, aisle width, and maneuvering space shall be determined from the following figure and tables. ~~Dimensions for~~ designated compact spaces are noted in parenthesis:

Angle from Curb	A Stall Width	B-Channel Width	C Aisle Width	D Curb Length per Stall
Parallel	10'0" (8'6")	10'0" (8'6")	12'0" (12'0")	25'0" (21'0")
30	10'0" (8'6")	18'10" (15'10")	12'0" (12'0")	20'0" (18'0")
45	10'0" (8'6")	21'1" (17'7")	14'0" (14'0")	14'9" (13'0")
60	10'0" (8'6")	22'1" (18'3")	18'0" (18'0")	12'5" (11'3")
90	10'0" (8'6")	20'0" (16'0")	24'0" (24'0")	10'0" (8'6")

Sample Illustration:

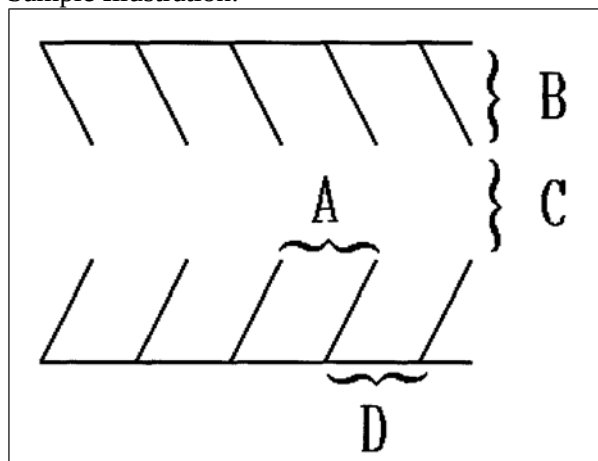
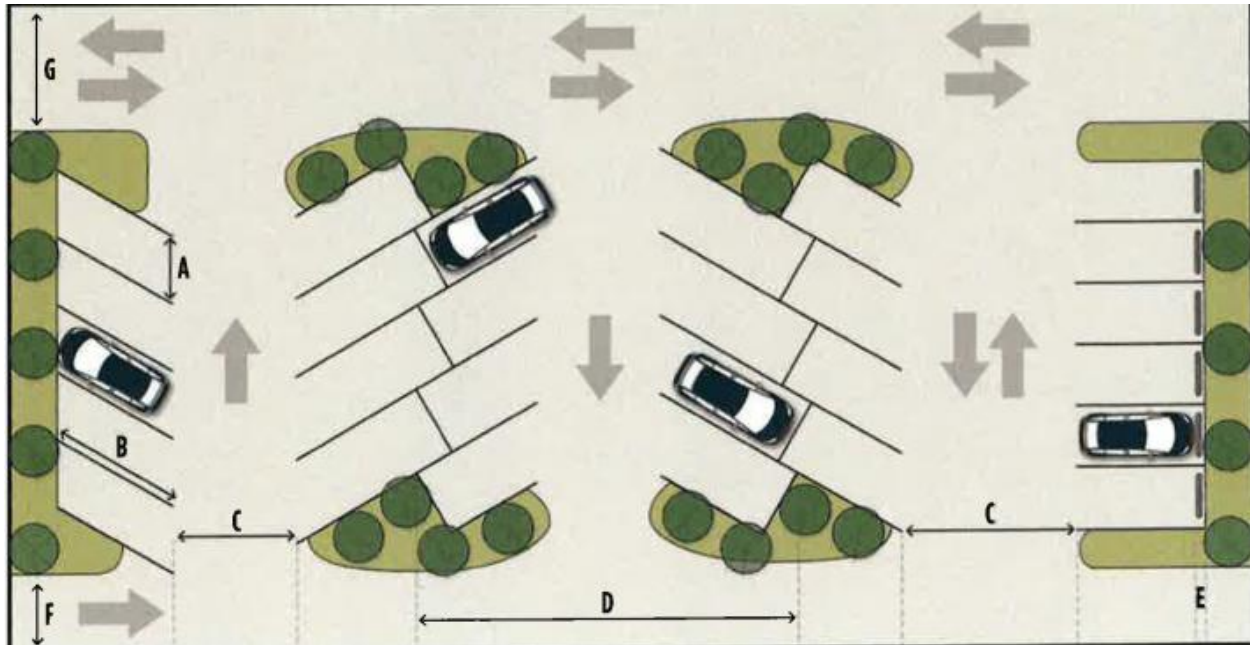


Figure:



<u>Dimension</u>	<u>On Diagram</u>	<u>0° Parallel</u>	<u>45°</u>	<u>60°</u>	<u>75°</u>	<u>90°</u>
<u>Stall Width</u>	<u>A</u>	<u>8.0</u>	<u>9.0</u>	<u>9.0</u>	<u>9.0</u>	<u>9.0</u>
<u>Stall Depth</u>	<u>B</u>	<u>24.0</u>	<u>17.5</u>	<u>19.0</u>	<u>19.5</u>	<u>18.5</u>
<u>Aisle Width</u>	<u>C</u>	<u>N/A</u>	<u>12.0</u>	<u>16.0</u>	<u>23.0</u>	<u>24.0</u>
<u>Module Width</u>	<u>D</u>	<u>N/A</u>	<u>47.0</u>	<u>54.0</u>	<u>62.0</u>	<u>61.0</u>
<u>Bumper Overhang</u>	<u>E</u>	<u>N/A</u>	<u>2.0</u>	<u>2.5</u>	<u>2.5</u>	<u>2.5</u>
<u>Driveway, One Way</u>	<u>F</u>	<u>12</u>				
<u>Driveway, Two Way</u>	<u>G</u>	<u>24</u>				

<u>Dimensions for Compact Parking</u>	<u>On Diagram</u>	<u>0° Parallel</u>	<u>45°</u>	<u>60°</u>	<u>75°</u>	<u>90°</u>
<u>Stall Width</u>	<u>A</u>	<u>8.0</u>	<u>8.0</u>	<u>8.0</u>	<u>8.0</u>	<u>8.0</u>
<u>Stall Depth</u>	<u>B</u>	<u>20.0</u>	<u>15.5</u>	<u>17.0</u>	<u>17.5</u>	<u>16.0</u>
<u>Aisle Width</u>	<u>C</u>	<u>N/A</u>	<u>11.0</u>	<u>14.0</u>	<u>21.0</u>	<u>20.0</u>
<u>Module Width</u>	<u>D</u>	<u>N/A</u>	<u>42.0</u>	<u>48.0</u>	<u>56.0</u>	<u>52.0</u>
<u>Bumper Overhang</u>	<u>E</u>	<u>N/A</u>	<u>2.0</u>	<u>2.5</u>	<u>2.5</u>	<u>2.5</u>
<u>Driveway, One Way</u>	<u>F</u>	<u>12.0</u>				
<u>Driveway, Two Way</u>	<u>G</u>	<u>20.0</u>				

(Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.52.100 Calculation of Required Parking.

(A) Where building square footage is specified, the area measured shall be the gross floor area within the exterior walls of the structure, excluding only space devoted to covered off-street parking or loading.

(B) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

(C) When a building is planned or constructed in such a manner that a variety of uses is possible and a choice of parking requirements could be made, the use(s) which requires the greater number of parking spaces shall govern. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.52.110 Parking Space Markings.

(A) Except for single-family and duplex dwellings ~~two-family residences~~, any parking spaces that are intended to be used to meet the off-street parking requirements contained in this chapter shall have all parking spaces clearly marked using a permanent paint; and

(B) All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.52.120 ~~Parking for Handicapped~~ Accessible Parking Spaces.

All parking lots shall comply with the Oregon Structural Specialty Code, Chapter 11 Accessibility and ORS 447.233. in conjunction with government and public buildings, as defined by Chapter 31 of the Uniform Building Code, are to include parking for the handicapped as set forth below. These spaces may be included to satisfy the total number of parking spaces required.

(A) One space for the first 50 spaces or fraction thereof; and one additional space for each additional 50 spaces or fraction thereof. Accessible parking spaces shall comply with the following:

<u>Total Parking in Lot</u>	<u>Required Minimum Number of Accessible Spaces</u>	<u>Required minimum Number of Van Accessible Spaces</u>	<u>Required Minimum Number of "Wheelchair User Only" Spaces</u>
<u>1 to 25</u>	<u>1</u>	<u>1</u>	<u>=</u>
<u>26 to 50</u>	<u>2</u>	<u>1</u>	<u>=</u>
<u>51 to 75</u>	<u>3</u>	<u>1</u>	<u>=</u>
<u>76 to 100</u>	<u>4</u>	<u>1</u>	<u>=</u>
<u>101 to 150</u>	<u>5</u>	<u>=</u>	<u>1</u>
<u>151 to 200</u>	<u>6</u>	<u>=</u>	<u>1</u>
<u>201 to 300</u>	<u>7</u>	<u>=</u>	<u>1</u>
<u>301 to 400</u>	<u>8</u>	<u>=</u>	<u>1</u>
<u>401 to 500</u>	<u>9</u>	<u>=</u>	<u>2</u>
<u>501 to 1,000</u>	<u>2 percent of total</u>	<u>=</u>	<u>1 in every 8 accessible spaces or portion thereof</u>
<u>1,001 and over</u>	<u>20 plus 1 for each 100 over 1,000</u>	<u>=</u>	<u>1 in every 8 accessible spaces or portion thereof</u>

~~(B) Parking lot and parking spaces shall conform to the requirements of Chapter 31 of the Uniform Building Code.~~

~~(C) Spaces shall be located nearest to the main pedestrian access point from the parking area to building or use serviced by the parking, and are to be designed so persons using wheelchairs or assisted walking are not compelled to pass behind parked vehicles.~~

~~(D) Parking for the handicapped shall be identified in accordance with the International Symbol of Accessibility for the Handicapped. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)~~

10.52.130 D.E.Q. Permit Required.

All parking areas which are designed to contain 250 or more parking spaces or to contain two or more levels, shall obtain a Department of Environmental Quality (D.E.Q.) Indirect Source Construction Permit and shall install oil and grease separators. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.52.140 Shared Parking.

Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when all the following criteria are satisfied:

- (A) When the hours of operation of the uses do not overlap;
- (B) Provided that satisfactory legal evidence is presented to the Planning Official and City Attorney ~~City Recorder/Treasurer~~ in the form of deeds, leases, or contracts to establish the shared use;
- (C) The other standards of this chapter can be met; and
- (D) If a joint use arrangement is subsequently terminated, the requirements of this chapter shall then apply separately to each use. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.52.150 Joint Use.

A parking area may be used for a loading area during those times when the parking area is not needed or used. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.52.160 Availability of Required Off-Street Parking.

Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use, except during periods of time when the business is not in operation. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.52.170 Maintenance of Parking Areas.

All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly and broken or splintered curbing or wheel stops shall be replaced so that their function will not be impaired. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

K. Amend Chapter 10.56 Bicycle Parking to read as:

Sections:

10.56.010 Bicycle Parking Required.

10.56.020 Bicycle Parking Development Requirements.

10.56.010 Bicycle Parking Required.

Bicycle parking shall be required in all new multifamily residential (~~four~~ three or more units), new public and semi-public, commercial and industrial development, as well as park-and-ride lots. Bicycle parking shall also be required for expansions, and other remodeling that increases the required level of automobile parking. Bicycle parking shall be provided in the following amounts.

Bicycle Requirements			
Land Use Activity	Bicycle Spaces	How Measured	Minimum Covered Amount
~~Multiple-family (43 or more units)~~	1	Per 1 dwelling units	100%
~~Hotel, motel, and boarding houses~~	1	Per 20 guest rooms	100%
<u>Assisted living facility</u>	<u>2</u>	<u>Minimum of two or one per every 20 vehicle parking spaces, whichever is greater.</u>	<u>100%</u>
<u>Child care center</u>	<u>2</u>	<u>Minimum of two or one per every 20 vehicle parking spaces, whichever is greater.</u>	<u>100%</u>
<u>Family Child care home</u>	<u>0</u>	<u>N/A</u>	<u>None</u>
<u>Residential facility</u>	<u>2</u>	<u>Minimum of two or one per every 20 vehicle parking spaces, whichever is greater.</u>	<u>100%</u>
<u>Residential home</u>	<u>0</u>	<u>N/A</u>	<u>None</u>
<u>Single room occupancy</u>	<u>1</u>	<u>Per room</u>	<u>100%</u>
Hospital, nursing home, convalescent home	1	Per 5 beds	75%
Church, auditorium, stadium, theater	1	Per 10 vehicle parking spaces	25%
Elementary & junior high school	4	Per classroom	100%
High school	8	Per classroom	100%
Bowling alley, skating rink, community center	1	Per 20 vehicle parking spaces	100%
Retail store	1	Per 10 vehicle parking spaces	50%
Service repair center, retail store handling bulky merchandise (e.g., furniture)	1	Per 30 vehicle parking spaces	10%
Bank, offices, medical & dental clinic	1	Per 10 vehicle parking spaces	10%
Eating & drinking establishment	1	Per 4 vehicle parking spaces	25%

Wholesale establishment	1	Per 30 vehicle parking spaces	10%
Municipal & government buildings	3	Per 10 vehicle parking spaces	25%
Drive-in fast food restaurant	1	Per 4 vehicle parking spaces	100%
Storage warehouse	1	Per 30 vehicle parking spaces	10%

(Ord. 454 §2, 2000)

10.56.020 Bicycle Parking Development Requirements.

(A) Space Size. Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum five-foot aisle.

(B) Location. All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and secure area. (Ord. 454 §2, 2000)

L. Amend Chapter 10.60 Fence and Wall Regulations to read as:

Sections:

10.60.010 Applicability of Provisions.

10.60.020 Standards.

10.60.030 Standards for Maintenance.

10.60.040 Fences—Use of Hazardous Materials.

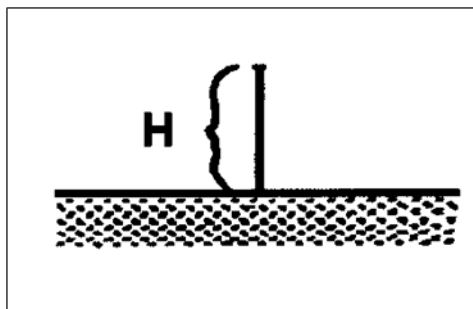
10.60.010 Applicability of Provisions.

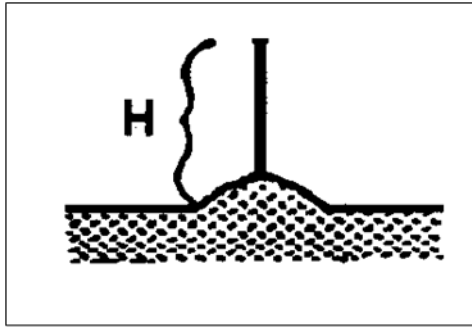
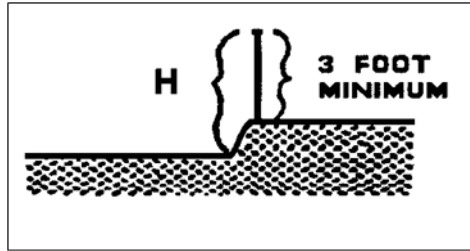
- (A) The provisions of this chapter shall apply to all construction of new and altered fences.
- (B) The Planning Official ~~City Recorder~~ shall review proposals for new or altered fences for compliance with the standards in Section 10.60.020. (Ord. 454 §2, 2000)

10.60.020 Standards.

New fences or fence alterations shall satisfy all the following standards:

- (A) Maximum Height Standards.
 - (1) Fences or walls in all zones shall meet the following standards unless modified by subsections (A)(2) through (6) of this section. See Illustration (B)(1).
 - (a) Front yard: three feet.
 - (b) Rear interior side yard: six feet.
 - (c) Corner side yard: six feet.
 - (2) For fences or walls that are located along the top of a retaining wall or change in grade, a maximum height of three feet may be permitted, even if the total height exceeds eight feet as measured in subsection (A)(3) below. See Illustration (B)(2).
 - (3) When fences or walls are located on top of a berm or retaining wall, they shall have a maximum height of eight feet measured from the base of the berm or retaining wall. This maximum height requirement shall be amended only when necessary to comply with subsections (A)(2) or (4). See Illustration (B)(3).
 - (4) When deemed appropriate by the City during ~~site plan~~ Development Permit or conditional use approval, the maximum fence height may be increased for purpose of providing improved buffering and screening between properties. Fences or walls over six feet in height shall require a building permit.
 - (5) When a side yard abuts the front yard of an adjoining lot, the maximum fence height for that side yard shall be three feet.
 - (6) Clear-Vision Area ~~Visual clearance~~ requirements may require elimination or height reduction of a proposed fence.
- (B) The prescribed heights of fences or walls shall be measured from the base to the top of the fence as illustrated below (H = fence height).





(C) Clear-Vision Area Visual clearance standards shall be observed in accordance with Chapter 10.68, Clear-Vision Area.

(D) Fences and walls shall be constructed of wood, chain link, brick wrought iron, decorative metal, vinyl or similar material.

(E) The unfinished or structural side of the fence shall face the owner's property.

(F) The owner must assume all responsibility for accurately determining property boundaries, and for any excavating within designated utility easements.

(G) Fences and walls shall be located within private property and shall not be placed on public property or rights-of-way. (Ord. 454 §2, 2000)

10.60.030 Standards for Maintenance.

(A) The residents of ~~the existing attached~~ single-family dwellings, duplex dwellings, and multi-family dwellings, commercial and industrial developments housing units are permitted to repair or replace fences and walls in keeping with the original design concepts in lieu of the standards contained in this section.

(B) Fences and walls shall be maintained in a safe condition by the property owner. (Ord. 454 §2, 2000)

10.60.040 Fences—Use of Hazardous Materials.

Fences shall not be constructed of or contain any material which will do bodily harm, such as barbed wire, electric wires, broken glass, spikes, and any other dangerous or hazardous material. (Ord. 454 §2, 2000)

M. Amend Chapter 10.72 Accessory Structures to read as:

Sections:

10.72.010 Application of Regulations.

10.72.020 Height of Building.

10.72.030 Front Yards and Yards Adjacent to Streets.

10.72.040 Side Yards, Interior.

10.72.050 Rear Yards.

10.72.060 Accessory Structures Attached to the Main Building.

10.72.070 Storage of Trailer Coaches, Camper Units, and Trailers.

10.72.080 Swimming Pools.

10.72.010 Application of Regulations.

The regulations herein set forth shall apply to all residential zones and to structures in any other zone used in connection with residential purposes. (Ord. 454 §2, 2000)

10.72.020 Height of Building Structure.

The maximum height of any accessory structure shall be that of any use allowed in the zone unless stipulated in this ~~§~~Title. (Ord. 454 §2, 2000)

10.72.030 Front Yards and Yards Adjacent to Streets.

Any accessory structure, except fences, which has any portion extending above grade shall observe the yard requirements the same as the main building. This shall include a dwelling. A garage, whether attached to a residence or as a separate building on which the main opening is towards a street, shall be located not less than 20 feet from the property line bordering the street. (Ord. 454 §2, 2000)

10.72.040 Side Yards, Interior.

Accessory structures not attached to the main building located in an interior side yard shall be set back at least ~~five seven and one-half~~ feet from any lot line. (Ord. 454 §2, 2000)

10.72.050 Rear Yards.

An accessory structure may be located within a required rear yard, but not closer than five feet to the rear property line measured from the eave line. Its location must comply with side yard requirements. In the case of an alley adjacent to a rear yard the accessory structure may be located no less than five feet from the right-of-way of the alley. An accessory structure located within a required rear yard shall be no more than 12 feet in height and its area shall be no greater than 200 square feet. (Ord. 454 §2, 2000)

10.72.060 Accessory Structures Attached to the Main Building.

Covered or enclosed accessory ~~structures~~ buildings which are attached to the main building shall be considered as a portion of the main building except for certain projections, as provided in Chapter 10.76. Accessory structures shall be considered as being attached to the main building when any portion of the accessory structure is located within four feet of the main building. (Ord. 454 §2, 2000)

10.72.070 Storage of Trailer Coaches, Camper Units, and Trailers.

Trailer coaches, camper units, and trailers shall not be stored in a required front or street side yard. For the purpose of this subsection the word “stored” relates to any unit which shall remain in a similar position for a period of 48 hours or more. (See Chapter 10.84 regarding the use of recreational vehicles as guest quarters.) (Ord. 454 §2, 2000)

10.72.080 Swimming Pools.

An uncovered swimming pool may be located in a required rear yard provided it is no closer than five feet to the rear property line. Any pool, either above or below ground, three feet deep or greater, shall be contained within a fenced or walled area. The fence or walled area shall be a minimum of four feet in height. (Ord. 454 §2, 2000)

N. Amend Chapter 10.76 Lot Area, Yards and Height Restrictions to read as:

Sections:

10.76.010 New Buildings to Be on a Lot.

10.76.020 Yards Apply Only to One Building.

10.76.030 No Parking in Front Yard, Yards Adjacent to a Street, or Landscaped Areas.

10.76.040 Projections from Buildings.

10.76.050 General Exceptions to Yard Requirements.

10.76.010 New Buildings to Be on a Lot.

Every building erected shall be located on a lot or parcel as herein defined. (Ord. 454 §2, 2000)

10.76.020 Yards Apply Only to One Building.

No required yard or other open space or required driveway and service drives provided around or for any building or structure for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected. (Ord. 454 §2, 2000)

10.76.030 No Parking in Front Yard, Yards Adjacent to a Street, or Landscaped Areas.

No parking shall be allowed exclusive of driveways and service drives within the required front yard area or a required side yard adjacent to a street. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this chapter. In no case shall parking be allowed in a clear-vision area or in a required landscaped area. (Ord. 454 §2, 2000)

10.76.040 Projections from Buildings.

Architectural features such as cornices, canopies, sunshades, chimneys, and flues, shall not project more than 18 inches into a required yard. Eaves may extend a distance not to exceed 30 inches into a required yard. These provisions shall apply unless determined otherwise by the Planning Commission. (Ord. 454 §2, 2000)

10.76.050 General Exceptions to Yard Requirements.

~~(A)~~ Subject to the requirements of this section, the following exceptions to the front yard requirement for dwellings are authorized for a lot in any zone:

~~(1)~~ Every building shall be set back from the front lot line at least 20 feet, except in the instance where the average depth of the other buildings on the same side of the street is between 20 and 10 feet, then the average may be used. The average depth is the average of the distance from the closest part of the foundation of the existing buildings to the front property line where the existing buildings are within 200 feet of the center of the proposed building on the same side of the street.

~~(2)~~ If existing buildings are within 10 feet of the property line, then within the same block, no less than 10 feet shall be used in figuring the average, or if existing buildings are more than 20 feet from the property line, then the minimum requirement of 20 feet shall be used in figuring the average.

~~(BA)~~ Whether attached to a dwelling residence or as a separate building, a covered storage facility (garage) for a vehicle on which the main opening is toward a street shall be located not less than 20 feet from the property line bordering the street.

~~(CB)~~ In a zoning district where automobile service stations are permitted, freestanding gasoline pumps and pump islands, identification signs and lighting standards may occupy a required front or street side yard. In any case, gasoline pumps and pump islands shall not be closer than 10 feet to a street line, nor shall they protrude into the clear-vision area.

~~(DC)~~ In a commercial or an industrial zone, if an alley is adjacent to a required side or rear yard, the distance for a required yard may be measured from the side of the alley adjacent to the property.

(~~E~~D) A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line. The front yard of a corner lot is defined as being the side upon which the development thereon faces. (Ord. 454 §2, 2000)

O. Amend Chapter 10.80 Manufactured/Mobile Home Regulations to read as:

Manufactured ~~Home~~/Manufactured Dwelling/Mobile Home ~~Prefabricated Structures~~ Regulations

Sections:

10.80.010 Purpose.

10.80.020 Design Standards for Manufactured Dwellings, ~~Mobile Homes~~, Manufactured Homes, Prefabricated Structures on Individual Lots.

10.80.010 Purpose.

The purpose of Chapter 10.80 is to provide design standards for manufactured dwellings, ~~and mobile homes~~ and Prefabricated Structures on individual lots. (Ord. 454 §2, 2000)

10.80.020 Design Standards for ~~Mobile Homes~~, ~~or~~ Manufactured Homes, Manufactured Dwellings, ~~or~~ Prefabricated Structures ~~Homes~~ on Individual Lots.

A manufactured dwelling, mobile home, ~~or~~ manufactured home, or prefabricated home structures in the City of Yamhill placed on an individual lot shall comply with the following provisions:

(A) Where herein referred to, a "manufactured dwelling", "mobile home", "manufactured home", or "prefabricated structures home" shall mean a factory-built home ~~having no less than 950 square feet in area~~ which has been constructed to be moved upon highways in one or more sections and for permanent residential living. ~~No manufactured dwelling, mobile home, or manufactured home, or prefabricated structures home shall be established on any lot in the City of Yamhill unless the same shall have been manufactured no more than five years prior to the date sought for installation.~~

(B) Subject to the requirements of this chapter and within the following described areas of the City of Yamhill, manufactured dwelling, ~~mobile homes~~, ~~or~~ manufactured homes, or prefabricated homes structures may be erected, used and occupied:

- (1) R-1 Single-Family Residential.
- (2) R-2 Single-Family Residential.
- (3) R-3 ~~Multi-family~~ Mixed Residential.
- (4) RLC Residential Limited Commercial.

(C) The placement of the manufactured dwelling, ~~mobile home~~, ~~or~~ manufactured home, or prefabricated structures home shall also be subject to the following provisions:

(1) ~~The owner of the dwelling or home shall also be the owner of the lot on which the dwelling or home is located.~~ The manufacturer shall certify that the manufactured dwelling or prefabricated structure has an exterior thermal envelope meeting performance standards which reduce levels equivalent to performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010.

~~(2) No dwelling or home shall be placed upon a lot until arrangements have been made to connect the dwelling or home to the City sewer system and to the City water system, and no dwelling or home shall be occupied until such connections are made.~~ The placement of the manufactured dwelling, manufactured home, or prefabricated structures shall comply with the height of building, yard setback requirements, lot size and width, development regulations, parking requirements, fence regulations, clear-vision area, and sign regulations of the zone in which the dwelling or prefabricated structure is placed.

~~(3) No r home shall be placed upon a lot unless it has the Oregon State Seal of Approval.~~

~~(4) All dwellings or homes placed upon a lot shall conform to the setback requirements specified in this chapter.~~

~~(5) All manufactured dwellings or homes placed on a lot in said zone shall within 30 days after placement, remove the tongue and wheels and/or erect it in accordance with the following specifications:~~

~~(a) No less than two continuous 16-inch wide by six inch deep concrete footings, per section, containing a minimum of two each, one-half inch (#4) rebar. Be placed on a foundation.~~

~~(b) — Footings set to ground level on solid undisturbed ground and running lengthwise of the home.~~

(ea) Six mil (0.006 inch) black plastic covering ground and footings under the manufactured dwelling or mobile home.

~~(d) — Homes must have at least 18 inches clearance between ground level and bottom of frame members. The floor shall be placed a maximum of 18 inches above the finish ground level at any point.~~

~~(e) — The or home shall be supplied with a roof with a minimum slope of 16% (2:12) and shall have composition roofing, shakes or similar roofing other materials approved by the Planning Commission.~~

~~(f) — Lap siding or comparable siding as to style and material.~~

(gb) The dwelling or home must have a continuous skirting of non-corrosive, non-decaying material extending at least six inches into the ground or to an impervious face. The skirting shall have provisions for ventilation and access to the space under the unit, but such openings shall be secure against the entrance of animals.

~~(h) — Each home must contain an approved early warning system for fire.~~

~~(i) — Major landscaping shall be done by the end of the first garden season after occupancy is granted, but in no case shall such period be allowed to extend more than eight months.~~

~~(D) — No additions or outbuildings shall be constructed with or added to or placed upon said lot which do not conform in all respects to the City Building Code, the zoning setback requirements, and the ordinances enacting the same.~~

~~(E) — The owner of the property, upon removal of the dwelling or home, agrees to remove the foundation to ground level and all additions to the home and to permanently disconnect sewer, water and other utilities. The “permit” authorizes the City to perform the work and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within 30 days from the date on which the home is moved from its foundation. This condition shall not apply in the event that the dwelling or home is replaced on the original foundation, or on the original foundation as modified by another approved home within 60 days of the original unit’s removal.~~

(FD) No manufactured dwelling, ~~mobile home~~, or manufactured home; or prefabricated structures ~~home or similar unit~~ shall be placed on a lot and used for storage purposes.

(G) — The City shall retain the right to perform the work as required to fulfill the conditions of this chapter, in the event the owner fails to accomplish the work within the time limit specified, or within 30 days after written notice of the Planning Commission to complete all work as required to fulfill the conditions of this chapter. The City shall have the right to place a lien against the property for the cost of the work performed. The City shall have the right to foreclose against any lien made by it in accordance with the provisions of State law. (Ord. 454 §2, 2000)

P. Amend Chapter 10.84 Temporary Structures to read as:

Sections:

10.84.010 Purpose.

10.84.020 Use of Mobile, Manufactured or Prefabricated Units as Temporary Structures.

10.84.030 Use of a Recreational Vehicle as Guest Quarters or Temporary Residence.

10.84.010 Purpose.

The purpose of Chapter 10.84 is to provide requirements for temporary structures. (Ord. 454 §2, 2000)

10.84.020 Use of Mobile, Manufactured or Prefabricated Dwelling Units as Temporary Structures.

A mobile, manufactured or prefabricated dwelling unit in the City of Yamhill placed on an individual lot and used as a temporary dwelling residence shall comply with the following provisions:

- (A) The unit shall have a water closet and lavatory.
- (B) The unit shall be connected to City water and sewer.
- (C) The unit shall be placed to comply with any yard requirements of the zoning district in which it is located.
- (D) No accessory structures shall be allowed.
- (E) No unit shall be established on any lot in the City of Yamhill unless the same shall have been manufactured not more than five years prior to the date sought for installation.
- (F) Other conditions as required by the Planning Official ~~Planning Commission~~.
- (G) The fee for a Unit Placement Permit shall be as set forth in Chapter 10.128. A Unit Placement Permit shall be issued for a period of six months maximum. A new application, fee, permit and approval shall be required each succeeding six-month period. A Unit Placement Permit may be revoked in accordance with the provisions of Chapter 10.128. The permit authorizes the City to perform the work set forth in the permit and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within 15 days of the issuance of the permit. The City shall have the right to foreclose against any lien made by it in accordance with the provisions of State law. (Ord. 454 §2, 2000)

10.84.030 Use of a Recreational Vehicle as Guest Quarters or Temporary Residence.

A recreational vehicle in the City of Yamhill placed on an individual lot and used as a temporary residence shall comply with the following provisions:

- (A) Usage of a recreational vehicle will be permitted as guest quarters not in the main building, provided such quarters are, and remain dependent upon the main building for bathroom facilities, and the guest facilities are not used for residential purposes. There shall be a time limit of 30 days for such usage after which an RV Permit must be obtained for each succeeding 30-day period, with notification to the City Council before issuance of a second permit. (See Chapter 10.72 regarding location.)
- (B) Usage of a recreational vehicle will be permitted as a temporary residence on an individual lot during construction of a home with the following conditions:
 - (1) The recreational vehicle shall only be occupied by the owner of the lot on which the recreational vehicle is located.
 - (2) The recreational vehicle shall be placed upon the lot on which a building permit for a housing unit has been obtained.
 - (3) Satisfactory progress in the opinion of the Building Official must be made toward the completion of the housing unit.
 - (4) The recreational vehicle shall be connected to City water and sewer service.
 - (5) The recreational vehicle shall be placed to comply with any yard requirements of the zoning district in which it is located.

(6) Other conditions as required by the Planning Official ~~Planning Commission~~.

(C) The fee for an RV Permit shall be as set forth in Chapter 10.128. An RV Permit shall be issued for a period of one month maximum. A new application, fee, permit and approval shall be required each succeeding one-month period. An RV Permit may be revoked in accordance with the provisions of Chapter 10.128. The permit authorizes the City to perform the work set forth in the permit and place a lien against the property for the cost of the work in the event the owner fails to accomplish the work within 15 days of the issuance of the permit. The City shall have the right to foreclose against any lien made by it in accordance with the provisions of State law. (Ord. 454 §2, 2000; Ord. 523 §1, 2018)

Q. Amend Chapter 10.88 Nonconforming Buildings and Uses to read as:

Sections:

- 10.88.010 Nonconforming Use of Buildings and Land.**
- 10.88.020 Maintenance, Alteration and Extension of Nonconforming Use.**
- 10.88.030 Change of Use.**
- 10.88.040 Destruction of Nonconforming Use.**
- 10.88.050 Repair to Nonconforming Structures.**
- 10.88.060 Cessation of Nonconforming Use of Building and Land.**
- 10.88.070 Conditional Uses Are Not Nonconforming Uses.**

10.88.010 Nonconforming Use of Buildings and Land.

The lawful use of a building or land existing on the effective date of the ordinance codified in this €Title may be continued although such does not conform to the regulations specified for the area in which the land or building is located. (Ord. 454 §2, 2000)

10.88.020 Maintenance, Alteration and Extension of Nonconforming Use.

A nonconforming structure or use may be continued, maintained, altered, or extended subject to the following conditions:

Before enlargement, extension or expansion of the use of a nonconforming building is permitted which does not conform to regulations of the zone in which the use is located the approval of the Planning Commission is required as set forth in Chapter 10.100, Variances. (Ord. 454 §2, 2000)

10.88.030 Change of Use.

If a nonconforming use is replaced by another use, the new use shall conform to this €Title. Replacement of a nonconforming use by a use in the same land use category, shall not be considered a change of use. (Ord. 454 §2, 2000)

10.88.040 Destruction of Nonconforming Use.

If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 50% of its fair market value as indicated by the records of the County Assessor, the future structure or use on the site shall conform to this €Title, unless the structure is replaced and the use is re-established within six months of the date of destruction. (Ord. 454 §2, 2000)

10.88.050 Repair to Nonconforming Structures.

A nonconforming structure may be repaired and maintained so long as any such repair or maintenance does not in any way increase its nonconformance and remains otherwise lawful. (Ord. 454 §2, 2000)

10.88.060 Cessation of Nonconforming Use of Building and Land.

If the actual operation of a nonconforming use of a building or land ceases for a period of 60 days, such building and/or land shall be subject to all the regulations specified by this €Title for the zone in which such building or land is located. Notification of cessation of nonconforming use shall be served by the City and shall begin the date of cessation of nonconforming use regardless of the date of notice by the City. (Ord. 454 §2, 2000)

10.88.070 Conditional Uses Are Not Nonconforming Uses.

Any use which is permitted as a conditional use as provided in this €Title shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use, qualified with such conditions as the Planning Commission has required. (Ord. 454 §2, 2000)

R. Amend Chapter 10.92 Land Use and Building Permit Procedures to read as:

Sections:

10.92.010 Land Use and Building Permit Procedure.

10.92.020 Conformance and Permits Required.

10.92.030 City Land Usage Approval.

10.92.040 Plats.

10.92.050 Building Permit Approval.

10.92.060 Applicant's Responsibility.

10.92.070 Building Inspector Approval.

10.92.010 Land Use and Building Permit Procedure.

All applications for land use and building permits shall be subject to the following conditions. (Ord. 454 §2, 2000)

10.92.020 Conformance and Permits Required.

No building, structure, or premises shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, structurally altered, or enlarged unless in conformity with all the regulations herein specified for the zone in which it is located, and then only after applying for and securing all permits and licenses required by all laws and regulations. (Ord. 454 §2, 2000)

10.92.030 City Land Usage Approval.

All applications provided for in this Title shall be made on forms prescribed by the Planning Official ~~Planning Commission and/or City Recorder~~. Applications shall be made in writing and accompanied by site plans ~~plat plans~~ and specifications drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure, or part thereof, and such other information as is needed to determine conformance with this Title. (Ord. 454 §2, 2000)

10.92.040 Site Plan ~~Plats~~.

Each application for a building permit, or a change in the use of a building, shall be accompanied by a site plan drawing ~~or plat~~ in duplicate, drawn to scale, showing the parcel, lot or tract ~~plan~~, the location of the building or structure and other information necessary to show compliance with these regulations. This site plan ~~plat~~ shall be made from a plat of record or from an accurate survey after the lot has been staked by a licensed surveyor. A copy and record and a duplicated copy shall be kept at the building at all times during construction. (Ord. 454 §2, 2000)

10.92.050 Building Permit Approval.

Upon approval the applicant shall present all completed City land use forms with the necessary building plans to the Building ~~Inspector~~ Official for inspection, approval and for necessary enforcement measures. (Ord. 454 §2, 2000; Ord. 523 §1, 2018)

10.92.060 Applicant's Responsibility.

Fulfilling the requirements of Section 10.92.020 shall be the responsibility of the applicant. (Ord. 454 §2, 2000)

10.92.070 ~~Building Inspector~~ Official Approval.

The Building ~~Inspector~~ Official shall approve building permits only when the Planning Official ~~City Recorder~~ has reviewed the application and granted approval consistent with Chapter 10.128. (Ord. 454 §2, 2000; Ord. 523 §1, 2018)

S. Amend Chapter 10.96 Home Occupation Permits to read as:

Sections:

- 10.96.010 Purpose.**
- 10.96.020 Definitions.**
- 10.96.030 Types of Home Occupation Permits.**
- 10.96.040 Authority to Issue.**
- 10.96.050 General Provisions.**
- 10.96.060 Businesses Which Qualify for Simple Home Occupation Permits.**
- 10.96.070 Standards for Home Occupations.**
- 10.96.080 Fee.**
- 10.96.090 Forms to be Provided by City.**
- 10.96.100 Annual Renewal.**
- 10.96.110 Permits Valid—From—To.**
- 10.96.120 Revocation of Home Occupation Permit.**

10.96.010 Purpose.

The intent of the home occupation is to recognize the needs of people who are engaged in small-scale business or professional operations from their place of residence. The residential character of the property shall be maintained and the home occupation shall be conducted in such manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. A home occupation shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home for which purpose the residential zone was created and primarily intended. (Ord. 454 §2, 2000)

10.96.020 Definitions.

(A) **Home Occupation.** An occupation carried on solely by the resident of a dwelling house of a secondary use, in connection with which no assistants are employed, no commodities are sold other than services, no sounds are heard beyond the premises, and there is no display, advertisement, or signboard, except such signs as by this title may be permitted in the zone where home occupations such as dressmaker, lawyer, notary public, public accountant, artist, writer, teacher, musician, physician, dentist, or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobtrusively, and inoffensively pursued in a family dwelling, provided no structural alterations are made to accommodate such occupations and the residential character of the dwelling building remains unchanged, and not more than one-half of the floor area of any one story is devoted to such use.

(B) **Home Occupation Permit (Type 1).** A permit issued by the Planning Commission through the Conditional Use Permit process.

(C) **Simple Home Occupation Permit (Type 2).** A minor form of a Home Occupation Permit which may be issued by the Planning Official ~~City Recorder/Treasurer~~ if all applicable conditions can be met by the resident/owner of the property. (Ord. 454 §2, 2000)

10.96.030 Types of Home Occupation Permits.

There is hereby established two types of Home Occupation Permits.

(A) Type 1 - Home Occupation Permit shall consist of a Home Occupation Permit which shall be issued by the Planning Commission through the Conditional Use Permit process.

(B) Type 2 - Simple Home Occupation Permit shall consist of a minor Home Occupation Permit which shall be issued by the Planning Official ~~City Recorder/Treasurer~~ as part of the City

Business License process, if all requirements of the Simple Home Occupation Permit process can be adhered to by the applicant. (Ord. 454 §2, 2000)

10.96.040 Authority to Issue.

A Simple Home Occupation Permit shall be one which meets the following guidelines and can be approved by the ~~Planning Official City Recorder/Treasurer~~ in conjunction with the issuance of a City Business License, when in compliance with the rules and regulations as stated in this chapter. A standard Home Occupation Permit shall be issued by the Planning Commission upon the successful completion of a Conditional Use Permit proceeding. (Ord. 454 §2, 2000)

10.96.050 General Provisions.

Any application for a Home Occupation Permit will require a joint application with the owner if the applicant is other than the owner. The permit shall terminate immediately upon vacation of the premises by the applicant. Continuation of the same home occupation by a different person than the original applicant will require a new application, fees, and review/hearing. (Ord. 454 §2, 2000)

10.96.060 Businesses Which Qualify for Simple Home Occupation Permits (Type 2).

Simple Home Occupation Permits may be issued for the following home businesses (provided that those businesses are to be used as home office use only):

- (A) Dressmakers;
- (B) Lawyers;
- (C) Notary publics;
- (D) Public accountants;
- (E) Artists;
- (F) Writers;
- (G) Teachers;
- (H) Musicians;
- (I) Physicians;
- (J) Practitioners of healing arts;
- (K) Word processing;
- (L) Computer consultants;
- (M) Engineers;
- (N) ~~Contractors~~ Contractor office (no equipment or material storage);
- (O) Other occupations which can clearly demonstrate that they will comply with the

conditions of Section 10.96.010.

Any business which does not meet the conditions for a Simple Home Occupancy Permit shall have the right to apply for a Conditional Use Permit from the City Planning Department. (Ord. 454 §2, 2000; Ord. 491 §9, 2011)

10.96.070 Standards for Home Occupations.

Either type of home occupation shall fulfill the following conditions:

- (A) No person shall be employed other than a member of the family residing in the home.
- (B) No structural alterations shall be made to accommodate such occupations, the residential character of the buildings and property shall remain unchanged, and traffic attracted to the premises shall be kept at a minimum.
- (C) The business or activity shall be conducted wholly within the dwelling home or within an accessory building structure, residential in appearance. Accessory buildings structure used for a home occupation shall comply with all setback requirements of the zone.
- (D) No noise, dust or any other offensive action or material shall be emitted from the premises.

- (E) No materials, products, or supplies shall be stored outside of the building.
- (F) There shall be sufficient room to load and unload materials, supplies, and products on the premises. (Ord. 454 §2, 2000)

10.96.080 Fee.

That as a form of business license the fee shall be the same as for a business license as established by the City Council by resolution. (Ord. 454 §2, 2000)

10.96.090 Forms to be Provided by City.

All parties who wish to obtain a Home Occupation Permit shall make application on the forms provided by the City. If the home occupation is approved, the applicant shall enter into a contract with the City of Yamhill to ensure compliance with the established regulations. Said contract shall be renewable each year as part of the process of issuing Home Occupation Permits. (Ord. 454 §2, 2000)

10.96.100 Annual Renewal.

(A) Once either form of a Home Occupation Permit has been obtained, it shall be renewed on an annual basis, in conjunction with an annual business license. The Home Occupation Permit number shall be noted just under the business license number located on the official City Business License.

(B) If the original Home Occupation Permit was obtained through the Conditional Use Permit process, it shall not be required to undergo a new Conditional Use Permit process each year. However, at the Planning Commission's discretion, it may be required to undergo an annual review to determine that it is continuing to observe all requirements as may have been required when the original permit was issued. (Ord. 454 §2, 2000)

10.96.110 Permits Valid—From—To.

A Home Occupation Permit shall be valid from the date of issue until the end of the current fiscal year. The City's fiscal year is from July 1st to June 30th each year. All parties holding a Home Occupation Permit shall renew their permit when they renew their business license each year. (Ord. 454 §2, 2000)

10.96.120 Revocation of Home Occupation Permit.

At any time it is determined that the holder of the Home Occupation Permit is in violation of their contract with the City of Yamhill, the City retains the right to revoke both their Home Occupation Permit and their business license. If a Home Occupation Permit is revoked by the City, the holder of the permit shall retain the right to apply for a Conditional Use Permit to re-establish the home occupation. The process for applying for a Conditional Use Permit is controlled by Chapter 10.104, and forms and fee information are available at City Hall. (Ord. 454 §2, 2000)

T. Amend Chapter 10.108 Variances is amended to read as:

Sections:

10.100.010 Authority to Grant or Deny Variances.

10.100.020 Application and Processing Procedure.

10.100.030 Findings Required for Granting a Variance.

10.100.040 Limiting Variances.

10.100.050 Variance Right Must Be Exercised to Be Effective.

10.100.060 Effective Date of Approval.

10.100.070 Appeals.

10.100.010 Authority to Grant or Deny Variances.

The Planning Commission may approve variances from the requirements of this Title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this Title would cause an undue or unnecessary hardship; except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. (Ord. 454 §2, 2000)

10.100.020 Application and Processing Procedure.

An application for a variance shall be processed in accordance with the provisions of Chapter 10.128. (Ord. 454 §2, 2000)

10.100.030 Findings Required for Granting a Variance.

The Planning Commission may grant a variance when it appears from the application, and the facts permitted at the public hearing, and by investigation that:

(A) There are unnecessary, unreasonable hardships or practical difficulties which can be relieved only by modifying the requirements of this title, and is the minimum relief to relieve the hardship; and

(B) There are exceptional or extraordinary circumstances or conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to the land, buildings, or uses in the same zone; however, nonconforming land, uses, or structures in the vicinity shall not in themselves constitute such circumstances or conditions; and

(C) That granting the application will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises; and

(D) That such variance is necessary for the preservation and enjoyment of the substantial property rights of the petitioner; and

(E) That the granting of the application will not, under the circumstances of the particular case, adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant; and

(F) That granting of the application will be in conformance with the intent and purpose of this title and any officially adopted Comprehensive Plan. (Ord. 454 §2, 2000)

10.100.040 Sign Variance

(A) Sign Variance criteria area listed in Section 10.64.230.

10.100.045 Limiting Variances.

The Planning Commission may impose such limitations, conditions and safeguards as it may deem appropriate so that the intent of this title will be observed, public safety and welfare secured, and substantial justice be done. The Planning Commission may limit the time or duration of a variance. If the variance is granted, the applicant will exercise the rights granted in accordance with the terms and subject

to all conditions and limitations of the approval by the Planning Commission. A violation of any such condition or limitation shall constitute a violation of this title. (Ord. 454 §2, 2000)

10.100.0560 Variance Right Must Be Exercised to Be Effective.

Variances granted under this title shall be effective only when the exercise or the right granted thereunder shall be completed within six months from the effective date of that variance, unless a longer period be specified or thereafter allowed by the Planning Commission. In case such right has not been exercised, or extension obtained, the variance shall be void. (Ord. 454 §2, 2000)

10.100.0670 Effective Date of Approval.

If no public hearing is held by the City Council, the variance shall be effective 154 days after the date of the notice of the decision; however, if a public hearing is held by the City Council, the variance shall be effective following the final action taken by the City Council. (Ord. 454 §2, 2000)

10.100.0780 Appeals.

A decision of the Planning Commission may be appealed pursuant to the provisions of Chapter 10.128. (Ord. 454 §2, 2000)

U. Amend Chapter 10.108 Specific Conditional Uses to read as:

Sections:

10.108.010 Standards Governing Keeping of Animals in Residential Zones.

10.108.020 Boat, Camper, Trailer and Equipment Storage Area.

~~10.108.030 Standards for Boarding, Lodging or Rooming House and/or Group Care Home.~~

10.108.040 Formula Businesses.

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)

10.108.020 Boat, Camper, Trailer and Equipment Storage Area.

Boat, camper, trailer and equipment storage area may be permitted in an R-1, R-2 or R-3 zone, provided:

(A) That no sales are carried on, or any retail business or service operated in connection therewith, nor shall any substantial maintenance or repair of any vehicles or equipment stored thereon be conducted on the premises, whether by the owner or otherwise, unless such work be performed wholly within a building.

(B) That the front yard and any other yard adjacent to a street shall be landscaped with an evergreen ground cover; further, that this landscaping shall be adequately and permanently maintained.

(C) That an ornamental sight-obscuring fence, or wall, having a height of at least six feet, or a compact evergreen hedge not less than three feet in height when planted and capable of reaching at least six feet within three years be placed at the front yard setback line and at the setback line of any other adjacent area to a street, and along all other property lines; provided, however, that the Planning

Commission may require additional screening and landscaping where topography or other special conditions indicate such to be necessary to adequately screen the area.

(D) That the lot be paved in conformity with Chapter 10.52, or graveled and maintained in a manner so that dust shall be reasonably controlled.

(E) That lighting shall be so oriented to not shine or reflect upon abutting properties nor into the traveling lanes of any street in such a manner so as to constitute a nuisance.

(F) That any building used in conjunction with the storage lot shall conform to all yard setbacks as for the main buildings in a residential zone, and said building shall be architecturally designed and constructed of materials compatible with the residential development of the subdivision or neighborhood. (Ord. 454 §2, 2000; Ord. 475 §1, 2005)

~~10.108.030 — Standards for Boarding, Lodging or Rooming House and/or Group Care Home.~~

~~Such uses may be authorized as a conditional use only after consideration of the following factors:~~

~~(A) Sufficient area provided for the building, required yards, related structures, and off-street parking;~~

~~(B) Location of the site relative to the service area;~~

~~(C) Probable growth and needs therefor;~~

~~(D) Site location relative to land uses in the vicinity;~~

~~(E) Adequacy of access to and from principal streets together with the probable effects on the traffic volumes of abutting and nearby streets. (Ord. 454 §2, 2000; Ord. 475 §1, 2005)~~

10.108.040 Formula Businesses.

In addition to the other provisions of Chapter 10.104, the following shall apply where formula businesses are permitted by conditional use procedures.

~~(A)1.~~ A formula business must demonstrate compliance with the criteria listed in this subsection in addition to all other applicable conditional use criteria contained in Section 10.104.030.

~~(B)2.~~ The applicant shall demonstrate in its application materials that:

~~(1)a.~~ The proposed formula business shall be designed to preserve and enhance the City's smalltown character and to integrate existing community architectural and design features which will preserve such character for the City. This criterion is designed specifically to avoid standard frontage designs and styling clues that alert residents and visitors to the purpose of the business.

~~(2)b.~~ The building scale and mass as compared to surrounding development is compatible.

~~(3)c.~~ The developer shall establish provisions to minimize adverse impacts of development and operation on the natural setting and abutting properties.

~~(C)3.~~ In the event the City determines that a permit application or permit subject to this section is for a formula business, the permit applicant or holder bears the burden of proving to the City that the proposed or existing use does not constitute a formula business. This determination and challenge shall be in the form of a written staff decision that is appealable to the Planning Commission.

V. Amend Chapter 10.112 Development Permits to read as:

Chapter 10.112 Site Development Review

Sections:

~~10.112.010 Authority to Grant or Deny Development Permits.~~

~~10.112.020 Application and Processing Procedure.~~

~~10.112.030 Circumstances for Granting Development Permits.~~

~~10.112.040 Effective Date of Approval.~~

~~10.112.050 Appeals.~~

10.112.010 Purpose.

10.112.020 Applicability and exemptions.

10.112.030 Review procedure.

10.112.040 Application submission requirements.

10.112.050 Approval criteria.

10.112.060 Assurances.

10.112.070 Compliance with conditions – Permit expiration.

10.112.010 Authority to Grant or Deny Development Permits.

~~Development Permits listed in this title may be permitted, enlarged or otherwise altered upon authorization by the Planning Official or Planning Commission, based on the required review authority, in accordance with the standards and procedures set forth in this chapter. Specific Development Permits may be permitted in accordance with Chapter 10.116. (Ord. 454 §2, 2000)~~

The purpose of this chapter is to advance all of the following objectives in the public interest:

- (A) Carry out the development pattern and plan of the city and its comprehensive plan policies through efficient and effective review of site development proposals;
- (B) Promote the public health, safety and general welfare;
- (C) Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and
- (D) Encourage efficient use of land resources and public services, and the provision of transportation options.

10.112.020 ~~Application and Processing Procedure~~ Applicability and exemptions.

~~An application for a Development Permit shall be filed in accordance with the provisions of Chapter 10.128. (Ord. 454 §2, 2000)~~

Site development review approval is required for new development, changes of use resulting in increased vehicle traffic or demand for parking, additions and remodels, and to expand a nonconforming use or development. Except as specified by a condition of approval on a prior city decision, or as required for uses subject to conditional use permit approval, site development review is not required for the following:

- (A) Change in occupancy from one type of land use to a different land use resulting in no increase in vehicle traffic or demand for parking;
- (B) Single-family detached dwelling, including manufactured dwelling and prefabricated structures on an individual lot, (reviewed through building permit);
- (C) Duplex dwelling (reviewed through building permit);
- (D) Residential home (reviewed through building permit);;
- (E) Single Room Occupancy in residential zones (reviewed through building permit);
- (F) Home occupation;

- (F) Accessory structures that don't require a building permit, and accessory parking;
- (G) Public improvements required by city standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), except where a condition of approval requires site development review;
- (H) Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair.

10.112.030 Circumstances for Granting Development Permits Review procedure.

~~The Planning Commission, based on the required review authority, may prescribe restrictions or limitations for the proposed Development Permit. Any reduction or change of the requirements of this title must be considered as varying the title and must be requested and viewed as such. The Planning Official or 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, based on the required review authority, shall analyze the following criteria and incorporate such into their decision~~

- ~~— (A) — There is a public need for the Development Permit;~~
- ~~— (B) — There is an inadequacy of other property to satisfy the public need;~~
- ~~— (C) — The Development Permit conforms to the Comprehensive Plan, with all other provisions of this title, and any applicable street or highway plans;~~
- ~~— (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;~~
- ~~— (E) — The site for the proposed use related to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;~~
- ~~— (F) — The proposed use will have minimal adverse effect on abutting property or the permitted uses thereof; and~~
- ~~— (G) — The conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare. (Ord. 454 §2, 2000)~~

Site development review shall be conducted using a Type I review in Section 10.128.030(A) or the Type II procedure in Section 10.128.030(B). The procedure type will be determined as follows:

- (A) Type I Review. A Type I review will be used to review all of the following:
 - (1) Change of occupancy from one type of land use to a different type of land use resulting in an increase in vehicle traffic or demand for parking;
 - (2) Commercial, industrial, institutional, or multifamily building addition or remodel that adds less than 25 percent floor area;
 - (3) Site improvements, such as modifications to a landscaped area or parking area.
- (B) Type II Review. A Type II review will be used to review all of the following:
 - (1) All new development.
 - (2) Commercial, industrial, institutional, or multifamily building addition or remodel that adds 25 percent or more floor area.

10.112.040 Effective Date of Approval Application submission requirements.

~~If no public hearing is held by the City Council, the Development Permit shall be effective 15 days from the date of the decision by the Planning Commission. (Ord. 454 §2, 2000)~~

Type I review for minor developments is meant to compare the proposal to development code standards and does not require discretion. For a Type I review, a completed application form and a site plan with dimensions are required.

Type II site development review requires all of the following, except where the Planning Official determines that some information is not pertinent and therefore is not required:

(A) General Submission Requirements.

- (1) Information required for Type II review (see Chapter 10.128.030(B));
- (2) Transportation impact analysis, as may be required by the city or other roadway authority.

(B) Site Development Review Information. In addition to the general submission requirements an applicant for site development review shall provide the following information, as deemed applicable by the Planning Official. The Planning Official may request any information that he or she needs to review the proposal and prepare a complete staff report and recommendation to the approval body.

(1) Site Analysis Map. At a minimum the site analysis map shall contain the following information, as the city planning official deems applicable:

(a) The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;

(b) Topographic contour lines at two-foot intervals for slopes, except where the city engineer determines that larger intervals will be adequate for steeper slopes;

(c) Identification of slopes greater than 10 percent, with slope categories identified in five percent increments (e.g., zero percent to five percent, greater than five percent to 10 percent, greater than 10 percent to 15 percent, greater than 15 percent to 20 percent, and so forth);

(d) The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;

(e) Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the city, county, or state as having a potential for geologic hazards;

(f) Areas subject to overlay zones;

(g) Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;

(h) The location, size and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of six inches or greater at four feet above grade;

(i) North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;

(j) Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

(2) Proposed Site Plan. The site plan shall contain the following information:

(a) The proposed development site, including boundaries, dimensions, and gross area;

(b) Features identified on the existing site analysis maps that are proposed to remain on the site;

(c) Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;

(d) The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

(e) The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;

(f) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

(g) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);

(h) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pedestrian connections through parking lots, pathway connections to adjacent properties, and any bicycle lanes or trails;

(i) Loading and service areas for waste disposal, loading and delivery;

(j) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;

(k) Location, type, and height of outdoor lighting;

(l) Location of mail boxes, if known;

(m) Name and address of project designer, if applicable;

(n) Locations of bus stops and other public or private transportation

facilities;

(o) Locations, sizes, and types of signs.

(3) Architectural Drawings. Architectural drawings, as applicable:

(a) Building elevations with dimensions;

(b) Building materials, colors and type;

(c) Name and contact information of the architect or designer.

(4) Preliminary Grading Plan. A preliminary grading plan prepared by a registered engineer shall be required for all projects subject to site design review, including commercial, industrial, or multifamily developments. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, and all proposed storm water drainage systems and erosion control facilities.

(5) Landscape Plan. Where a landscape plan is required, it shall show the following, pursuant to land use zone;

(a) The location and height of existing and proposed fences, buffering or screening materials;

(b) The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;

(c) The location, size, and species of the existing and proposed plant materials (at time of planting);

(d) Existing and proposed building and pavement outlines;

(e) Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;

(f) Other information as deemed appropriate by the city planning official. An arborist's report may be required for sites with mature trees that are to be retained and protected.

(6) Deed Restrictions. Copies of all existing and proposed restrictions or covenants, including those for roadway access control.

(7) Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 10.112..050.

(8) Traffic impact analysis, when required, shall be prepared in accordance with the road authority's requirements.

(9) Other Information Determined by the Planning Official. The city may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this code.

10.112.050 ~~Appeals~~ Approval criteria.

~~A Development Permit decision of the Planning Commission may be appealed pursuant to the provisions of Section 10.128. (Ord. 454 §2, 2000)~~

(A) Approval Criteria. An application for a Type I or II site development review shall be approved if the proposal meets all of the following criteria. The city decision-making body may, in

approving the application, impose reasonable conditions of approval, consistent with the applicable criteria.

(1) The application is complete, in accordance with Section 10.112.040;

(2) The application complies with all of the applicable provisions of the underlying zone and overlay zone(s), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;

(3) The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards, pursuant to Chapter 10.88 Nonconforming Buildings and Uses;

(4) The proposal complies with all of the site design and development standards of this Title, as applicable;

(5) The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable. Note: compliance with other city codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

10.112.060 Compliance with conditions – Permit expiration.

Development shall not commence until after the effective date of all applicable land use and development approvals. Construction of public improvements shall not commence until the city has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The city may require bonding or other assurances for improvements. Site development review approvals are subject to all of the following standards and limitations:

(A) Approval Period. Site development review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:

(1) A public improvement plan or building permit application for the project has not been submitted within one year of approval; or

(2) Construction on the site is in violation of the approved plan.

(B) Extension. The Planning Official, upon written request by the applicant, shall grant one written extension of the approval period not to exceed one year; provided, that the applicant demonstrates:

(1) No changes are made on the original approved plan;

(2) The applicant can show intent of initiating construction on the site within the one-year extension period;

(3) There have been no changes to the applicable code provisions on which the approval was based. If there have been changes to the applicable code provisions and the subject plan does not comply with those changes, then the extension shall not be granted; in this case, a new site development review shall be required;

(4) Failure to obtain building permits and substantially begin construction within the standard time frame was beyond the applicant's control; and

(5) Payment of applicable fees.

W. Amend Chapter 10.116 Specific Development Permits to read as:

10.116 Specific Development Permits Site Development Review

Sections:

~~10.116.010 Duplex in an R-1 Zone.~~

~~10.116.020 Duplex in an R-2 Zone.~~

10.116.030 Multi-family Housing.

10.116.040 Accessory Dwelling Units.

10.116.050 Standards for Towers and/or Antennas.

~~10.116.010 Duplex in an R-1 Zone.~~

~~Within an R-1 zone a duplex shall be permitted on any lot provided that:~~

~~(A) The lot shall have at least 9,000 square feet.~~

~~(B) The use meets all yard and setback requirements of the zone. (Ord. 454 §2, 2000)~~

~~10.116.020 Duplex in an R-2 Zone.~~

~~Within an R-2 zone a one story and two story duplex shall be permitted only on a corner lot provided that:~~

~~(A) The lot shall have at least 8,000 square feet.~~

~~(B) The use meets all yard and setback requirements for the zone. (Ord. 454 §2, 2000)~~

10.116.030 Multi-family Housing.

Within an R-3, RM, RLC zone multi-family housing shall be permitted with a Development Permit as a Type II review provided:

(A) Height. No building or structure shall exceed 35 feet in height as measured using the Oregon Structural Specialty Code, ~~at its highest point from natural ground level.~~

(B) Yard Size Requirements. There shall be a side yard, a rear yard and a front yard for every multi-family dwelling, unless provided for in Section 10.76.050 (General Exceptions to Yard Requirements); which yard shall have a minimum depth as follows:

(1) There shall be a side yard not less than ~~five seven and one half~~ feet from the main building, except a yard on the street side of a corner lot shall be not less than 20 feet.

(2) A front yard shall be not less than 20 feet.

(3) A rear yard shall be not less than 20 feet ~~or as required in Section 10.20.060~~. Any side or rear yard adjacent to a street shall have a minimum yard depth of 20 feet.

(C) The yard separation ~~depth~~ between two or more main buildings on the same lot shall be equal to that interior side yard depth measured to an assumed property line drawn between the buildings. The yard depth between the assumed property line and the building shall be not less than as provided in this ~~¶~~Title.

(D) Landscaped Yards. Criteria for a Multi-family Development Permit shall include landscaped yards provided according to or in excess of the following:

(1) For each multi-family dwelling unit, 500 square feet of landscaped yard shall be provided for each unit, plus 100 square feet for each additional bedroom over three in each unit.

(2) All required yards adjacent to a street shall be landscaped, save that portion devoted to off-street parking. Such landscaping may be counted in fulfilling the requirements of the preceding subsection.

~~(3) The Planning Official Commission may require additional site amenities such as children's playgrounds, fencing, additional landscaping, garbage area screening and provision for rubbish control and building spacing if the scale of the project warrants additional amenities for the general livability of the community and of the proposed project.~~

(E) Lot Area and Width. The minimum lot area for multi-family use shall be ~~8,000~~ 10,000 square feet for a three or more dwellings ~~two-family dwelling~~; each additional dwelling unit shall require 2,000 square feet in the R-3 zone and 1,500 square feet of lot area in the RM and RLC zones. No main building or group of main buildings shall occupy more than 60% in the R-3 zone and 40% in the RM and RLC zones of the lot area, and no detached accessory structure may occupy more than 25% of any side or rear yard.

(F) Parking Requirements. All multi-family uses shall conform to the requirements of Chapter 10.52 of this title. (Ord. 454 §2, 2000)

10.116.040 Accessory Dwelling Units.

Where allowed in a zone, the following standards shall apply to accessory dwelling units as a Type I review:

(A) The accessory dwelling unit may be established by:

- (1) Conversion of an attic, basement, or garage or any other portion of the primary dwelling;
- (2) Adding floor area to the primary dwelling, including a second story; or
- (3) Construction of a detached accessory dwelling unit on a lot with a primary single-family dwelling.

(B) The square footage of the accessory dwelling shall not exceed ~~40%~~ 50% of the primary dwelling exclusive of the garage, or ~~800~~ 1,000 square feet, whichever is less. The minimum area shall not be less than 300 square feet.

(C) The accessory dwelling shall meet all applicable standards for ~~this~~ applicable zone including, but not limited to, setbacks, height, and building codes in effect at the time of construction.

~~(D) The structure's appearance, including siding, roofing, materials, and color shall coincide with that used on the primary dwelling unit.~~

(E) The primary residence shall provide parking per Section 10.52.050. The accessory dwelling unit does not require on-site parking. One additional off-street parking space shall be provided (in addition to any off-street parking required for other uses on the same parcel or lot).

~~(F)~~ (D) The accessory dwelling unit ~~must~~ may have independent services that include, but are not limited to, water, sewer, and electricity. The accessory dwelling unit may connect to the primary dwelling for water and sewer if it has adequate capacity as determined through the Building Plan Review process. An accessory dwelling unit cannot be partitioned or subdivided from the parcel of the primary dwelling if there are shared water and sewer lines.

(G) Not more than one accessory dwelling unit shall be allowed per lot or parcel.

(H) The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that is completely independent from the primary dwelling.

~~(I)~~ (G) The property owner shall reside on site within the primary dwelling unit. Owner occupancy of the primary unit or accessory dwelling unit is not required.

(H) Water and sanitary sewer connections shall either be new services to the city system, or connected to the primary structure based on building permit review of adequacy of water and sanitary pipe sizes.

(J) ~~Manufactured homes,~~ Recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures not built in accordance with the Residential Specialty Building Code shall not be used as an accessory dwelling unit. (Ord. 515 §1, 2017)

10.116.050 Standards for Towers and/or Antennas.

In all zones, the following minimum requirements shall apply to all towers and/or antennas as a Type I review:

(A) All towers and/or antennas shall be fenced. Landscaping shall be required around the outside of the fence to visually reduce the impact of the tower and/or antenna at ground level.

(B) In all zones, all equipment placed on the site with the tower and/or antenna shall be placed within an enclosed building.

- (C) The tower and/or antenna shall not be placed in any required setback area.
- (D) Towers and/or antennas shall be so located, designed and installed as to minimize their conflict with solar access and scenic values of the area.
- (E) No direct or indirect lighting of towers and/or antennas shall be permitted unless required by state or federal law. (Ord. 454 §2, 2000; Ord. 515 §1, 2017)

10.116.060 Single Room Occupancy.

Single-room occupancies must comply with the following standards in addition to the standards of the applicable zoning district:

- (A) Single-room occupancies are permitted as follows:
 - (1) In the R-1, R-2, R-3, RM, RLC zones with a maximum of six units on each lot or parcel.
 - (2) In the C-3/CBD Overlay.
- (B) Review Procedure.
 - (1) Six or Fewer Units. For minimum development standards review, see Chapter 10.112. Compliance with Section 10.112.050 is required and will be verified through the building permit process.
 - (2) More Than Six Units. For site plan review, see Section 10.112.040(A) Site Development Review.
 - (3) For 4 or more units in C-3/CBD see Section 10.112.040(A) Site Development Review.
- (C) Single-room occupancies must include a minimum of four attached units that are independently rented and lockable.
- (D) Each unit must provide living and sleeping space for the exclusive use of an occupant.
- (E) Occupants must share sanitary or food preparation facilities with the other units in the occupancy. The developer may provide both facilities as shared facilities; however, when one of the facilities isn't shared, it must be provided in each unit for the exclusive use of the occupant.
- (F) The parking maximum is one parking space per unit.
- (G) Bicycle Parking.
 - (1) Six or fewer units. None.
 - (2) More than six units. One covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the single-room occupancy has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered under an eave, overhang, an independent structure, or similar cover.
- (H) Single-room occupancies with more than six units must provide a minimum 15 percent landscaping.

10.116.070 Assisted Living, Group Care Home, Residential Facility, Child Care Center, Child Care Facility.

Within an R-1, R-2, R-3, RM and RLC zone the facilities shall be permitted with a Site Development Review as a Type II review provided:

- (A) Height. No building or structure shall exceed 35 feet in height as measured using the Oregon Structural Specialty Code.
- (B) Yard Size Requirements. There shall be a side yard, a rear yard and a front yard for every facility, unless provided for in Section 10.76.050 (General Exceptions to Yard Requirements); which yard shall have a minimum depth as follows:
 - (1) There shall be a side yard not less than five ~~seven and one-half~~ feet from the main building, except a yard on the street side of a corner lot shall be not less than 20 feet.
 - (2) A front yard shall be not less than 20 feet.
 - (3) A rear yard shall be not less than 20 feet. Any side or rear yard adjacent to a street shall have a minimum yard depth of 20 feet.

(C) The yard separation ~~depth~~ between two or more main buildings on the same lot shall be equal to that interior side yard depth measured to an assumed property line drawn between the buildings. The yard depth between the assumed property line and the building shall be not less than as provided in this Title.

(D) Landscaped Yards. Criteria for a Development Permit shall include landscaped yards provided according to or in excess of the following:

(1) Twenty-five (25) percent of the site shall be landscaped.

(2) All required yards adjacent to a street shall be landscaped, save that portion devoted to off-street parking. Such landscaping may be counted in fulfilling the requirements of the preceding subsection.

(3) All developments shall provide garbage area screening and provision for rubbish control.

(E) Lot Area and Width. The minimum lot area shall be 8,000 square feet. No main building or group of main buildings shall occupy more than 40% of the lot area.

(F) Parking Requirements. Parking shall be provided as listed in Chapter 10.52 of this Title.

(G) All new developments shall adhere to the fence regulations which shall be provided in accordance with Chapter 10.60, Fence and Wall regulations.

(H) All new developments shall adhere to clear-vision requirements which shall be provided in accordance with Chapter 10.68, Clear-Vision Area.

(I) All signs shall be subject to the provisions of Chapter 1064, Sign Regulations.

X. Amend Chapter 10.120 Mobile Home Parks to read as:

Sections:

- 10.120.010 Mobile Home and Manufactured Dwelling Parks.**
- 10.120.020 Application Procedure.**
- 10.120.030 General Development Standards.**
- 10.120.040 Application Requirements.**
- 10.120.050 Layout and Design Specifications.**
- 10.120.060 Siting Requirements.**
- 10.120.070 Additions to Mobile Homes and Manufactured Dwellings.**
- 10.120.080 Optional Siting.**
- 10.120.090 Expansion or Alteration of Mobile Home and Manufactured Dwelling Parks.**
- 10.120.100 Building Code and Building Permits.**
- 10.120.110 Varying Requirements.**

10.120.010 Mobile Home and Manufactured Home Parks.

Mobile home and Manufactured Home parks may be permitted in an R-2 and R-3 zone with a Development Permit subject to the conditions and provisions as herein set forth in Chapter ~~10.116~~10.120. The ~~Planning Official~~ Planning Commission or the Council may prescribe such additional conditions for mobile home and manufactured home parks as the particular circumstances may require for the protection of the health, safety and welfare of the residents in the vicinity of the development consistent with the intent and provisions of this title. (Ord. 454 §2, 2000)

10.120.020 Application Procedure.

Any person wishing to establish, enlarge or alter a mobile home or manufactured home park shall file written application therefore with the ~~Planning Official~~ Planning Commission and furnish a layout or ~~site plot~~ plan, drawn to scale showing existing and proposed structures, and mobile or manufactured home parking areas, surrounding land uses, and streets and existing public facilities including water and sewer. The applicant shall further furnish evidence on how the requirements of Chapter 10.112 will be met, a list of all property owners and addresses located within 300 feet of the proposed park and any other information requested by the ~~Planning Official~~ Planning Commission. All fees shall be paid upon filing said application. The ~~Planning Official~~ Planning Commission shall consider the application in accordance with Chapter 10.128. (Ord. 454 §2, 2000)

10.120.030 General Development Standards.

Unless otherwise approved, the following development standards shall apply to all mobile home and manufactured home parks:

(A) Any lot or site used for a mobile home or manufactured home park and any modifications to a mobile home or manufactured home park shall comply with the provisions of ORS 446.002~~3~~ to ORS 446.240~~2~~85 and Mobile Home Park Standards, adopted as Oregon Administrative Rule, Division 600, Chapter 918 ~~Chapter 814, Subdivision 3, Mobile Home Parks, Sections 28.010 to 28.170~~, inclusive, as amended.

(B) Any lot or site used for a mobile home or manufactured home park, and any modifications to a mobile home or manufactured home park shall comply with the following standards and requirements.

(1) ~~The minimum area of lot or site shall be five acres~~ Manufactured Delling Park - Four or more manufactured dwellings or prefabricated structures, as defined in ORS 455.010, that are relocatable and more than eight and one-half feet wide, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership;

~~(2)~~ Mobile Home Park - Four or more manufactured dwellings, recreational vehicles as defined in ORS 174.101, or a combination thereof, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership;

~~(2)~~ The minimum number of mobile home spaces completed and ready for occupancy before first occupancy is permitted shall be 25;

~~(3)~~ No mobile home in a mobile home park or manufactured dwelling in a manufactured dwelling park shall be located elsewhere than in a mobile home or manufactured dwelling space;

~~(4)~~ The maximum density of a mobile home park or manufactured dwelling park shall not exceed the density in the underlying zone 10 units per gross acre.

~~(C)~~ The minimum area to be contained on a mobile space by a mobile home or a manufactured dwelling, and its accessory structures shall be 4,000 3,500 square feet.

~~(D)~~ In a mobile home park or manufactured dwelling park, only a mobile home or manufactured dwelling and permissible additions shall be allowed in a mobile home space.

~~(E)~~ In a mobile home park, one family only per mobile home space shall be permitted.

~~(F)~~ No space shall be rented for the residential use of a mobile home in a mobile home park, except for periods of one month or more unless a shorter rental period is approved by the Planning Commission through the Development Permit process.

~~(GE)~~ The minimum width of improved streets shall be 220 feet without parking and 34 feet where parking is permitted on both sides.

~~(HF)~~ Convenience commercial facilities, including food stores and coin-operated laundries, may be permitted in mobile home or manufactured dwelling parks, provided such facilities and the off-street parking and loading areas primarily related to their operations shall not occupy more than five percent of the gross area of the park; shall be sized, laid out and designed to serve the frequent trade or service needs only of the persons residing in the park; and shall present no visible evidence of their commercial character from any residential zoning district outside the park.

~~(IG)~~ No part of any mobile home or manufactured dwelling park shall be used for the parking or storage of any heavy equipment or trucks.

~~(J)~~ No home occupation or business shall be permitted to operate from a mobile home.

~~(KH)~~ The owner of land comprising a mobile home or manufactured dwelling park shall provide from that land a community recreation area, exclusive of the required buffer area or service roadway or parking areas, equal in size to at least 10% of the gross land area proposed for development; and the recreation area shall be visibly designated as such and delineated for recreation purposes, and no parking or storage of vehicles or other mobile equipment shall form one parcel within the mobile home park. The Planning Commission may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent, at least 30 inches in height. Unless otherwise approved, no required open space area shall contain less than 5,000 square feet.

~~(LI)~~ All contiguous lots of record proposed for the development of a mobile home or manufactured dwelling park under one ownership or management shall be consolidated into a single lot of record prior to the issuance of any building permit.

~~(MJ)~~ A responsible caretaker, owner or manager shall be in charge to keep the mobile home or manufactured dwelling park, its facilities and equipment in a clean, orderly and sanitary condition, and he/she shall be answerable with the owner for any violation of the provisions of this or any other regulation. (Ord. 454 §2, 2000; Ord. 515 §1, 2017)

10.120.040 Application Requirements.

All applications for approval of plans and specifications for any mobile home park shall be made on forms prescribed by the City and shall contain:

(A) The documentation required for any application as set forth in Mobile Home Park Standards, adopted as Oregon Administrative Rule, Chapter 814, Subdivision 3, Mobile Home Parks, Sections 28.010 to 28.170 ORS 446.003 to ORS 446.285 and Mobile Home Park Standards, adopted as Oregon Administrative Rule, Division 600, Chapter 918, inclusive shall be observed, as amended;

- (B) Provisions for landscaping and screen planting of buffer areas and landscaping and provision of all other open space, including the mobile home or manufactured dwelling area;
- (C) Plans, profiles, and cross-sections of all roadways, underground utilities, and rough and finish grading of the site; and
- (D) Plans and specifications of the modules to be utilized for permissible additions. (Ord. 454 §2, 2000)

10.120.050 Layout and Design Specifications.

The following layout and design specifications shall apply in respect to any mobile home park.

- (A) Land which is subject to flooding, poor drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health and general welfare of the future inhabitants of the mobile home park shall not be developed. Existing features which would add value to the development or the City as a whole, such as trees, watercourses, historic and archeological sites, and similar irreplaceable assets, shall be preserved in the design.
- (B) A buffer area shall be provided immediately within all boundaries, all of which shall be loamed, seeded, and planted with grass and at least one row of deciduous and/or evergreen trees spaced not more than 20 feet apart, and one or more rows of bushy shrubs or hedging capable of attaining a height of at least five feet within three years. Planting shall be hardy, appropriate for use and location, and planted so as to thrive with normal maintenance. The required buffer area shall be a minimum of 20 feet in depth within all boundaries common to a public street, other than an alley; and the required buffer area shall be a minimum of 10 feet in depth within all other boundaries.
- (C) No recreation or service area, except for waterfront recreation, may be located within a buffer area.
- (D) No mobile home or manufactured dwelling area may be located within a buffer area.
- (E) No building or structure may be erected or placed within a buffer area, except a sign, fence or wall.
- (F) No refuse disposal area shall be located within a buffer area.
- (G) Within a buffer area, except for emergency access, no plant material may be removed, nor may any substance of which land is composed be deposited or removed, except as a part of a recognizable landscaping scheme.
- (H) Only streets (roads) which cross as close to right angles as practicable and connect directly with the street (road) system contained within the remainder of the park shall be permitted within a buffer area. No street (road) shall traverse the buffer area and give direct access from any public street (road) to any mobile home space.
- (I) The street (road) system shall comply with modern subdivision design practice as prescribed by the City of Yamhill Street Standards as amended.
- (J) A walkway system shall provide safe, convenient, all-season pedestrian access from each mobile home to the driveway. All walks must be hard-surfaced, well drained and not less than 36 inches in width. All walks adjacent to driveways and thoroughfares shall be curb-line walks.
- (K) Off-street parking spaces shall be provided at the rate of one space for each mobile home or manufactured dwelling space plus one guest space per mobile home or manufactured dwelling space. Group parking bays shall be located within 150 feet of the mobile home or manufactured dwelling spaces served. Required car parking spaces shall be located for convenient access to the mobile home spaces. Insofar as practicable, one car space shall be located in each mobile home space and the remainder located in adjacent bays.
- (L) All recreation areas shall be grassed, hard-surfaced, or dust free, and shall drain properly.
- (M) Within a mobile home or manufactured dwelling area, all mobile home or manufactured dwelling space boundaries shall be so delineated by suitable permanent markers that the boundaries of any space can be readily ascertained.

(N) Within a mobile home or manufactured dwelling area, each mobile home or manufactured dwelling space shall have sufficient unobstructed access to, or frontage on, a street, so as to permit the movement of mobile homes.

(O) Within a mobile home or manufactured dwelling area, each mobile home or manufactured dwelling stand shall have a compacted (rolled) gravel base of 12 inches and shall drain properly.

(P) Within a mobile home or manufactured dwelling area, no mobile home or manufactured dwelling with a floor area of 750 square feet or less, exclusive of permissible additions, shall be permitted.

(Q) All driveways shall be paved with an asphaltic material or concrete and shall be a minimum of 10 feet in width. In addition, if parking is to be permitted along the driveway, a minimum width of 20 feet is required. All driveways shall be adequately designed as to permit safe, easy access by emergency vehicles.

(R) All refuse containers shall be located within a fenced enclosure and be secured to prevent overturning.

(S) All utilities, including electrical, sewer and telephone lines, serving a mobile home or manufactured dwelling park shall be installed underground. All water and sewer lines shall be maintained by the park owner to City standards and requirements.

(T) A community sanitary sewer system serving a mobile home or manufactured dwelling park shall be connected to a municipal sanitary sewer system.

(U) All streets (roads), walkways, grouped bay parking and service areas shall be provided with night lighting adequate to ensure the safety of vehicular and pedestrian traffic.

(V) All night lighting shall be arranged so as to reflect light away from mobile homes.

(W) Not more than 45% of a mobile home space may be occupied by a mobile home and its accessory structures, whether or not it is attached to the home.

(X) Storage Area. A storage space in a building must have a gross floor area of at least 60 square feet and shall be constructed and completed prior to occupancy of the mobile home for storing the outdoor equipment and accessories necessary to residential living.

(Y) Appearance. The mobile home or manufactured dwelling spaces shall be maintained in a neat and clean condition at all times. There shall be no refuse or stray materials, debris, trash or other unsightly things left outside of a building or mobile home.

(Z) Skirting. All mobile homes or manufactured dwelling shall have continuous, non-corrosive, non-decaying skirting around the exterior of the mobile home extending six inches into the ground or they may be situated upon a continuous foundation meeting the approval of the City Building Code. (Ord. 454 §2, 2000)

10.120.060 Siting Requirements.

The minimum distance between a mobile home or manufactured dwelling and any:

- (A) Other mobile home shall be ~~45~~10 feet;
- (B) Building or accessory structure on an adjacent space shall be 10 feet;
- (C) Property line (excluding mobile home or manufactured dwelling space boundaries) shall be five feet;
- (D) Public street shall be 20 feet;
- (E) Common walk (excluding those in a mobile home space) shall be five feet. (Ord. 454 §2, 2000)

10.120.070 Additions to Mobile Homes and Manufactured Dwellings.

Carports, cabanas, ramadas, awning and all other structures, whether defined herein or not, which are situated upon a mobile home or manufactured dwelling space and are attached to the mobile home or manufactured dwelling, shall conform to the requirements of the City Building Code. Such additions and structures shall be considered as a portion of the mobile home for determining the extent of lot coverage,

setback lines, and all other requirements for mobile homes, as if such additions and structures were a part of such mobile home. (Ord. 454 §2, 2000)

10.120.080 Optional Siting.

In lieu of the minimum requirements set forth in Section 10.120.060, the developer may show how the mobile home or manufactured dwelling and any accessory structure will be located on any or all sites that do not conform to such requirements, except the required lot area shall not be diminished. The optional sitings may include locating the mobile homes or manufactured dwelling and structures on mobile home or manufactured dwelling space boundary lines and mobile homes or manufactured dwelling and accessory structures may be attached under this provision. When the Planning Official ~~Planning Commission~~ has approved the siting plans, such plans shall be the basis on which the permits for the mobile homes or manufactured dwelling and accessory structures will be issued. Optional sitings will be shown on the plan which is to be used as the basis for the public hearing. (Ord. 454 §2, 2000)

10.120.090 Expansion or Alteration of Mobile Home and Manufactured Dwelling Parks.

Existing mobile home or manufactured dwelling parks may be expanded or altered after approval is obtained from the Planning Official ~~Planning Commission~~. The application, filed by the owner or other party in interest, will be filed and processed in the same manner as an application for a new mobile home or manufactured dwelling park. (Ord. 454 §2, 2000)

10.120.100 Building Code and Building Permits.

All structures within a mobile home park shall comply with the provisions of the Uniform Building Code, in accordance with Title 9 of this code. Building permits shall be obtained prior to construction of any portion of the mobile home or manufactured dwelling park facilities. (Ord. 454 §2, 2000)

10.120.110 Varying Requirements.

The Planning Commission may vary one or more of the requirements of this title upon application being filed pursuant to Chapter 10.100. However, when such variance is requested at the same time as the application for the park is filed, such variance request may be processed concurrently with the application, and will not require a separate public hearing, or separate notice of public hearing. No waiver may be made for any provision required by ORS Chapter 446 or other State laws, as amended. (Ord. 454 §2, 2000)

Y. Amend Chapter 10.124 Planned Unit Development to read as:

Sections:

- 10.124.010 Purpose.**
- 10.124.020 Adoption of Planned Unit Development.**
- 10.124.030 Permitted Uses.**
- 10.124.040 Development Improvement Prohibited Pending Compliance.**
- 10.124.050 Development Standards.**
- 10.124.060 Procedure.**
- 10.124.070 Planning Commission Review.**
- 10.124.080 Decision.**
- 10.124.090 Appeals.**
- 10.124.100 Final Development Plan and Program.**
- 10.124.110 Final Development Plan—Planning Commission Action.**
- 10.124.120 Final Development Plan—Appeals.**
- 10.124.130 Filing of Approved Final Plan and Program.**
- 10.124.140 Control of the Development after Completion.**

10.124.010 Purpose.

The purpose of the planned unit development is to provide a greater flexibility in development of land; to encourage a variety in the development pattern of the community; encourage developers to use a creative approach in land development; conserve natural land features; facilitate a desirable aesthetic and efficient use of open space; create public and private common open spaces and flexibility and variety in the location of improvements on lots with diversity in the use of land. The planned unit development is not intended to be simply a means of avoiding normal zoning requirements for a single use in a particular area. (Ord. 454 §2, 2000)

10.124.020 Adoption of Planned Unit Development.

Any property may be designated as a planned unit development in accordance with the provisions of this chapter; provided that the Planning Commission adopts the final development plan for such property in accordance with this chapter. (Ord. 454 §2, 2000)

10.124.030 Permitted Uses.

The following uses may be permitted in a planned unit development:

- (A) Planned Residential Developments.
 - (1) Single-family dwellings;
 - ~~(2) Accessory Dwelling Units;~~
 - ~~(3) Duplex dwellings;~~
 - ~~(24) Multi-family dwellings and duplexes;~~
 - ~~(35) Tiny house developments;~~
 - ~~(46) Public and private non-profit parks and playgrounds, community centers and recreation facilities;~~
 - ~~(57) Common public and private open spaces;~~
 - ~~(68) Hiking and riding trails;~~
 - ~~(79) Private non-commercial clubs, such as golf, swimming, tennis, and country clubs;~~
 - ~~(10) Residential Home;~~
 - ~~(11) Assisted Living Facility;~~
 - ~~(12) Residential Facility;~~
 - ~~(13) Child Care Center;~~
 - ~~(814) Accessory structures and uses.~~
- (B) Planned Commercial and Industrial ~~Districts~~ Developments.

- (1) Uses permitted in the underlying ~~district zone~~;
- (2) Other uses as approved by the Planning Commission consistent with the development plan and program approved by the Planning Commission;
- (3) Accessory ~~buildings structures~~ and uses.
- (C) Planned Civil, Public Service, and Educational Development ~~Districts~~.
- (1) Municipal and civic centers, libraries, parks and recreational facilities or such uses owned by any other political subdivision;
- (2) Educational institution, public or private;
- (3) Hospitals, including retirement homes;
- (4) Research facilities limited to academic research functions;
- (5) Service uses including, but not limited to, civic theaters, museums, churches, convents, and monasteries. (Ord. 454 §2, 2000; Ord. 515 §1, 2017)

10.124.040 Development Improvement Prohibited Pending Compliance.

No excavating, grading, construction, improvement, building or permits therefore shall be authorized or issued within the planned unit development pending compliance with the following:

- (A) Full compliance with all provisions of this chapter including execution and filing of all documents required herein.
- (B) Compliance with ~~the Subdivision Code~~ Title 11 Land Divisions of the City of Yamhill, improvement regulations of the City of Yamhill, and Building Code of the City of Yamhill.
- (C) Full compliance with the final development plan and program. (Ord. 454 §2, 2000)

10.124.050 Development Standards.

(A) In General. To insure effective development of the City, the following development standards are adopted as part of the planned unit development chapter in addition to all other development standards provided for in this ~~Chapter~~ Title and the subdivision and planned unit development regulations. In cases of conflict between standards set forth in this chapter and other parts of the City Code, the standards provided for in such other code sections shall control unless the Planning Commission grants a variance from said standards in the approval of the final plan or subdivision plat as provided in this chapter.

(B) Minimum Development District Size. Planned unit developments shall be established only on parcels of land which are suitable for the proposed development and of sufficient size to be planned and developed in the manner consistent with the purposes of this section. A planned unit development shall not be established on less than four acres of contiguous land unless the Planning Commission finds that property of less than four acres is suitable as a planned unit development by virtue of its unique character, topography or landscaping features, or by virtue of its qualifying as an isolated problem area or unique opportunity as determined by the Planning Commission.

(C) Compatibility with Neighborhood. The development plan and program submitted by the developer as provided in this chapter shall present an organized arrangement of buildings, service facilities, open spaces, and improvements such as recreation facilities, landscaping, and fencing to insure compatibility with the Comprehensive Plan and character of the neighborhood. Adequate services normally rendered by the City to its citizens must be available to the proposed development at the time of development. The City, at the time of approval of the final plan or subdivision plat within a planned unit development, may require the developer to provide special or oversize sewer lines, water lines, roads and streets or other service facilities to serve the planned unit development, and the City shall not be required at the time of such approvals to expend additional capital or operating funds to undertake additional building programs or equipment acquisitions to insure special road, sewer, lighting, water, fire or police service that may be specially required by the nature or size of the planned unit development.

(D) Building Coverage. The building coverage for any planned unit development shall not exceed 40% of the land area being developed, exclusive of public and private streets.

(E) Residential Density. The maximum number of dwelling units permissible in a Planned Residential Unit Development shall be derived as follows:

(1) Determine gross development land area: subtract from the gross area publicly owned land and commercial or industrial land.

(2) Apply the following maximum density guidelines to the gross development land area:

(a) R-1—6 units per acre;

(b) R-2—9 units per acre;

(c) R-3—12 units per acre.

(F) Peripheral Yards. Along the periphery of any planned unit development, a yard at least as deep as that required by the front yard regulations of each underlying zone shall be provided on the periphery of the planned unit development, unless the Planning Commission determines that equal protection will be accorded adjoining properties in varying the yard requirements. Open space may serve as peripheral yards and/or buffer strips to separate one planned residential district from another if the Planning Commission interprets such a dual purpose use of the land to be in compliance with this section.

(G) Open Space. Open space within a planned unit development means the land area to be used for scenic, landscaping, or open recreational purposes within the development. Open space shall be adequate for the recreational and leisure needs and use of the occupants and users of the planned unit development. To the maximum extent possible the development plan and program shall assure that natural features of the land are preserved and landscaping is provided. In order to insure that open space will be permanent, dedication of the development right to the City of Yamhill may be required. Such instruments and documents guaranteeing the maintenance of open space must be approved as form by the City Attorney. Failure to maintain the open space or any other property set forth in the development plan and program shall empower the City of Yamhill to enter the property and bring said property up to standards set forth in the development plan and program and the City may assess the real property and improvements thereon located within the planned unit development for the cost of creating and maintaining said open and recreational lands as set forth in the development plan and program at its option.

(H) Commercial Development in Planned Residential Developments. Commercial uses in a planned residential development may be allowed. Only those commercial uses which are designed to serve the residents of the planned residential development may be conditionally allowed subject to all requirements of the zoning and subdivision codes of the city.

(I) Construction Standards. The provisions of the Zoning, Land Divisions ~~Subdivision~~, and the Building Code shall apply and control all design and construction of improvements within a planned unit development except as specifically varied by the Planning Commission in approval of the final plan and subdivision plat as provided for in this section.

(J) Street and Utilities. All construction of streets and utilities within planned unit developments shall comply with City standards. All streets shall be deeded public rights-of-way or as approved by the Planning Commission, and the applicant shall provide to the City easements for all public utilities (sewer, water) on the subject property or as approved by the Planning Commission. (Ord. 454 §2, 2000)

10.124.060 Procedure.

(A) In General.

(1) Any owner of real property desiring to develop a planned unit development shall submit a preliminary development plan and program to the City of Yamhill together with the preliminary filing fee. For the purpose of this chapter “owner” shall mean and include any public body, corporation or holder of a written option to purchase property. An owner of land located outside of, but contiguous to, a City boundary may submit a preliminary development plan and the Planning Commission may review it in accordance with the provisions of this title. Such preliminary development plan and program shall consist of a preliminary plan in schematic design and a written program jointly containing the following information:

(a) Identification and Description. Proposed name of the planned unit development, location by legal description, names and addresses of applicant and designers of the planned unit development; scale of plan (1 inch to 100 feet); date of plan and program; and north point.

(b) Existing Conditions. Contours at an interval of one foot for ground slopes less than five percent, two-foot contour intervals for ground slopes between five percent and 10%, five-foot contour intervals for ground slopes exceeding 10%, location and direction of all watercourses; natural features, such as rock outcropping, marshes, wood areas, etc.; location and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures and their uses, permanent easements and City boundaries within 500 feet of the development; existing sewers, water mains, culverts and other underground facilities within the development, indicating pipe sizes, grades, manholes and their exact location; and the land ownership.

(B) Proposed Development.

(1) A preliminary plan shall show the following in addition to other requirements of the Planning Commission:

- (a) Proposed land uses and densities;
- (b) Building types and coverage of real property;
- (c) Circulation pattern of vehicular and pedestrian traffic;
- (d) Parks, playgrounds, open spaces.

(2) The preliminary written program shall contain the following information in addition to other requirements of the Planning Commission:

- (a) Proposed ownership pattern;
- (b) Operation and maintenance proposal (neighborhood easements, condominiums, co-ops, neighborhood associations, etc.);
- (c) Waste disposal facilities;
- (d) Lighting;
- (e) Water supply, public transportation, community protection, shopping;
- (f) General time table of development;
- (g) Names and addresses of the proposed design team for preparation of the final plan and program together with their qualifications.

(C) Staff Planning Official Review. Upon filing of the preliminary development plan and program and receipt of the initial filing fee, the Planning Official ~~professional staff~~ shall review the preliminary development plan and program and shall prepare for submission to the Planning Commission a ~~planning~~ staff report containing the following information in addition to such other information as is pertinent:

- (1) A map showing the existing zoning of the subject property and adjoining properties within or without;
- (2) Existing land use map of the area within 1,000 feet of the subject property;
- (3) Report comments on consistency of the proposed planned unit development with the Comprehensive General Plan, the zoning, ~~subdivision~~ land division regulations of the City of Yamhill and a prospective effect of said planned unit development on land use, traffic, city services, etc. (Ord. 454 §2, 2000)

10.124.070 Planning Commission Review.

Following receipt by the Planning Commission of the staff report upon the preliminary development plan and program, the Planning Commission shall hold a public hearing in accordance with the provisions of Chapter 10.128. (Ord. 454 §2, 2000)

10.124.080 Decision.

Upon review at the public hearing, or any continuance thereof, the Planning Commission may approve the principal of the preliminary plan and program, require amendment and modification thereto, or reject said planned unit development in accordance with this section. (Ord. 454 §2, 2000)

10.124.090 Appeals.

The decision of the Planning Commission regarding the preliminary plan and program may be appealed in the manner provided for in Chapter 10.128. (Ord. 454 §2, 2000)

10.124.100 Final Development Plan and Program.

(A) Time Limit for Filing. Upon acceptance in principle by the Planning Commission or acceptance in principle with modifications required by the Planning Commission of planned unit development, the owner-applicant shall file with the Planning Commission within one year of the preliminary approval of the Planning Commission, a final development plan and program. The Planning Commission may grant an extension for filing of an additional 180 days upon request by the owner-applicant. In addition, the developer may submit such additional data as may be required by the ~~subdivision code~~ land division code of the city seeking contemporaneous approval of the subdivision plat within approval of the final plan and program.

(B) Required Information. The final development plan and program shall contain the following information:

- (1) Land Use.
 - (a) A land use plan indicating all proposed uses within the planned unit development;
 - (b) All areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings or otherwise dedicated or reserved to the public;
 - (c) Open space that is to be maintained and controlled by the owners of the property and their successors in interest available for the recreational and leisure use of the occupants and users of the Planned Unit Development.
- (2) Contours and Drainage.
 - (a) Contours as they will be after development;
 - (b) Drainage system and sanitary sewers and treatment facilities as required.
- (3) Circulation.
 - (a) A street system and lot design with appropriate dimensions. A subdivision plat if the land is to be subdivided shall comply with this requirement and the subdivision regulations;
 - (b) A traffic flow map showing, circulation patterns within and adjacent to the proposed development. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of the circulation pattern shall be shown;
 - (c) Location and dimension of pedestrian walkways, malls and foot and horse trails.
- (4) Parking and Loading.
 - (a) Location, arrangement, number, and dimension of automobile garages, parking spaces and the widths of aisles, bays, and angle of parking;
 - (b) Location, arrangements, and dimensions of truck loading spaces and docks.
- (5) Architectural Sketches. The developer shall submit preliminary architectural sketches depicting the types of buildings and their approximate location on lots. The sketches shall also depict the general height, bulk, and type of construction and proximity of structures on lots.
- (6) Landscaping. Developer shall submit a preliminary landscaping plan depicting tree plantings, ground cover, grades, slopes, screen plantings and fences, etc., and showing existing trees in excess of eight inches in diameter measured two feet from ground level and showing the location of trees to be removed by the development.
- (7) Program Elements. The written program shall contain the following elements:
 - (a) Table showing the total number of acres and their distribution by use, the percentage designated for each dwelling type and for nonresidential uses, including off-street parking, streets, parks, playgrounds, schools, and open spaces as shown in the proposed development plan;
 - (b) Table showing the overall density of the proposed residential development and showing density by dwelling types;

- (c) Drafts of appropriate restrictive covenants and all other documents providing for the maintenance of any public open spaces and recreational areas not dedicated to the City, including agreements by property owners associations, dedicatory deeds, or reservations of public open spaces;
- (d) A time schedule showing construction commencement, rate of development, and approximate completion date for each phase of construction and type of structure;
- (e) The stages for development of private and public facilities planned;
- (f) Written consent of all persons owning any interest in the real property within the planned unit development to the final development plan and program;
- (g) Such other information as the Planning Commission may require. (Ord. 454 §2, 2000)

10.124.110 Final Development Plan—Planning Commission Action.

Upon receipt and review by the Planning Official ~~professional staff~~ of the final development plan and program, the Planning Commission at a ~~regular~~ public hearing meeting shall either:

- (A) Consider the final development plan and program as being in compliance with the requirements and intent of this title with its recommendation that the planned unit development district be established on the property in question;
- (B) Continue the public hearing to a date certain and refer the final development plan to the Planning Official ~~professional staff~~ with recommendations as to amending the proposed development plan and program;
- (C) Disapprove the final development plan and program as inconsistent with the approved preliminary plan and program. (Ord. 454 §2, 2000)

10.124.120 Final Development Plan—Appeals.

The decision of the Planning Commission regarding the development plan may be appealed in the manner provided for in Chapter 10.128. (Ord. 454 §2, 2000)

10.124.130 Filing of Approved Final Plan and Program.

Following approval, the owner-applicant shall file with the Planning Official ~~Recorder~~ of the City of Yamhill and the Planning Commission of the City of Yamhill, a conformed and approved final development plan and program together with all documents approved as to form by the City Attorney relating to dedication, improvements, maintenance agreements, covenants, deed restrictions, and bylaws of neighborhood associations, cooperatives, and improvement of the district. (Ord. 454 §2, 2000)

10.124.140 Control of the Development after Completion.

The final development plan shall continue to control the planned unit development after it is finished and the following shall apply:

- (A) The Building Official in issuing a certification of completion of the planned unit development shall note the issuance on the recorded final development plan.
- (B) After the certificate of completion has been issued, the use of the land and the construction, modification or alteration of a building or structure within the planned unit development shall be governed by the approved final development plan.
- (C) After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:
 - (1) Minor modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure;
 - (2) A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended planned unit development, if it is in compliance with the purpose and intent of the final development plan.

(D) An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the Comprehensive Plan or related land use regulations.

(E) No modification or amendment to a completed planned unit development is to be considered as a waiver of the covenants limiting the use of the land, building, structures and improvements within the area of the planned unit development, and all rights to enforce these covenants against any change permitted by this chapter are expressly reserved. (Ord. 454 §2, 2000)

Z. Amend Chapter 10.128 Administrative Provisions to read as:

Sections:

- 10.128.010 Administration.**
- 10.128.020 Review Procedures - General.**
- 10.128.030 Review Procedure Type I - IV.**
- 10.128.040 Appeals.**
- 10.128.0350 Citizen Involvement.**
- ~~10.128.040 Agency Involvement.~~**
- ~~10.128.050 Application Processing Procedure.~~**
- ~~10.128.060 Notification — Planning Commission.~~**
- ~~10.128.070 Notification — City Council.~~**
- ~~10.128.080 Failure to Receive Notice.~~**
- ~~10.128.090 Continuance of Hearing.~~**
- ~~10.128.100 Burden of Proof.~~**
- ~~10.128.110 Standing.~~**
- ~~10.128.120 Determination of Standing.~~**
- ~~10.128.130 Record.~~**
- 10.128.140060 Challenge for Bias, Prejudgment or Personal Interest.**
- 10.128.150070 Hearing Procedure.**
- ~~10.128.160 Review by the City Council.~~**
- ~~10.128.170 Staff Report.~~**
- 10.128.180080 Time Limit on a Permit for a Conditional Use, Variance, Development Permit, and Restricted Development Review.**
- ~~10.128.190 Appeal from Commission Ruling.~~**
- ~~10.128.200 Notice of Hearing on Appeal.~~**
- 10.128.210090 Revocation.**
- 10.128.220100 Filing Fees.**
- 10.128.230110 Professional Expenses.**
- 10.128.120 General provisions applicable to all reviews.**

10.128.010 Administration.

The City Planning Official and Planning Commission shall have the power and duty to enforce the provisions of this ~~¶~~Title. An appeal from a ruling by the Planning Official will be to the Planning Commission. Appeal of a ruling by the Planning Commission regarding a requirement of the ~~¶~~Title may be made only to the City Council. (Ord. 454 §2, 2000)

10.128.020 Review Procedures - General.

The Planning Official and/or Planning Commission shall have the authority to review any application or tentative plan accepted by staff, and shall prepare a report containing all pertinent information relative to the proposal if required. The City shall maintain a written record of the action taken, including appropriate findings, by the Planning Official and appropriate hearing body, relative to every application. Such records shall be readily available for public inspection. (Ord. 454 §2, 2000)

(A) Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections (A)(1) through

(A)(4) of this section. Table 10.128.020 lists the city's land use and development approvals and corresponding review procedure(s).

(1) Type I Procedure (Staff Review). Type I decisions are made by the Planning Official, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying city standards and criteria that do not require the use of discretion (i.e., clear and objective standards).

(2) Type II Procedure (Administrative/Staff Review with Notice). Type II decisions are made by the Planning Official with public notice and an opportunity for appeal to the Planning Commission.

(3) Type III Procedure (Quasi-Judicial Review – Planning Commission Hearing). Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

(4) Type IV Procedure (Legislative Review – Planning Commission and City Council Hearings). The Type V procedure applies to the creation or revision, or large-scale implementation, of public policy (i.e., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission for a recommendation to City Council. City Council makes the final decision on legislative proposals.

Table 10.128.020

Summary of Approvals by Type of Review Procedure

<u>Approvals*</u>	<u>Review Procedures</u>	<u>Applicable Regulations</u>
<u>Annexation</u>	<u>Type IV</u>	<u>Title 13, Chapter 13.04</u>
<u>Code Interpretation</u>	<u>Type I</u>	<u>Title 10, Chapter 10.48</u>
<u>Code Text Amendment</u>	<u>Type IV</u>	<u>Title 10, Chapter 10.132</u>
<u>Comprehensive Plan/Map Amendment</u>	<u>Type IV</u>	<u>Title 10, Chapter 10.132</u>
<u>Conditional Use Permit</u>	<u>Type III</u>	<u>Title 10, Chapter 10.104</u>
<u>Conditional Use Permit, Specific</u>	<u>Type III</u>	<u>Title 10, Chapter 10.104</u>
<u>Site Development Review (10.112.020 (A – H))</u>	<u>Type I or II</u>	<u>Title 10, Chapter 10.112</u>
<u>Site Development Review (10.112.030(B))</u>	<u>Type II</u>	<u>Title 10, Chapter 10.112</u>
<u>Development Permit, Specific (10.116.040, 10.116.050, 10.116.060)</u>	<u>Type I or II</u>	<u>Title 10, Chapter 10.116</u>
<u>Development Permit, Specific (10.116.030, 10.116.057)</u>	<u>Type II</u>	<u>Title 10, Chapter 10.116</u>
<u>Flood Hazard Overlay</u>	<u>Type II</u>	<u>Title 10, Chapter 10.40</u>
<u>Historic Review</u>	<u>Type II</u>	<u>Title 10, Chapter 10.48</u>
<u>Historic Demolition</u>	<u>Type III</u>	<u>Title 10, Chapter 10.48</u>
<u>Home Occupation, Type 2</u>	<u>Type I</u>	<u>Title 10, Chapter 10.96</u>
<u>Home Occupation, Type 1</u>	<u>Type III</u>	<u>Title 10, Chapter 10.96</u>
<u>Legal Lot Determination</u>	<u>Type I</u>	<u>ORS 92.101 to 92.190</u>

<u>Approvals*</u>	<u>Review Procedures</u>	<u>Applicable Regulations</u>
<u>Nonconforming Use or Structure, Expansion of</u>	<u>Type III</u>	<u>Title 10, Chapter 10.88</u>
<u>Partition or Replat of 2 – 3 Lots</u>	=	
<u>Preliminary Plat without Stream Corridor</u>	<u>Type II</u>	<u>Title 11, Chapter 11.12</u>
<u>Preliminary Plat with Stream Corridor</u>	<u>Type III</u>	<u>Title 11, Chapter 11.12</u>
<u>Final Plat</u>	<u>Type I</u>	<u>Title 11, Chapter 11.12</u>
<u>Planned Unit Development</u>	<u>Type III</u>	<u>Title 10, Chapter 10.124 and Title 11, Chapter 11.08</u>
<u>Planned Unit Development, Extension</u>	<u>Type III</u>	<u>Title 10, Chapter 10.124 and Title 11, Chapter 11.08</u>
<u>Planned Unit Development, Amendment</u>	<u>Type III</u>	<u>Title 10, Chapter 10.124 and Title 11, Chapter 11.08</u>
<u>Property Boundary Adjustments, including Lot Consolidations</u>	<u>Type I</u>	<u>Title 11, Chapter 11.16</u>
<u>Signs</u>	<u>Type I</u>	<u>Title 10, Chapter 10.64</u>
<u>Signs, Electronic Reader Board</u>	<u>Type III</u>	<u>Title 10, Chapter 10.64</u>
<u>Similar Use Authorization</u>	<u>Type I</u>	<u>Title 10, Chapter 10.48</u>
<u>Development Permit</u>	<u>Type I or II</u>	<u>Title 10, Chapter 10.1112</u>
<u>Subdivision or Replat of > 3 Lots</u>		
<u>Preliminary Plat without Stream Corridor</u>	<u>Type II</u>	<u>Title 11, Chapter 11.08</u>
<u>Preliminary Plat with Stream Corridor</u>	<u>Type III</u>	<u>Title 11, Chapter 11.08</u>
<u>Final Plat</u>	<u>Type I</u>	<u>Title 11, Chapter 11.08</u>
<u>Temporary Structures</u>	<u>Type I</u>	<u>Title 10, Chapter 10.84</u>
<u>Vacation (Street)</u>	<u>N/A</u>	<u>See ORS Chapter 271</u>
<u>Variance (including Sign Variance)</u>	<u>Type III</u>	<u>Title 10, Chapter 10.100 and Chapter 10.64</u>
<u>Change of Zone</u>	<u>Type IV</u>	<u>Title 10, Chapter 10.132</u>

(B) Determination of Procedure Type. If there is a question of which procedure type a particular application should follow, the Planning Official shall determine the procedure to use.

10.128.030 Review Procedure Type I - IV.

(A) Type I procedure (staff review).

The Planning Official, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure. The Type I procedure is used in applying city standards and criteria that do not require the exercise of discretion (i.e., clear and objective standards).

(1) Application Requirements.

(a) Application Forms. Approvals requiring Type I review shall be made on forms provided by the city.

(b) Application Requirements.

(i) Include the information requested on the application form;

(ii) Address the criteria in sufficient detail for review and action; and

(iii) Be filed with the required fee.

(2) Requirements. A building permit shall not be issued until the Planning Official has approved a Type I application for the proposed project.

(3) Criteria and Decision. The Planning Official's review is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.

(4) Effective Date. A Type I decision is final on the date it is signed by the Planning Official.

(B) Type II procedure (Administrative/Staff Review with Notice).

The Planning Official or his or her designee performs administrative staff reviews through the Type II procedure. Type II decisions are made by the Planning Official with public notice and an opportunity for appeal to the Planning Commission.

(1) Application Requirements.

(a) Applications for projects requiring administrative review shall be made on forms provided by the city.

(b) The Planning Official shall advise the applicant of the application submittal requirements. At a minimum, the application shall include all of the following information:

(i) The information requested on the application form;

(ii) Plans and exhibits required for the specific approval(s) being sought (for example, requirements for partition in Title 11, Chapter 11.12);

(iii) A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;

(iv) Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;

(v) Draft public notice and public mailing list; and

(vi) The required fee.

(2) Procedure.

(a) The Planning Official shall mail public notice of applications subject to administrative review not less than 14 days prior to a decision. The Planning Official shall prepare an affidavit of notice stating the date the notice was mailed, which shall be made a part of the file.

(b) The purpose of the administrative review notice is to give nearby property owners and other interested people and agencies the opportunity to submit written comments on the application before the Planning Official issues the decision. The intent is to invite people to participate early in the decision-making process. Therefore all of the following individuals and agencies shall be notified:

(i) All owners of record of real property within a minimum of 300 feet of the subject site;

(ii) Any person who submits a written request to receive a notice; and

(iii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city and any other affected agencies. At a minimum, the Planning Official shall notify the road authority if different than the city of Yamhill. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the city under this code.

(c) The notice shall contain all of the following information:

(i) The deadline for submitting written comments;

(ii) A summary of the proposal and the relevant approval criteria. The notice must have sufficient detail to help the public identify and locate applicable code requirements;

(iii) The address and city contact person for submitting written comments;

(iv) The street address or other easily understandable reference to the location of the proposed use or development;

(v) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or circuit court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;

(vi) Statement that all evidence relied upon by the Planning Official to make its decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the city; and

(vii) Statement that after the comment period closes the city will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

(d) At the conclusion of the comment period, the Planning Official shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable code criteria.

(e) The Planning Official shall prepare a notice of decision and mail it to the applicant, property owner (if different), those who provided written comments on the proposal, and those who requested a copy of the decision. The administrative notice of decision shall contain all of the following information:

(i) A description of the applicant's proposal and the city's decision on the proposal. The notice may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

(ii) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (i.e., copy of assessor's map may be used);

(iii) A statement of where the city's decision can be obtained;

(iv) The date the decision shall become final, unless appealed; and

(v) A statement that all persons entitled to notice may appeal the decision to the Planning Commission pursuant to 10.128.040(B).

(f) Effective Date of Decision. Unless the conditions of approval specify otherwise, an administrative decision becomes effective 14 calendar days after the city mails the decision notice unless the decision is appealed pursuant to 10.128.040(B).

(C) Type III procedure (quasi-judicial review – Planning Commission Decision).

The Planning Commission makes Type III quasi-judicial decisions. The Type III review procedure involves a public hearing, and provides an opportunity for those who appear to appeal the Planning Commission decision to the City Council.

(1) Application Requirements.

(a) Application Forms. Applications requiring a quasi-judicial public hearing shall be made on forms provided by the city planning official.

(b) Submittal Information. The Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:

(i) The information requested on the application form;

(ii) Plans and exhibits required for the specific approval(s) being sought;

(iii) A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;

(iv) Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;

(v) Draft public notice and public mailing list; and

(iv) The required fee.

(2) Procedure.

(a) Mailed and Published Notice. The Planning Official shall mail public notice of a public hearing on a quasi-judicial application not less than 20 days prior to the first hearing date on the

application to the individuals and organizations listed below. The Planning Official shall prepare an affidavit of notice stating the date the notice was mailed, which shall be made a part of the file. Notice shall be mailed to:

(i) All owners of record of real property located within a minimum of 300 feet of the subject site;

(ii) Any person who submits a written request to receive a notice; and

(iii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city and any other affected agencies. At a minimum, the Planning Official shall notify the road authority if different than the City of Yamhill. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the city under this code.

(b) Posted Notice. The Planning Official shall post public notice(s) of the public hearing on the subject site not less than 20 days prior to the first hearing date on the application. Notice posters shall be posted in conspicuous locations, with at least one poster on each street frontage adjacent to the subject site. Notices shall be posted at least once every 600 feet of street frontage along the perimeter of the property. The Planning Official shall prepare a signed affidavit of posting, which shall be made a part of the file. The affidavit shall state the date and location(s) where the notice was posted.

(c) Content of Notices. Notice of a quasi-judicial hearing to be mailed and published shall contain all of the following information:

(i) A summary of the proposal and the relevant approval criteria. The notice must have sufficient detail to help the public identify and locate applicable code requirements;

(ii) The date, time and location of the scheduled hearing;

(iii) The street address or other easily understandable reference to the location of the proposed use or development;

(iv) A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the city council, Land Use Board of Appeals, or circuit court, as applicable, on that issue. Only comments on the relevant approval criteria are considered relevant evidence;

(v) A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the Planning Official and that copies shall be provided at a reasonable cost;

(vi) A statement that a copy of the city's staff report and recommendation to the hearing body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;

(vii) A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

(viii) A statement that after the public hearing closes, the Planning Commission will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

(3) Conduct of the Public Hearing.

(a) Hearing Instructions. At the commencement of the hearing, the chairperson of the commission or his or her designee, shall state to those in attendance all of the following information and instructions:

(i) The applicable approval criteria by code chapter that apply to the application;

(ii) Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

(iii) Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue may preclude appeal to the State Land Use Board of Appeals on that issue;

(iv) At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection (6) of this section, Record of the public hearing;

(v) Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in subsection (7) of this section, or leave the record open for additional written evidence or testimony as provided in subsection (8) of this section.

(4) Impartial Tribunal. The public is entitled to an impartial hearing body as free from potential conflicts of interest and prehearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, the member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall excuse themselves from the proceedings.

(5) Presenting and Receiving Evidence.

(a) The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;

(b) No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section;

(c) Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

(6) Record. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports) upon announcing its intention to take notice of such facts in its deliberations and allowing persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

(7) Continuances. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.

(8) Record Left Open for Additional Testimony. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:

(a) When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;

(b) An extension of the hearing or record granted pursuant to this section is subject to the limitations of 10.128.120 (ORS 227.178 – “120-day rule”), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and

(c) If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

(9) Decision Notice. The notice of a quasi-judicial decision shall contain all of the following information:

(a) A description of the applicant's proposal and the city's decision on the proposal. The notice may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

(b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (i.e., copy of assessor's map may be used);

(c) A statement of where the city's decision can be obtained;

(d) The date the decision shall become final, unless appealed; and

(e) A statement that all persons entitled to notice may appeal the planning commission's decision to city council pursuant to subsection 10.128.040(C) of this section, or may appeal the city council's decision to the State Land Use Board of Appeals, as applicable.

(10) Effective Date of Decision. Unless the conditions of approval specify otherwise, a quasi-judicial decision becomes effective 14 calendar days after the city mails the decision notice unless the decision is appealed pursuant to subsection 10.128.040(C) of this section.

(D) Type IV procedure (legislative and annexations – City Council Decision).

A legislative action for the purposes of this code is a land use decision requiring City Council enactment of an ordinance. Legislative actions include amendments to the City of Yamhill comprehensive plan, amendments to the City of Yamhill transportation system plan and other facility plans which are ancillary to the comprehensive plan, amendments to the city's zoning map, and zoning and land division regulations that are not otherwise reviewable as quasi-judicial actions under Section 10.128.030(B), and annexations. Type IV legislative decisions are heard first by the Planning Commission for a recommendation to the City Council, and then by the City Council for a final decision. The Type IV review procedure involves two public hearings.

(1) Initiation of Requests. The City Council or Planning Commission may initiate a legislative action at any time by a majority vote. Citizens or property owners may also initiate by application Type IV amendments. Legislative requests are not subject to the 120-day review period under ORS 227.178.

(2) Initiation of Annexation Requests. Annexations may be initiated by the by a property owner or the City in accordance with Chapter 13.04.

(3) Legislative Application Requirements.

(a) Application Forms. Applications for legislative action shall be made on forms provided by the city.

(b) Submittal Information. Applications for legislative action shall contain all of the following information:

(i) The information requested on the application form;

(ii) A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

(iii) The required fee, except when city of Yamill initiates request; and

(iv) One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

(4) Procedure. Hearings on legislative land use requests are conducted similar to City Council hearings on other legislative proposals, except the notification procedure for legislative land use requests must conform to state land use laws (ORS 227.175), as follows:

(a) The Planning Official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of proposed legislative amendments at least 35 days before the

first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD certificate of mailing.

(b) Mailed and Published Notice. The Planning Official shall mail public notice of a public hearing on a legislative application not less than 10 days before the scheduled Planning Commission and City Council public hearing dates, public notice shall be published in a newspaper of general circulation in the city. The Planning Official shall prepare an affidavit of notice stating the date the notice was mailed, which shall be made a part of the file. Notice shall be mailed to:

(i) All owners of record of real property located within a minimum of 500 feet of the subject site for a Comprehensive Plan Map or Zone Change and all property owners affected by a Comprehensive Plan or text change to Title 10 or Title 11.

(ii) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

(iii) Any person who submits a written request to receive a notice; and

(iv) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city and any other affected agencies. At a minimum, the Planning Official shall notify the road authority if different than the City of Yamhill. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the city under this code.

(5) Posted Notice. The Planning Official shall post public notice(s) of the public hearing on the subject site (if applicable) not less than 20 days prior to the first hearing date on the application. Notice posters shall be posted in conspicuous locations, with at least one poster on each street frontage adjacent to the subject site. Notices shall be posted at least once every 600 feet of street frontage along the perimeter of the property. The Planning Official shall prepare a signed affidavit of posting, which shall be made a part of the file. The affidavit shall state the date and location(s) where the notice was posted.

(a) Content of Notices. Notice of a legislative hearing to be mailed and published shall contain all of the following information:

(i) A summary of the proposal and the relevant approval criteria. The notice must have sufficient detail to help the public identify and locate applicable code requirements;

(ii) The date, time and location of the scheduled hearing;

(iii) The street address or other easily understandable reference to the location of the proposed use or development;

(iv) A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or circuit court, as applicable, on that issue. Only comments on the relevant approval criteria are considered relevant evidence;

(v) A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the Planning Official and that copies shall be provided at a reasonable cost;

(vi) A statement that a copy of the city's staff report and recommendation to the hearing body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;

(vii) A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

(viii) A statement that after the public hearing closes, the City Council will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

(6) Conduct of the Public Hearing.

(a) Hearing Instructions. At the commencement of the hearing, the mayor, or his or her designee, shall state to those in attendance all of the following information and instructions:

(i) The applicable approval criteria by code chapter that apply to the application;

(ii) Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

(iii) Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue may preclude appeal to the State Land Use Board of Appeals on that issue;

(iv) At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection (9) of this section, Record of the public hearing;

(v) Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in subsection (10) of this section, or leave the record open for additional written evidence or testimony as provided in subsection (11) of this section.

(7) Impartial Tribunal. The public is entitled to an impartial hearing body as free from potential conflicts of interest and prehearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, the member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall excuse themselves from the proceedings.

(8) Presenting and Receiving Evidence.

(a) The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;

(b) No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section;

(c) Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

(9) Record. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports) upon announcing its intention to take notice of such facts in its deliberations and allowing persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

(10) Continuances. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.

(11) Record Left Open for Additional Testimony. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:

(a) When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;

(b) An extension of the hearing or record granted pursuant to this section is not subject to the limitations of 10.128.120 (ORS 227.178 – “120-day rule”); and

(c) If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

(12) Final Decision and Effective Date. A legislative land use decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant. Notice of a legislative land use decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within five business days after the city council decision is filed with the Planning Official. The city shall also provide notice to all persons as required by other applicable laws.

(13) Record of the Public Hearing.

(a) Official Record. The official public hearing record shall include all of the following information:

(i) All materials considered by the hearing body;

(ii) All materials submitted by the Planning Official to the hearing body regarding the application;

(iii) The minutes of the hearing;

(iv) The final written decision; and

(v) Copies of all notices given as required by this chapter, and correspondence regarding the application that the city mailed or received.

(b) Minutes. The meeting minutes shall be filed in hard copy form with the Planning Official. The minutes and other evidence presented as a part of the hearing shall be part of the record.

(c) Exhibits. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.

(E) Annexation Procedure. Annexations shall be processed following Chapter 13.04.

10.128.040 Appeals

(A) Type I.

(1) Decisions may only be appealed to the Planning Commission where specifically noted.

(B) Type II.

(1) Appeal of Type II (Administrative) Decision. A Type II administrative decision made by the city planning official may be appealed to the Yamhill Planning Commission, pursuant to the following:

(a) Who May Appeal. The following people have legal standing to appeal a Type II administrative decision:

(i) The applicant or owner of the subject property;

(ii) Any person who was entitled to written notice of the administrative review;

(iii) Any other person who participated in the proceeding by submitting written comments on the application to the city by the specified deadline.

(b) Appeal Filing Procedure.

(i) Notice of Appeal. Any person with standing to appeal, as provided in subsection (D)(1) of this section, may appeal a Type II administrative decision by filing a notice of appeal according to the following procedures.

(ii) Time for Filing. A notice of appeal shall be filed with the Planning Official within the time frame specified on the notice of decision; this will be within 14 calendar days of the date the notice of decision is mailed.

(iii) Content of Notice of Appeal. The notice of appeal shall be accompanied by the required filing fee and shall contain:

- (1) An identification of the decision being appealed, including the date of the decision;
- (2) A statement demonstrating the person filing the notice of appeal has standing to appeal;
- (3) A statement explaining the specific issues being raised on appeal; and
- (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

(c) Scope of Appeal. The appeal of a Type II administrative decision shall be a hearing de novo before the Planning Commission, where the contested decision was made by the city planning official. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the administrative decision, but may include other relevant evidence and arguments. The hearing appeal body may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

(d) Appeal Hearing Procedure. Hearings on appeals of Type II decisions shall follow the same procedure used for public hearings on Type III reviews under 10.128.030(C). Section 10.128.030(C) contains requirements for public hearing notices, conduct of hearings, and decision-making procedures.

(C) Type III.

(1) Appeal of Planning Commission Decision. The Planning Commission's decision may be appealed to the Yamill City Council as follows:

(a) Who May Appeal. Only persons who "appear" during a quasi-judicial proceeding, by testifying orally or in writing, prior to the close of the public record, may appeal the planning commission decision.

(b) Appeal Filing Procedure.

(i) Notice of Appeal. Any person with standing to appeal, as provided in subsection 10.128.040(B)(1)(a) of this section, may appeal a Type III quasi-judicial decision by filing a notice of appeal according to the following procedures.

(ii) Time for Filing. A notice of appeal shall be filed with the city planning official within the time frame specified on the notice of decision; typically, this will be within 14 days of the date the notice of decision is mailed.

(iii) Content of Notice of Appeal. The notice of appeal shall be accompanied by the required filing fee and shall contain:

- (1) An identification of the decision being appealed, including the date of the decision;
- (2) A statement demonstrating the person filing the notice of appeal has standing to appeal;
- (3) A statement explaining the specific issues being raised on appeal; and
- (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

(c) Scope of Appeal. The appeal of a Type III quasi-judicial decision shall be a de novo hearing before the City Council, which may allow additional evidence, testimony or argument concerning any issue raised at the planning commission.

(d) Record of the Public Hearing.

(i) Official Record. The official public hearing record shall include all of the following information:

- (ii) All materials considered by the hearing body;
- (iii) All materials submitted by the Planning Official to the hearing body regarding the application;
- (iv) The minutes of the hearing;
- (v) The final written decision; and
- (vi) Copies of all notices given as required by this chapter, and correspondence regarding the application that the city mailed or received.

(e) Minutes. The meeting minutes shall be filed in hard copy form with the Planning Official. The minutes and other evidence presented as a part of the hearing shall be part of the record.

(f) Exhibits. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.

(g) Effective Date and Appeals to State Land Use Board of Appeals. Final decisions, including appeal decisions, are effective the date the city mails the decision. Appeals of city council final decisions under this code shall be filed with the State Land Use Board of Appeals pursuant to ORS 197.805 to 197.860, except where state law requires review by a different court.

(D) Type IV

(1) Effective Date and Appeals to State Land Use Board of Appeals. Final decisions, including appeal decisions, are effective the date the city mails the decision. Appeals of City Council final decisions under this code shall be filed with the State Land Use Board of Appeals pursuant to ORS 197.805 to 197.860, except where state law requires review by a different court.

10.128.0350 Citizen Involvement.

To provide opportunities for public input in the planning process, the City shall, through the mechanisms provided in the Citizen Involvement Program, submit all applications to the citizens for comment and review. (Ord. 454 §2, 2000)

10.128.040 Agency Involvement.

~~———— To assure affected agency involvement in the planning process, when appropriate, applications shall be submitted to appropriate local, state and federal agencies for their review and comment.~~

~~———— (A) Applications for Change of Zone, Annexations, Plan Amendments, and Subdivisions to be referred to Oregon Department of Transportation (ODOT).~~

~~———— (B) Any application having an impact on a county road or state highway may be referred to Yamhill County Public Works and/or ODOT.~~

~~———— (C) Any application which might have an impact on jurisdictional wetlands to be referred to the Department Division of State Lands (DSL).~~

~~———— (D) Referrals will be sent to interested agencies such as City departments, police and fire, school district, utility companies, and applicable state and federal agencies at City's option. (Ord. 454 §2, 2000)~~

10.128.050 Application Processing Procedure.

~~———— Any application for land use shall be filed in the following manner:~~

~~———— (A) An application shall be initiated by the property owner or an authorized agent by submittal of the appropriate forms provided by the City.~~

~~———— (B) Applications must be filed with the City Recorder at least 30 days prior to any public hearing required, or 20 days prior to the scheduled Planning Commission meeting.~~

~~———— (C) The application must be accompanied with a filing fee as specified by Council resolution.~~

~~———— (D) The application shall contain the signature of all registered owners of the affected property.~~

~~———— (E) A list of names and addresses, from the last preceding county tax roll, of all owners of property situated within the following radii, including public rights of way, of the external boundaries of the affected property must be submitted with the application.~~

~~———— (1) Variance: 200 feet.~~

~~———— (2) Conditional Use Permit: 300 feet.~~

~~———— (3) Partition: 300 feet.~~

~~———— (4) Change of Zone: 500 feet.~~

~~———— (5) Annexations: 500 feet.~~

~~———— (6) Development Permit: 300 feet.~~

~~———— (7) Development Plan Review: 300 feet.~~

~~———— (8) Plan Amendments: 500 feet.~~

~~_____ (F) _____ Upon receipt of an application, fee, and 15 copies of a scaled plan, City staff shall review the application for completeness.~~

~~_____ (1) _____ Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.~~

~~_____ (2) _____ If incomplete, the applicant shall be notified and provided additional time of up to 180 30 days to submit supplemental information as necessary.~~

~~_____ (3) _____ The application shall be deemed complete for the purposes of scheduling the public hearing and all related timing provisions either:~~

~~_____ (a) _____ Upon receipt of the additional information, or if the applicant refuses to submit the information;~~

~~_____ (b) _____ On the 31st day after the original submittal the application shall be deemed complete for review purposes.~~

~~_____ (4) _____ Upon receiving a complete application, notwithstanding appeals, the City shall render a decision for approval or denial within a 120-day period. (Ord. 454 §2, 2000)~~

~~10.128.060 — Notification — Planning Commission.~~

~~_____ Unless otherwise specified by this title, notice of a public hearing shall be published in a newspaper of general circulation at least once, 10 days prior to the date of the hearing. Property ownership notices shall be mailed at least 10 days prior to the date of the public hearing. (Ord. 454 §2, 2000)~~

~~10.128.070 — Notification — City Council.~~

~~_____ Unless otherwise specified by this title, notice of a public hearing shall be published in a newspaper of general circulation at least once, 10 days prior to the date of the hearing. Property ownership notices shall be mailed at least 10 days prior to the date of the public hearing. (Ord. 454 §2, 2000)~~

~~10.128.080 — Failure to Receive Notice.~~

~~_____ Failure of a person to receive the prescribed hearing notification shall not impair the validity of the public hearing. (Ord. 454 §2, 2000)~~

~~10.128.090 — Continuance of Hearing.~~

~~_____ A hearing may be continued to obtain additional information or to serve further notice upon other property owners or persons who may be interested in the proposal being considered. Prior to recessing, the time and date when the hearing is to be resumed shall be announced. (Ord. 454 §2, 2000)~~

~~10.128.100 — Burden of Proof.~~

~~_____ The burden of proof is upon the applicant.~~

~~_____ (A) _____ All evidence not objected to may be received unless excluded by the hearings body.~~

~~_____ (B) _____ All evidence offered and received shall be made a part of the record of the case, and, except for the facts which are noticed, no other factual information or evidence shall be considered in the determination of the issue. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.~~

~~_____ (C) _____ Every party shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence. Other participants permitted to testify or present evidence shall have such rights as are determined by the hearings body. (Ord. 454 §2, 2000)~~

~~10.128.110 — Standing.~~

~~_____ The following persons are affected parties and shall be entitled to appear of record either by themselves or through their designated representatives at a hearing:~~

~~_____ (A) _____ All persons entitled to personal notice by mail;~~

- ~~—— (B) A community planning organization duly certified by the Council;~~
- ~~—— (C) Any person who demonstrates to the hearings body that his/her legal rights are affected by the outcome of the hearing;~~
- ~~—— (D) Any person within reasonably close proximity to the property that is the subject of a hearing who demonstrates to the hearings body that he/she could sustain economic or aesthetic injury as a result of a proposed land use action. (Ord. 454 §2, 2000)~~

10.128.120 — Determination of Standing.

~~—— Whenever possible, the matter of the standing of any person shall be determined prior to a hearing before the hearings body. Where a question of standing arises during a hearing, the hearings body may determine the issue of standing at that time or may continue the hearing until the issue of standing is resolved. (Ord. 454 §2, 2000)~~

10.128.130 — Record.

- ~~—— (A) A record of the hearing shall be made by written or mechanical means. The hearings body shall keep minutes of its proceedings.~~
- ~~—— (B) All physical and documentary evidence presented shall be marked to show the identity of the person offering the evidence and whether presented on behalf of the proponent or opponent. Evidence may be received subject to a later ruling as to its admissibility.~~
- ~~—— (C) All exhibits received shall be retained by the hearings body until after applicable appeal period has expired. The exhibit shall then be released upon demand to the person identified thereon upon receipt of an acceptable facsimile thereof.~~
- ~~—— (D) The Planning Department shall permanently file and retain the record, and all exhibits and documentary evidence received. (Ord. 454 §2, 2000)~~

10.128.1460 Challenge for Bias, Prejudgment or Personal Interest.

- (A) Prior to or at the commencement of a hearing, any party may challenge the qualifications of the hearings body or a member thereof for bias, prejudgment, or personal interest. The challenge shall be documented with specific reasons supported by facts.
- (B) No member of a hearings body shall participate in a hearing, except under the rule of necessity if:
 - (1) He/she has a direct or substantial financial interest in the subject of the hearing;
 - (2) He/she is related to the applicant or opponent in the manner provided for in ORS 227.035;
 - (3) He/she is in business with the applicant;
 - (4) He/she cannot be impartial because of pre-hearing contacts;
 - (5) For any other reason he/she determines affects his/her impartiality.
- (C) Should the qualifications of the hearings body be challenged, it or the member challenged shall either disqualify itself, withdraw, or make a statement of its capacity to hear, which statement shall be a part of the record. (Ord. 454 §2, 2000)

10.128.150070 Hearing Procedure.

- (A) A hearing shall be conducted in the following order, or in such other manner as may be ordered by the hearings body, so long as the parties are provided a reasonable opportunity to present their cases:
 - (1) Open the Public Hearing and Announce the Purpose. The hearings body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.
 - (2) A statement by the hearings body regarding pre-hearing, contacts, bias, prejudice, or personal interest shall be made. Call for abstentions.

- (3) Ask for Objections to Jurisdiction. Challenges to the hearings body's qualifications to hearing the matter shall be stated.
- (4) Order of Presentation.
 - (a) Staff report;
 - (b) Proponents:
 - (i) Principal/applicant,
 - (ii) Others;
 - (c) Opponents;
 - (d) Questions of proponents and opponents from the floor and Commission/Council directed through the Chair/Mayor;
 - (e) Public agencies;
 - (f) Letters;
 - (g) Proponent rebuttal;
 - (h) Staff recommendations.
- (5) Close of Hearing and Deliberation. The hearings body shall either make its decision and state the findings of fact or continue deliberation to a subsequent date, the time and date of which shall be announced. No additional testimony or evidence shall be taken after closing of the hearing. (Ord. 454 §2, 2000)

~~10.128.160 — Review by the City Council.~~

- ~~— (A) A review of the Planning Commission's decision may be initiated by the Council.~~
- ~~— (B) The review shall be ordered within 15 days of the date of the final written decision of the Planning Commission.~~
- ~~— (C) A review hearing shall be conducted in the same manner provided for in appeals. (Ord. 454 §2, 2000)~~

~~10.128.170 — Staff Report.~~

- ~~— (A) Within 10 days prior to the date of the initial hearing of an application for a land use permit the Planning Commission may render a staff report setting forth its findings and recommendations, if any.~~
- ~~— (B) A copy of the staff report shall be mailed or otherwise delivered to the applicant, to the hearings body, and to persons requesting the same who shall pay a reasonable fee for the costs of the duplication, mailing, and administrative overhead.~~
- ~~— (C) The applicant shall reply in writing to the findings and recommendations set forth in said report, citing exceptions, if any, and the reasons therefor, no later than three days before the date of the initial hearing.~~
- ~~— (D) A copy of the applicant's reply shall be delivered to the staff and hearings body, and to persons requesting the same who shall pay a reasonable fee for the costs of the duplication, mailing, and administrative overhead. (Ord. 454 §2, 2000)~~

~~10.128.180~~080 Time Limit on a Permit for a Conditional Use, Variance, Development Permit, and Restricted Development Review.

Authorization shall be void after ~~six months~~ one year from the approval date unless substantial construction pursuant thereto has taken place. However, the ~~Planning Commission~~ original decision maker may, in its discretion, extend authorization for an additional six months on request. (Ord. 454 §2, 2000)

~~10.128.190 — Appeal from Commission Ruling.~~

~~An action or ruling of the Planning Commission pursuant to this title may be appealed to the Council within 15 days after the Commission has rendered its decision. Written notice of the appeal shall be filed with the City Recorder. If the appeal is not taken within the 15 day period, the decision of the~~

Commission shall be final. If the appeal is filed, the Council shall receive a report and recommendation thereon from the Planning Commission and shall hold a public hearing on the appeal. Every notice of appeal shall contain:

- _____ (A) _____ A statement of the petitioner establishing standing to appeal;
- _____ (B) _____ A reference to the application sought to be reviewed, including the date of the final decision of the hearings body;
- _____ (C) _____ The specific grounds relied upon for appeal;
- _____ (D) _____ A statement showing how the hearings body erred in its decision. (Ord. 454 §2, 2000)

10.128.200 _____ Notice of Hearing on Appeal.

_____ (A) _____ A published notice of the hearing and a record of proceedings or review shall be the same as required for an initial hearing.

_____ (B) _____ If the hearing is to be held de novo, notice of such fact shall also be given.

_____ (C) _____ The review of the initial hearing shall be confined to the record of the proceeding which shall include:

- _____ (1) _____ All materials submitted and considered by the hearings body as evidence;
- _____ (2) _____ The tape recording and the minutes of the hearing if requested by the reviewing body;
- _____ (3) _____ A transcript of the hearing if requested and paid for by the appellant;
- _____ (4) _____ The decision of the hearings body and the notice of appeal.
- _____ (D) _____ De Novo Review.

_____ (1) _____ A party may request a de novo hearing by filing a written motion with the City Council within 15 days following the date of the final written determination by the Planning Commission. The motion shall state the reasons for the requested de novo hearing, and why the appellant had no prior opportunity to present the evidence sought to be introduced at the de novo hearing.

_____ (2) _____ The City Council may grant or deny the motion for a de novo hearing. If the motion is granted, a hearing date shall be set no sooner than 14 days following the granting of the motion. Notice of the de novo hearing shall be mailed to individuals within the notification area of the original application; shall be published in a newspaper of general circulation in the City of Yamhill; and those individuals who have established standing at the time of the initial hearing. All notice shall be mailed or published no later than 10 days prior to the de novo hearing date.

_____ (3) _____ A de novo hearing on review shall be conducted in conformance with Section 10.128.150.

_____ (4) _____ The City Council may affirm, reverse, or amend the action taken at the initial hearing. The matter may be remanded back to the Planning Commission for further review or information.

_____ (5) _____ The Council's decision shall become final on the 15th day following the date of the final written determination. (Ord. 454 §2, 2000)

10.128.210090 _____ Revocation.

The Planning Official or Commission may revoke or modify any permit granted under the provisions of this title on any one or more of the following grounds:

(A) A permit may be revoked on the basis of fraud, concealment, or misrepresentation, or on the basis of wrong information given to the Commission.

(B) A permit may be revoked on the basis that the use for which such permit was granted is not being exercised within the time limit set forth by the Commission or this title.

(C) A permit may be revoked on the basis that the use for which such permit was granted has ceased to exist or has been suspended for six months or more.

(D) A permit may be revoked or modified on the basis that the permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, code, resolution, law or regulation.

(E) A permit may be revoked or modified on the basis that the use for which the permit was granted was so exercised as to be detrimental to the public health, safety or welfare, or in such a manner as to constitute a nuisance.

(F) Any permit granted pursuant to this title shall become null and void if not exercised within the time period specified in the permit.

(G) The Commission shall hold a public hearing on any proposed revocation after giving written notice to the permittee and other affected persons as set forth in this title. The Commission shall render its decision within 30 days after the conclusion of the hearing. In the case where the permittee is not satisfied with the action of the Commission, he/she may appeal the Commission's decision to the City Council in the manner provided in Section 10.128.190. (Ord. 454 §2, 2000)

10.128.220100 Filing Fees.

Fees shall be paid to the Planning Official ~~City Recorder~~ upon the filing of an application. Such fees shall not be refundable. Fees shall be established by the City Council by resolution. (Ord. 454 §2, 2000)

10.128.230110 Professional Expenses.

In addition to any other fees prescribed by the City regulations, there is imposed upon an applicant before the Planning Official, Planning Commission or City Council an additional fee for professional review of the application. Said fee shall be in accordance with Yamhill Municipal Code Section 1.32.100. (Ord. 454 §2, 2000)

10.128.120 General provisions applicable to all reviews.

(A) Time Limit – 120-Day Rule. The city shall take final action on administrative and quasi-judicial land use applications, pursuant to this chapter, including resolution of all appeals, within 120 days from the date the city planning official deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 120-day rule does not apply to legislative land use decisions.)

(B) Time Periods. In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.

(C) Consolidated Review of Applications. When an applicant applies for more than one type of land use or development permit for the same one or more contiguous lots, the proceedings shall be consolidated for review and decision at the applicant's request or at the city's discretion. The consolidated application shall be considered using the highest procedure type of any of the applications. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

(D) City Planning Official's Duties. The Planning Official, or his or her designee, shall perform all of the following duties with regard to administration of this code:

- (1) Prepare application forms based on the provisions of this code and applicable state law;
- (2) Review required notices, and process applications;
- (3) Assist planning commission and city council in administering the hearings process;
- (4) Answer questions from the public regarding the city's land use regulations;
- (5) Prepare staff reports summarizing pending applications, including applicable decision

criteria;

(6) Prepare findings consistent with city council decisions on land use and development applications;

(7) Prepare notices of final decisions, file the notices in the city's records and mail a copy of the notices to all parties entitled to notice under this code; and

(8) Maintain and preserve the file and public record for each application.

AA. Amend Chapter 10.132 Change of Zone, Comprehensive Plan Amendment to read as:

Sections:

10.132.010 Initiation of Zone Change.

10.132.020 Authority to Grant or Deny a Change of Zone.

10.132.030 Application and Processing Procedure.

10.132.040 Findings Required for Granting a Zone Change.

10.132.050 Effective Date of Approval.

10.132.060 Initiation of Comprehensive Plan Amendment.

10.132.070 Authority to Grant or Deny a Comprehensive Plan Amendment.

10.132.080 Application and Processing Procedure.

10.132.090 Findings Required for Granting a Comprehensive Plan Amendment.

10.132.100 Effective Date of Approval.

10.132.110 Initiation of Development Regulation Standards Amendment.

10.132.120 Authority to Grant or Deny a Development Regulation Standard Amendment.

10.132.130 Application and Processing Procedure.

10.132.140 Findings Required for Granting a Development Regulation Standard Amendment.

10.132.150 Effective Date of Approval.

10.132.010 Initiation of Zone Change.

A zone change may be initiated in any of the following manners:

- (A) A zone change may be initiated by resolution by the City Council.
- (B) A zone change may be initiated by recommendations by the Planning Commission. After the public hearing, the Planning Commission shall refer its recommendation to the City Council.
- (C) A zone change may be initiated by petition by property owners or by persons purchasing property under contract. (Ord. 454 §2, 2000)

10.132.020 Authority to Grant or Deny a Change of Zone.

The Planning Commission shall conduct a public hearing for a proposed zone change and shall submit a recommendation to the City Council. The City Council shall then conduct a public hearing on the proposed zone change. 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 zone change, such action shall be confirmed by ordinance. (Ord. 454 §2, 2000; Ord. 523 §1, 2018)

10.132.030 Application and Processing Procedure.

An application for a zone change shall be filed in accordance with the provisions of Chapter 10.128. (Ord. 454 §2, 2000)

10.132.040 Findings Required for Granting a Zone Change.

The Planning Commission shall analyze the following points and, in a written form, incorporate such findings in its decision:

- (A) That there is a public need for the change of zone.
- (B) That there is an inadequacy of other comparatively zoned property to satisfy the public need.
- (C) That the change of zone is in conformance with the Comprehensive Plan, this title, and any applicable street and highway plans.
- (D) That the proposed property is adequate in size and shape to facilitate those uses allowed in the proposed zone.

(E) 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.

(F) That the proposed change of zone will have no adverse effect on abutting property or the permitted uses thereof. (Ord. 454 §2, 2000)

10.132.050 Effective Date of Approval.

The zone change shall be effective upon the passage of the ordinance by the City Council changing the zone. (Ord. 454 §2, 2000; Ord. 523 §1, 2018)

10.132.060 Initiation of Comprehensive Plan Amendment.

A Comprehensive Plan amendment may be initiated in any of the following manners:

(A) By resolution of the City Council.

(B) By recommendations of the Planning Commission. After the public hearing, the Planning Commission shall refer its recommendations to the City Council.

(C) By petition from property owners or by persons purchasing property under contract. (Ord. 454 §2, 2000)

10.132.070 Authority to Grant or Deny a Comprehensive Plan Amendment.

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~~ ordinance. (Ord. 454 §2, 2000)

10.132.080 Application and Processing Procedure.

An application for a Comprehensive Plan amendment shall be filed in accordance with the provisions of Chapter 10.128 of this ~~title~~. (Ord. 454 §2, 2000)

10.132.090 Findings Required for Granting a Comprehensive Plan Amendment.

The Planning Commission and City Council shall analyze the following points and, in a written form, incorporate such findings in its decision:

(A) That there is a public need for a Comprehensive Plan amendment.

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

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

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

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

(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.

(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.

(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.

(I) That the proposed Comprehensive Plan amendment will have no adverse effect on abutting property or the permitted uses thereof. (Ord. 454 §2, 2000)

10.132.100 Effective Date of Approval.

The Comprehensive Plan amendment shall be effective upon the passage of the ordinance by the City Council changing the Plan. (Ord. 454 §2, 2000; Ord. 523 §1, 2018)

10.132.110 Initiation of Development Regulation Standards Amendment.

A Development Regulation Standard, Title 10 or Title 11, amendment may be initiated in any of the following manners:

- (A) By resolution of the City Council.
- (B) By recommendations of the Planning Commission. After the public hearing, the Planning Commission shall refer its recommendations to the City Council.
- (C) By petition from property owners or by persons purchasing property under contract.

10.132.120 Authority to Grant or Deny a Development Regulation Standard Amendment.

The Planning Commission shall conduct a public hearing for a proposed Development Regulation Standards amendment and shall submit a recommendation to the City Council. The City Council shall then conduct a public hearing on the proposed Development Regulation Standard 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 Development Regulation Standards amendment, such action shall be confirmed by ordinance.

10.132.130 Application and Processing Procedure.

An application for a Comprehensive Plan amendment shall be filed in accordance with the provisions of Chapter 10.128 of this Title.

10.132.140 Findings Required for Granting a Development Regulation Standard Amendment.

The Planning Commission and City Council shall analyze the following points and, in a written form, incorporate such findings in its decision:

- (A) That there is a public need for a Development Regulation Standard amendment.
- (B) That there was an error in the original Development Regulation Standard.
- (C) That there is a need to change the currently adopted Development Regulation Standards.
- (D) That there is an inadequacy of development regulations available to satisfy the public need.
- (E) That the regulation proposed to be changed or added is in the best interest of the community and in conformity with the Comprehensive Plan.
- (F) That the proposed Development Regulation Standards amendment is in conformance with all statewide goals, and any applicable street, highway and/or utility plans for the area.
- (G) That the proposed Development Regulation Standards amendment will have no adverse effect on property or the permitted uses thereof.

10.132.150 Effective Date of Approval.

The Development Regulation Standards amendment shall be effective upon the passage of the ordinance by the City Council.

EXHIBIT B

Housing Code Changes Title 11 Land Divisions 5/1/25

The proposed amendments are shown in ~~strike through~~ for language to be deleted and in double underline for language to be added.

Chapters:

11.04 General Information

11.08 Subdivisions and Planned Unit Developments

11.12 Partitions

11.14 Middle Housing (Duplex) Land Divisions

11.16 Property Boundary Adjustments

11.20 Design Standards

11.24 Street Standards

A. Amend Chapter 11.04 General Information to read as:

Sections:

11.04.010	Purpose.
11.04.020	Definitions.
11.04.030	Scope of Regulations.
11.04.040	Fees.
11.04.050	Variances.

11.04.010 Purpose.

(A) The purpose of this title is to establish standards and procedures for the partitioning of land in the City. These regulations are necessary to provide uniform procedures and standards for the dividing of land, to assure adequate width and arrangements of streets, to coordinate proposed development with plans for utilities and other public facilities, to avoid undue congestion of population, to assure adequate sanitation and water supply to provide for the protection, conservation, and proper use of land, and to protect in other ways the public health, safety, and welfare.

(B) This title is part of the City of Yamhill's regulations regarding land development and is designed to be used in conjunction with provisions in Title 10. (Ord. 467 §1, 2002)

11.04.020 Definitions.

As used in this title, unless it is apparent from the context that different meanings are intended, the words and phrases below shall have the following meaning. For the purpose of this title, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and directory, the word "building" includes a structure.

"Abut" means to border on a given line, e.g., a given street right-of-way.

"Applicant" means any person who makes application to the Planning Official or Planning Commission for approval of a subdivision or partition plat.

"Building lines" means the lines indicated on the subdivision plat or otherwise described, limiting the area upon which structures may be erected.

"City" means the City of Yamhill, Oregon, including its officers, agents and employees.

"Comprehensive Plan" means a plan adopted by Ordinance No. 350, or as amended, as a guide in the growth and improvement of the City, including modifications or refinements which may be made from time to time.

"Dwelling unit" ~~means one or more rooms designed for occupancy by one family.~~ means a building, or portion of a building, that has independent living facilities including provisions for sleeping, cooking and sanitation, and that is designed for residential occupancy by a group of people.

"Easements" means a grant of the right to use a strip of land for specific purposes.

"Family" ~~means an individual or two or more persons related by blood, marriage, adoption, or legal guardianship, living together as one housekeeping unit, and providing means or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons, excluding servants, living together as one housekeeping unit.~~

"Lot" means a unit of land that is created by a subdivision of land or tract of land having a frontage upon a street occupied or to be occupied, by a building or unit group of buildings and its accessory buildings, together with such yards or open spaces as required by this ~~chapter~~ Title.

Lot, Corner. **"Corner lot"** means a lot at least two adjacent sides of which abuts streets other than alleys, provided the angle on intersection of the adjacent streets does not exceed 135 degrees.

Lot, Through. **"Through lot"** means a lot having frontage on two parallel streets other than alleys.

"Master Plan" means a map or layout that establishes the long-term development of a subdivision, planned unit development or future partitioning potential of larger parcels.

“Middle housing (duplex) land division” means a partition or subdivision of a lot or parcel on which the development of middle housing (duplex) is allowed.

~~**“Owner”** means the owner of record of real property as shown on the latest tax rolls of Yamhill County or by the deed records of said county or a person who is purchasing a parcel of the property under contract.~~

“Owner” means the owner of record of real property as shown on the latest tax rolls or deed records of the County, or a person who is purchasing a parcel of property under written contract, or an authorized agent of the owner or contract purchaser.

“Parcel” means a unit of land that is created by a partitioning of land.

“Partitioning” means the division of an area or tract of land into two or three parcels within a calendar year and when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. **“Partitioning land”** does not include division of land resulting from lien, foreclosure; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including, but not limited to, court orders in proceedings involving testate or intestate successions; and “partition land” does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning requirement.

“Partitioning plat” means and includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

“Pedestrian way” means a right-of-way for pedestrian traffic.

“Person” means an individual firm, partnership, corporation, company, association, syndicate or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

“Planning Commission” means the Planning Commission of the City of Yamhill.

“Planning official” means the Yamhill city administrator or an official designated by the Yamhill city administrator with authority to administer the provisions of this Title.

“Plat” means the final map, diagram, drawing, replat, and other writing containing the description, location, specifications, dedications, provisions and other information concerning a subdivision, replat, or partition plat.

“Property line” means the division line between two units of land.

“Property boundary adjustment” means the relocation of a common property line between two abutting properties.

“Replat” means the act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

“Right-of-way” means the area between boundary lines of a street or dedicated easement.

“Roadway” means the portion or portions of a street right-of-way developed for vehicle traffic.

“Sidewalk” means a pedestrian walkway with permanent surfacing.

“Street” means the entire width between the boundary lines of a public way provided for vehicular and pedestrian traffic, and the placement of utilities and including “road,” “highway,” “lane,” “place,” “avenue,” “alley,” or similar designations.

(1) **“Alley”** means a narrow street through a block primarily for access by service vehicular to the back or side of properties fronting on another street.

(2) **“Arterial”** means a street of considerable continuity which is primarily for intercommunication among large areas.

(3) **“Collector”** means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used partly by through traffic and partly for access to abutting properties.

(4) **“Cul-de-sac (dead-end street)”** means a short street with one end open to traffic and the other terminated by a vehicle turn-around.

(5) **“Half-street”** means a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.

(6) **“Marginal access street”** means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic. Also known as a “frontage road.”

(7) **“Minor street”** means a street intended primarily for access to abutting properties.

“Subdivide land” means to divide land into four or more lots within a calendar year.

“Subdivision” means either an act of subdividing land of an area or a tract of land subdivided.

“Subdivision plat” means and includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision. (Ord. 467 §1, 2002)

“Townhouse” means a dwelling unit constructed in a row of two or more attached units where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit, also commonly called a “single-family attached dwelling,” “row house” or “common-wall house.”

11.04.030 Scope of Regulations.

Subdivision plats, partition plats, property boundary adjustments, streets or ways created for the purpose of subdividing or partitioning land shall be approved by the Planning Official or Planning Commission, based on the required review authority, in accordance with these regulations. A person desiring to subdivide land or partition land or to sell any portion not the whole of a lot or parcel of land shall submit preliminary plans and final documents for approval as provided in this title and State law. (Ord. 467 §1, 2002)

11.04.040 Fees.

(A) A fee shall be charged for the review of the tentative plan by the City as required by this chapter. Said fee shall be prescribed by resolution.

(B) In all applications concerning a partition, a fee shall be charged for a review and investigation of the proposed partition. Said fee shall be prescribed by resolution.

(C) The above referenced fees shall be in addition to any fees and/or charges which may be levied and/or required in accordance with State law. (Ord. 467 §1, 2002)

11.04.050 Variances.

Any request to vary or modify the standards in Title 11 shall be subject to the variance provisions outlined in Chapter 10.100. (Ord. 467 §1, 2002)

B. Amend Chapter 11.08 Subdivisions and Planned Unit Developments to read as:

Sections:

11.08.010	Area of Application.
11.08.020	Submittal Requirements.
11.08.030	Review Procedures.
11.08.040	Subdivision Review Criteria.
11.08.050	PUD Review Criteria.
11.08.060	Form of Final Subdivision and PUD Plat.
11.08.070	Improvements and Bonding.
11.08.080	Final Plat Review of Subdivisions and Planned Unit Developments.

11.08.010 Area of Application.

A subdivision (or planned unit development) is required for any land division that creates more than three parcels (or three ownerships) in a calendar year. (Ord. 467 §1, 2002)

11.08.020 Submittal Requirements.

(A) Submittal Material. The following submittal requirements shall apply to all preliminary plan applications for subdivisions and planned unit developments.

(1) All applications shall be submitted on forms provided by the City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this chapter.

(2) Submittal Requirements. Each application shall be accompanied by a preliminary plat drawn to scale of not less than one inch equals 50 feet nor more than one inch equals 200 feet, and containing at a minimum, the following:

- (a) Appropriate identification stating the drawing is a preliminary plan.
- (b) North point, scale and date.
- (c) Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan.
- (d) Map number and tax lot or tax account number of subject property.
- (e) The boundary lines and approximate area of the subject property.
- (f) Dimensions and size in square feet or acres of all proposed parcels.
- (g) The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines.
- (h) The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application.
- (i) Name of the PUD, subdivision, or manufactured home park.
- (j) Date the drawing was made.
- (k) Vicinity sketch showing location of the proposed land division.
- (l) Identification of each lot or parcel and block by number.
- (m) Gross acreage of property being subdivided or partitioned.
- (n) Direction of drainage and approximate grade of abutting streets.
- (o) Streets proposed and their names, approximate grade, and radius of curves.
- (p) Any other legal access to the subdivision, PUD, manufactured home park, or partition other than a public street.

(q) Contour lines at two-foot intervals if 10% slope or less, five-foot intervals if exceeding 10% slope, and a statement of the source of contour information.

(r) All areas to be offered for public dedication.

(B) Supplemental Information. The following supplemental information shall be required for all PUD preliminary plan applications:

(1) Calculations consistent with Section 10.124.050(E) justifying the proposed density of development.

(2) Proposed uses of the property, including sites, if any, for recreational facilities, parks and playgrounds or other public or semi-public uses, with the purpose, condition and limitations of such reservations clearly indicated.

(3) The approximate location and dimensions of all commercial or multi-family structures proposed to be located on the site.

(4) Statement of improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed.

(5) Written statement outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities. (Ord. 467 §1, 2002; Ord. 515 §1, 2017)

11.08.030 Review Procedures.

The following review procedures shall apply to all subdivisions and planned unit developments.

(A) Planning Official. All preliminary plans for subdivisions (excluding site with stream corridors) shall be reviewed and a decision issued by the Planning Official pursuant to the procedures set forth in Chapter 10.128.

(B) Planning Commission. All preliminary plans for subdivisions with stream corridors and PUDs shall be heard by the Planning Commission pursuant to the procedures set forth in Chapter 10.128.

~~(BC)~~ Time Limit. Approvals of any preliminary plans for a subdivision or PUD shall be valid for one-two years after the date of the final decision. A Final Plat shall be recorded within this time period or the approvals shall lapse. PUDs which do not involve the subdivision of property, shall install all required sewer, water and storm water facilities within the one-year period or the approval shall lapse.

~~(CD)~~ Time Extension. The Planning Official or where applicable the Planning Commission may extend the approval period for any subdivision or PUD for not more than one two additional years at a time. Requests for extension of approval time shall be submitted in writing 30 days prior to the expiration date of the approval period. No more than two-time extensions shall be granted.

~~(DE)~~ Reapplication Required. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for review by the Planning Official as required, or a public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect. (Ord. 467 §1, 2002)

11.08.040 Subdivision Review Criteria.

Approval of a subdivision shall require compliance with the following:

(A) The proposal shall comply with the applicable development standards in Chapter 11.20, as appropriate, including provisions for streets and utilities.

(B) Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved.

(C) Adequate public facilities shall be available to serve the existing and newly created lots. (Ord. 467 §1, 2002)

11.08.050 PUD Review Criteria.

Approval of a planned unit development shall require compliance with the applicable development standards in Chapter 10.124, as appropriate, including provisions for streets and utilities. (Ord. 467 §1, 2002)

11.08.060 Form of Final Subdivision and PUD Plat.

(A) Final Plat Requirements. The final plat shall be prepared in a form and with information consistent with ORS 92.010 through 92.160, and approved by the County Surveyor.

(B) Owners Association. Where applicable, all owners agreements, articles and by-laws shall be submitted with the final plat for review by the City Attorney.

(1) The Planning Official or Planning Commission, based on the required review authority, until the owners association agreement, articles and by-laws are approved shall not approve the final plat.

(2) The owners association agreement shall be consistent with Chapter 94, Oregon Revised Statutes.

(3) A certificate of formation of a non-profit corporation, with a state seal, for the owners association, shall be submitted with the final plat for review by the Planning Official or Planning Commission, based on the required review authority.

(4) Signed, original documents of the owners association agreement, articles and by-laws and the certificate of formation described in subsection (B)(3) above, shall be recorded with the final plat.

(C) Subdivision Names. All plat names shall conform to ORS 92.090 and be approved by the County Surveyor. (Ord. 467 §1, 2002)

11.08.070 Improvements and Bonding.

(A) Improvements. Before approval is certified on the final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or execute and file with the City Council an agreement between the subdivider and City specifying the period within which required improvements and repairs shall be completed.

(B) Bonding. The subdivider shall file with the agreement a financial instrument to assure installation of the necessary improvements. The agreement shall provide that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions. The amount shall be for a sum determined by the City Engineer as sufficient to cover the cost of the improvements and repairs, including related City expenses. In no case shall bonding exceed five percent of the total construction costs of the subdivision as determined by the City Engineer. The financial instrument may include one of the following:

(1) A surety bond executed by a surety company authorized to transact business in the state of Oregon in a form approved by the City Attorney.

(2) A personal bond cosigned by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.

(3) Cash.

(C) Liability. If the subdivider fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expenses incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference. (Ord. 467 §1, 2002)

11.08.080 Final Plat Review of Subdivisions and Planned Unit Developments.

(A) Final Review. If the City Engineer determines that the final plat conforms fully with all applicable regulations and standards, the City Engineer shall so advise the Planning Official or Planning Commission, based on the required review authority. If the Planning Official or Planning Commission finds the final plat to be in compliance with the preliminary plat/~~partition plan~~ and applicable regulations and standards, they shall direct the Planning Official or chair of the Planning Commission, based on who was the review authority to sign the plat. In the absence of the chair for Planning Commission signature, his/her duties and powers with respect to action on final plats shall be vested in the vice chair. Approval of a final plat shall not constitute or effect an acceptance by the City of the dedication of any street or other easement or way shown on the plat.

(B) Filing the Final Plat. The final subdivision plat shall be filed with the Yamhill County Clerk's Office and County Surveyor, and a copy of the final recorded document shall be returned to the Planning Official ~~City Recorder~~.

(C) Phasing. The applicant shall have the option of phasing the subdivision. The phasing plan shall be reviewed and approved by the Planning Official or Planning Commission, based on the required review authority, when the initial phase is submitted for acceptance. The City Engineer shall approve the phasing plan to ensure adequate facilities are available. This may require the construction of facilities outside of the phase under consideration. Each subsequent phase shall be recorded within one year of the recording of the preceding phase. (Ord. 467 §1, 2002)

C. Amend Chapter 11.12 Partitions to read as:

Sections:

11.12.010	Area of Application.
11.12.020	General Provisions.
11.12.030	Submittal Requirements.
11.12.040	Process for Preliminary Review.
11.12.050	Decision Criteria.
11.12.060	Process for Final Plat Approval.

11.12.010 Area of Application.

A partition is required for any land division that creates two or three parcels in a calendar year. (Ord. 467 §1, 2002)

11.12.020 General Provisions.

The following general provisions apply to all partitions.

- (A) Validity. Partition approval is valid in perpetuity, upon recording of the final surveyed plat.
- (B) Number of Parcels. No parcel within an approved partition may be redivided within the same calendar year in which it was recorded, except through the subdivision process.
- (C) Master Plan. A master plan for development is required for any application that leaves a portion of the subject property capable of replatting. (Ord. 467 §1, 2002)

11.12.030 Submittal Requirements.

The following provisions shall apply to the submittal of a partition application:

- (A) Application Process. Applications for partitions shall be submitted on forms provided by the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this chapter.
- (B) Submittal Requirements. Each application shall be accompanied by a preliminary partition plat drawn to scale of not less than one-inch equals 50 feet nor more than one-inch equals 200 feet, including a schematic plan showing the location of existing infrastructure and proposed infrastructure to serve the new parcels, and containing at a minimum, the following:
 - (1) Appropriate identification stating the drawing is a preliminary plan.
 - (2) North point, scale and date.
 - (3) Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan.
 - (4) Map number and tax lot or tax account number of subject property.
 - (5) The boundary lines and approximate area of the subject property.
 - (6) Dimensions and size in square feet or acres of all proposed parcels.
 - (7) The location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and features such as section, political boundary lines. (Ord. 467 §1, 2002)

11.12.040 Process for Preliminary Review.

All preliminary plans for partitions shall be heard reviewed by the Planning Official Commission pursuant to the procedures set forth in Chapter 10.128. For sites without a stream corridor the Planning Commission will conduct the review. (Ord. 467 §1, 2002)

11.12.050 Decision Criteria.

Approval of a partitioning shall require compliance with the following:

- (A) Each parcel shall meet the access requirements of Chapter 11.20.
- (B) Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is approved.

(C) Adequate public facilities shall be available to serve the existing and newly created parcels. (Ord. 467 §1, 2002)

11.12.060 Process for Final Plat Approval.

The following provisions shall apply to the approval of any final partitioning plat:

(A) Survey. Within ~~one~~ two years of the final decision approving a preliminary plat, a final survey of the approved plat shall be recorded. If the final survey is not recorded within one year, the preliminary approval shall lapse.

(B) Final Approval. If the partition plat is consistent with the approved preliminary plat and the criteria of 11.12.050, and if the conditions of approval have been satisfied, the Planning Official City Recorder shall sign the final plat.

(C) Recording of Approved Plat. No building permit shall be issued, or parcel sold, transferred or assigned until the final approved plat has been recorded with the County Recorder and County Surveyor. The applicant shall be responsible for all recording fees.

(D) Improvements/Bonding. Prior to ~~issuance of an occupancy permit~~ recording a the final plat, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney. (Ord. 467 §1, 2002)

D. Add a new Chapter 11.14 Middle Housing (Duplex) Land Division to read as:

Sections:

11.14.010 Purpose.

11.14.020 Submittal Requirements.

11.14.030 Review Criteria.

11.14.040 Process for Preliminary Review.

11.14.050 Process for Final Plat Approval.

11.14.010 Purpose.

Middle Housing Land Division (Duplex). Unless an applicant requests that an application be reviewed under the procedures set forth in this chapter, a middle housing land division shall be processed as provided under ORS 197.360 through 197.380, and is subject to the following:

(A) Lots in the following districts or portions of districts may be divided for middle housing development (Duplexes): R-1, R-2, R-3, RM, RLC.

(B) Middle housing (Duplex) requirements found in this chapter only apply to middle housing land divisions (Duplex) permitted on or after June 30, 2022.

(C) An application for a middle housing land division (Duplex) may be submitted at the same time as the submittal of an application for building permits for a duplex.

(D) Applications for a middle housing land division (Duplex) shall be processed by means of a preliminary plat evaluation and a final plat evaluation.

(E) If the application for a middle housing land division is incomplete, the city shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. Determination that an application is complete indicates only that the application contains the information necessary for a qualitative review of compliance with the Municipal Code standards.

(F) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(G) The tentative approval of a middle housing land division (Duplex) is void if and only if a final plat is not approved within three years of the tentative approval.

11.14.020 Submittal Requirements.

(A) Submittal requirements under 11.12.030.

11.14.030 Review Criteria.

(A) A proposal for development of middle housing in compliance with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel allowed under ORS 197A.420;

(B) Separate utilities for each dwelling unit;

(C) Proposed easements necessary for each dwelling unit on the plan for:

(1) Locating, accessing, replacing and servicing all utilities;

(2) Pedestrian access from each dwelling unit to a private or public road;

(3) Any common use areas or shared building elements;

(4) Any dedicated driveways or parking; and

(5) Any dedicated common area;

(D) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas;

(E) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building code provisions relating to new property lines;

(F) Notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code;

(G) Conditions shall be added to the approval of a tentative plan for a middle housing land division to:

(1) Prohibit the further division of the resulting lots or parcels.

(2) Require that a notation appear on the final plat indicating that the approval was given under this section;

(H) In reviewing an application for a middle housing land division, the city shall:

(1) Apply the procedures under ORS 197.360 to 197.380.

(2) Require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197A.420.

(3) Not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.

(4) Not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.

(5) Allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.

(6) Require the dedication of right-of-way if the original parcel did not previously provide a dedication.

(7) Not allow middle housing developed on the original parcel to be altered by a middle housing land division.

(8) Notwithstanding ORS 197A.425, a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.

(9) Void tentative approval of a middle housing land division if a final subdivision or partition plat is not approved within three years of the tentative approval.

(10) Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.

11.14.040 Process for Preliminary Review.

All preliminary plans for middle housing (Duplex) partitions shall be reviewed by the Planning Official pursuant to the procedures set forth in Chapter 10.128.

11.14.050 Process for Final Plat Approval.

Final plats shall be processed in accordance with Compliance with 11.12.060.

E. Amend Chapter 11.16 Property Boundary Adjustments to read as:

Sections:

- 11.16.010 Purpose.**
- 11.16.020 Submittal Requirements.**
- 11.16.030 Review Criteria.**
- 11.16.040 Review Process.**
- 11.16.050 Completion of a Property Boundary Adjustment.**

11.16.010 Purpose.

A property boundary adjustment is a change to a property boundary that only modifies existing lots or parcels and does not create a new lot or parcel. A property boundary adjustment is also a change to a property boundary when a lot line is extinguished converting two properties into one. (Ord. 467 §1, 2002; Ord. 523 §1, 2018)

11.16.020 Submittal Requirements.

The applicant must submit the following information and material:

(A) Applications for a property boundary adjustment shall be submitted on forms provided by the City and accompanied by the appropriate fee. The application must be signed by the owners of all property affected by the application.

(B) In addition, the following information shall be submitted by the applicant(s):

(1) Copies of the officially recorded title transfer instrument (deed, warranty deed, or contract) that shows the legal description for the affected parcels.

(2) Copies of the County Assessor's maps for both properties.

(3) A written statement explaining the purpose for the property boundary adjustment and demonstrating that the request conforms to City land use policies and regulations of the applicable zone.

(4) The applicant(s) shall certify in writing that the application does not violate any deed restrictions that may be attached to or imposed upon the subject property. (Ord. 467 §1, 2002)

11.16.030 Review Criteria.

Approval or denial of a property boundary adjustment shall be based on the following criteria:

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

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

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

~~(D) The adjustment should not reorient or significantly reconfigure the lots or parcels.~~

~~(E) Property boundary adjustments resulting in an alteration exceeding 10% of the total land area of any affected parcel shall require approval under the partitioning procedures, including compliance with design standards. (Ord. 467 §1, 2002; Ord. 523 §1, 2018)~~

11.16.040 Review Process.

A property boundary adjustment is subject to review and decision by ~~City staff~~ the Planning Official. (Ord. 467 §1, 2002; Ord. 523 §1, 2018)

11.16.050 Completion of a Property Boundary Adjustment.

After a property boundary adjustment is approved, the new boundary becomes effective only after the following steps are completed:

(A) The metes and bounds legal descriptions of the adjusted properties are recorded with the Yamhill County Clerk, and in compliance with ORS 92.190(4).

(B) If required by ORS Chapter 92 or the requirements of this chapter, a final map and boundary survey are prepared and all new boundaries are monumented as required by ORS Chapters 92 and 209. If so required, the final map shall be submitted to the ~~City Recorder~~ Planning Official for approval prior to recording the document in the County Clerk's office. A copy of the recorded document shall be returned to the City. (Ord. 467 §1, 2002)

F. Amend Chapter 11.20 Design Standards to read as:**Sections:**

11.20.010	Scope.
11.20.020	Standards for Lots and Parcels.
11.20.030	Additional Design Standards for Subdivisions.
11.20.040	Improvement Requirements for Partitions.
11.20.050	Improvement Requirements for Subdivisions.
11.20.060	Improvement Procedures.
11.20.070	Park and Recreation Facilities for Residential Subdivisions.
11.20.080	Lots and Parcels Served by Private Streets and Driveway Easements.

11.20.010 Scope.

The provisions of this chapter shall apply to all subdivisions and partitions within the City of Yamhill. The design standards in this chapter may be modified, provided, findings are established to comply with the variance provisions in Chapter 10.100. (Ord. 467 §1, 2002)

11.20.020 Standards for Lots and Parcels.

(A) Minimum Lot Area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. Where the slope of the ground exceeds 10% in any direction for more than 60% of the buildable area of a lot, the area of a lot shall be increased according to the following table:

11 to 15% slope	Minimum area of lot plus 20%
16 to 20% slope	Minimum area of lot plus 50%
21 to 25% slope	Minimum area of lot plus 100%
26 to 30% slope	Minimum area of lot plus 200%
Over 30% slope	Minimum area to be established by Commission

(B) Lot Width and Depth. The depth of a lot or parcel shall not be more than three times the width of the parcel, except that parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions.

(C) Access. All lots and parcels created after the effective date of the ordinance codified in this chapter shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. The following exceptions shall apply:

(1) Residential lots or parcels, excluding townhouse developments and planned unit developments, may be accessed by a private street or partition access easement developed in accordance with the provisions of Section 11.24.040 when the Planning Official or Planning Commission, based on

the required review authority, finds that public street is not necessary to provide for the future development of adjoining property.

(2) Lots or parcels in townhouse developments or planned unit developments shall be accessed via public or private streets, in accordance with the following standards:

(a) Internal local streets or drives may be private and shall be subject to the provisions of Chapter 11.24.

(b) Collector and arterial streets shall be public and shall comply with the applicable provisions of Chapter 11.24. Collector or arterial streets may be determined either by design or anticipated traffic volumes.

(c) Local streets that are needed to provide access to adjoining properties shall be public and shall comply with the applicable provisions of Chapter 11.24.

(4) Cul-de-sac lots shall have a minimum frontage of 25 feet.

(5) Flag lots, as permitted in subsection (D) below.

(D) Flag Lots. ~~Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed.~~ If a flag lot is permitted proposed, the following standards shall be met:

(1) The access strip shall not be less than 20 feet wide. The access strip shall be improved with a minimum 12-foot-wide paved driveway and paved encroachment which meet applicable City public works standards.

(2) The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this chapter.

(E) Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. Through lots shall be no less than 100 feet in depth. Screening or buffering may be required by the Planning Commission during the review of the land division request.

~~(GF)~~ Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than one-half the dimension of the front lot line.

~~(HG)~~ Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width consistent to comply with City of Yamhill public works standards. (Ord. 467 §1, 2002)

11.20.030 Additional Design Standards for Subdivisions.

(A) Standards for Blocks.

(1) ~~General Purpose.~~ The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.

(2) Sizes. Blocks should not exceed 1,000 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The ~~recommended~~ minimum distance between intersections on arterial streets is 1,800 feet.

(B) Traffic Circulation. The proposed subdivision shall be laid out to provide safe and convenient vehicle, bicycle and pedestrian access to nearby residential areas, transit stops, neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide safe and convenient traffic circulation. At a minimum, “nearby” is interpreted to mean uses within one-quarter mile which can be reasonably expected to be used by pedestrians, and uses within one mile of the subdivision boundary which can reasonably be expected to be accessed by bicyclists.

(C) Connectivity. To achieve the objective in subsection (B) above, the Planning Official or Planning Commission, based on the required review authority, may require the following:

(1) Stub Streets. Where the potential exists for additional residential development on adjacent property.

(2) Pedestrian/Bicycle Accessways. Public accessways to provide a safe and efficient connection from a residential area to nearby residential areas, transit stops, neighborhood activity centers, including schools, parks, shopping centers, other community services and other commercial and industrial areas when such connections are not available by streets and when a pedestrian must go at least one quarter of a mile out of his/her way to make that connection using the street system.

(D) Accessway Design Standards. Pedestrian/bicycle accessways shall meet the following design standards:

(1) Minimum dedicated width: 10 feet.

(2) Minimum improved width: 10 feet.

(3) Maximum length: 250 feet. A clear line of vision for the entire length of the accessway shall be required.

(4) Lighting shall be provided illuminating any walkway exceeding 150 feet in length to a level where the system can be used at night. Lighting shall be included in the lighting district(s) established for the subdivision.

(5) The accessway shall be designed to prohibit vehicle traffic. (Ord. 467 §1, 2002)

11.20.040 Improvement Requirements for Partitions.

During the review of partition proposals, the Planning Official or Planning Commission, based on the required review authority, shall require, as a condition of approval, the following improvements:

(A) Private Access. Private driveways serving flag lots, or private streets, shall be surfaced per the requirements of this code.

(B) Street Frontage Improvements. The following improvements shall be required:

(1) If the street frontage of the subject property is less than or equal to 250 feet, the applicant shall sign a non-remonstrance agreement with the City of Yamhill. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities.

(2) If the street frontage of the subject property exceeds 250 feet, or extends an existing dedicated right-of-way, the applicant shall improve the following:

(a) Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities.

(b) Sidewalks, meeting City public works standards, along public street frontage.

(c) The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off of the new street.

(C) Completion Requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this chapter shall be completed or assured through a performance bond or other instrument acceptable to the City Attorney prior to the approval of the final plat of the partition. At the discretion of the Public Works Director, certain improvements may be further postponed through a non-remonstrance agreement, or other performance agreement. (Ord. 467 §1, 2002)

11.20.050 Improvement Requirements for Subdivisions.

The following improvements shall be required for all subdivisions in the City of Yamhill:

(A) Frontage Improvements. Street improvements to full City public works standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 11.20.010(B). Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such

other improvements as the Planning Commission shall determine to be reasonably necessary to serve the development or the immediate neighborhood.

(B) Project Streets. All public or private streets within the subdivision shall be constructed as required by the provisions of Chapter 11.24.

(C) Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.

(D) Bench Marks. Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.

(E) Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Drainage shall be designed to avoid impacts on adjacent property.

(F) Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided. If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the Planning Official or Planning Commission, based on the required review authority, may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is equitable to assure financing his/her share of the construction and to provide for appropriate reimbursements of costs above those directly attributable to the subdivision. The City Council may require that the subdivider construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City Council may also require that the construction take place as an assessment project with such arrangement with the subdivider as is desirable to assure the subdivider's share of the construction.

(G) Water System. Water lines with valves and Fire District approved fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed and operating prior to start of combustible construction. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the developer will be responsible for water main sizes necessary to meet minimum fire flow requirements per Uniform Fire Code. The developer is not expected to pay for the extra pipe material cost of mains exceeding eight inches in size.

(H) Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. Construction of the sidewalks may be deferred until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks (e.g., pedestrian walkways) or sidewalks fronting public property shall not be deferred.

(I) Street Lights. The installation of street lights is required at locations and of a type required by City public works standards.

(J) Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City Public Works Department and shall be of a type required by City public works standards. Each street sign shall display the 100 block range. Street signs shall be installed prior to obtaining building permits.

(K) Public Works Requirements. All facility improvements shall conform to the requirements and specifications of the Yamhill Department of Public Works.

(L) Curb Cuts. Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to the City public works standards.

(M) Grading and Fills. All grading which results in fills in excess of three feet located within the identified building envelope on a subdivision lot or parcel must be engineered.

(N) Financial Requirements. All improvements required under this chapter shall be completed to City Municipal Code standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the final plat of the subdivision. (Ord. 467 §1, 2002)

11.20.060 Improvement Procedures.

In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure:

(A) Plan Review. Improvement work shall not commence until plans have been checked for adequacy and approved by the City Engineer. Plans shall be prepared in accordance with requirements of the City Public Works Department.

(B) Notification. Improvement work shall not commence until the City Public Works Department has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City Public Works Department has been notified.

(C) Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City Engineer or Public Works Department may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.

(D) Underground Facilities. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.

(E) Final Engineering Plans. Upon completion of the public improvements and prior to final acceptance of the improvements by the City Engineer, the developer shall provide certified as-built drawings of all public utility improvements to the City Public Works Department. As-built conditions and information shall be reflected on one set of Mylar base as-built drawings. The as-built drawings shall be submitted to the City Engineer by the developer's engineer. (Ord. 467 §1, 2002)

11.20.070 Park and Recreation Facilities for Residential Subdivisions.

(A) Areas Required. An area of land, ~~the size of which shall be determined by the Planning Official or Planning Commission, but~~ not to exceed one acre for each 100 persons or an area equal to a fractional proportion of 100 to one acre, shall be, by the subdivider, set aside and dedicated to the public for park and recreation purposes; the potential population shall be computed at the rate of 3.25 persons per each potential unit in a single-family dwelling or ~~two-family duplex~~ dwelling and 2.75 persons per each potential multiple-family unit; such area or parcel in either case shall be approved by the Planning Official or Planning Commission, based on the required review authority, as being suitable and adaptable for park and recreation use and in compliance with the Comprehensive Plan for the City.

(B) Payment in Lieu of Land. If the Planning Official or Planning Commission, based on the required review authority, determines that there is no need for open space or park property or that there is no suitable park or recreation area or site in the proposed subdivision or adjacent thereto, then the subdivider shall, in lieu of setting aside land, pay into a park trust fund a sum of money equal to the market value of that land that would have been required in subsection (A) above.

(1) Market value shall be established by the total assessed value of the land being platted, at the time of platting, as computed by the County Assessor for the coming calendar year under the procedures set forth in ORS 92.095 as amended. Such payment shall be made prior to final approval, by presenting a statement of assessed value from the office of the County Assessor and a check in the amount of five percent thereof, to the City Council of the City of Yamhill.

(2) The sum of money established by this procedure shall be paid to the City of Yamhill prior to the approval of the final plat by the Planning Official or Planning Commission, based on the required review authority.

(C) Expenditure of Funds. Funds contributed in lieu of park lands shall be credited to a park acquisition trust fund and shall be deposited with the ~~City Recorder~~ Planning Official for the purpose of acquiring or developing land for park and recreational uses, and then only for such lands as the Commission and Council shall approve as suitable and adaptable for such purposes. (Ord. 467 §1, 2002)

11.20.080 Lots and Parcels Served by Private Streets and Driveway Easements.

The following shall apply to all lots and parcels that are accessed by either a private street or private driveway easement:

(A) Lot and Parcel Size. The easement containing the private street or private driveway easement shall be excluded from the lot or parcel size calculation.

(B) Setbacks. The lot line fronting along a private street or private driveway easement shall be considered the front property line. Setbacks to the garage and home shall be measured from the easement line.

(C) Lot Depth and Width. Where required by the underlying zone, the lot width shall be measured along the easement boundary and the lot depth shall be measured from the easement boundary to the rear lot line. (Ord. 467 §1, 2002)

G. Amend Chapter 11.24 Street Standards to read as:

Sections:

- 11.24.010 General Provisions for Public Streets.**
- 11.24.020 Modification of Right-of-Way and Width Improvements.**
- 11.24.030 Construction Specifications.**
- 11.24.040 Private Streets.**
- 11.24.050 Private Access Driveway.**

11.24.010 General Provisions for Public Streets.

(A) General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(2) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(B) Minimum Right-of-Way and Roadway Widths. The width of streets and roadways shall be adequate to fulfill City public works specifications of this title and, unless otherwise indicated in the Comprehensive Plan, shall not be less than the minimum widths in feet shown in the following table:

Street Right-of-Way Widths and Improvement Requirements

Type of Street	Min. Right-of-Way	Min. Roadway
Major arterials	100	Varies (b)
Secondary arterials	80	Varies (b)
Collector streets & continuing residential streets	60	36 (c)
Discontinuing minor streets not extending or expected to extend over 1,800 feet in length	50	36 (c)
Radius for turn-around at end of cul-de-sac	50	40
Alley	20	20

(a) Exclusive of side slope easements which may be required in addition for cuts or fills in rough terrain.

(b) Width standards will be defined in improvement specifications adopted by the City public works standards.

(c) The minimum roadway width may be varied by action of the Council, taking into consideration the unique characteristics of the land to include geography, topography, and its relation to land developments already present in the area.

(C) **Reserve Strips.** Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

(D) **Alignment.** As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

(E) **Future Extension of Streets.** Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objective of street extensions.

(F) **Intersection Angles.** Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.

(G) **Existing Streets.** Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of way shall be provided.

(H) **Half-Streets.** Half-streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Official or Planning Commission, based on the required review authority, finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted with such a tract. Reserve strips may be required to preserve the objectives of half-streets.

(I) **Cul-de-Sacs.** The use of cul-de-sacs is not encouraged but may be permitted where no other possible design alternative exists. When allowed, a cul-de-sac shall have a maximum length of 400 feet and serve no more than 18 dwelling units. A cul-de-sac shall terminate with a turn-around.

(J) **Street Names.** Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall

conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Official or Planning Commission, based on the required review authority.

(K) Grades and Curves. Grades shall not exceed six percent on arterials, 10% on collector streets, or 12% on any other street. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Official or Planning Commission, based on the required review authority, may accept steeper grades and sharper curves.

(L) Streets Adjacent to a Railroad Right-of-Way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provisions may be required for a street approximately parallel to and on each side of such right of-way at a distance suitable for the approximate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation, and to provide sufficient depth to allow screen planting along the railroad right-of-way.

(M) Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Official or Planning Commission, based on the required review authority, may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. (Ord. 467 §1, 2002)

11.24.020 Modification of Right-of-Way and Width Improvements.

The Planning Official or Planning Commission, based on the required review authority, may approve a modification to the right-of-way width and improvement requirements as part of reviewing a subdivision proposal. This does not require a variance but shall require compliance with the following criteria:

(A) Modification Permitted. The modification is necessary to provide design flexibility where:

(1) Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or

(2) Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 11.24.010(B); or

(3) A modification is necessary to preserve natural features determined by the City Planning Commission to be significant to the aesthetic character of the area; or

(4) The modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.

(B) Vehicular Access Maintained. Modification of the standards of Section 11.24.010(B) shall only be approved if the Planning Official or City Planning Commission, based on the required review authority, finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes. (Ord. 467 §1, 2002)

11.24.030 Construction Specifications.

Construction specifications for all public streets shall comply with the standards of the most recently adopted public works/street standards of the City of Yamhill. (Ord. 467 §1, 2002)

11.24.040 Private Streets.

Streets and other right-of-ways that are not dedicated for public use shall comply with the following:

(A) Application. At least three, and no more than six, lots or parcels may be served by a private street. This limit shall not apply to planned unit developments. These standards shall also apply if

at least three, and no more than six, parcels may be created through a series of separate partitions as identified on a master plan.

(B) Construction Standards. Private streets shall be subject to the following construction standards:

(1) Width. Private streets shall have a minimum easement width of 25 feet and a minimum paved surface width of 20 feet. Paving shall be either asphalt or concrete.

(2) Construction Standards. All private streets shall be constructed to the same cross-sectional specifications required for public streets and shall include provisions for adequate drainage in conformance with public works standards.

(3) On-Street Parking. Private streets shall provide one on-street parking space per lot or parcel. The parking spaces may be designed as a “parking pocket” or located along the private street. The provision for on-street parking may require a wider private street easement.

(4) Sidewalk Requirements. A sidewalk/pathway, constructed to City standards, shall be located along one side of the private street. The sidewalk/pathway shall be placed within the easement and shall run the entire length of the private street.

(5) Public and Private Utilities. Unless otherwise required by the City Engineer, the private street shall include easements for public and private utilities.

(6) Turn-Around. Private streets serving more than one ownership shall provide a turn-around if in excess of 250 feet and having only one outlet. Turn-arounds shall be either a circular turn-around with a minimum paved radius of 35 feet, or a “tee” or “hammerhead” turn-around with a minimum paved dimension across the “tee” of 70 feet.

(7) Maintenance. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City. The applicable document shall be recorded against the deed record of each parcel, and if appropriate, placed on the final partitioning plat.

(C) Public Dedication. Any private street that is designed, or has the potential capacity, as a collector or an arterial street shall be dedicated as a public right-of-way. (Ord. 467 §1, 2002)

11.24.050 Private Access Driveway.

A private access easement created as the result of an approved partitioning shall conform to the following.

(A) Width. Private access driveway shall only be allowed where the applicable criteria of Section 11.20.020(C) are satisfied. The driveway shall comply with the following standards:

(1) Minimum easement width: 20 feet.

(2) Minimum paved width: Serving one dwelling—12 feet; serving two dwellings—16 feet.

(3) Maximum length: 300 feet.

(4) No more than two dwelling units shall have their sole access from the easement.

(B) Maintenance. Provision for the maintenance of a private access driveway shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City Attorney. The applicable document shall be recorded against the deed record of each parcel, and if appropriate, placed on the final partitioning plat.

(C) Turn-Around. A turn-around shall be required for any access driveway which is the sole access and which is either in excess of 150 feet or which serves more than two dwellings. Turn-arounds shall be either a circular turn-around with a minimum paved radius of 35 feet, or a “tee” or “hammerhead” turn-around with a minimum paved dimension across the “tee” of 70 feet.

(D) Fire Lanes. All private access driveways shall be designated as fire lanes and signed for “no parking.” (Ord. 467 §1, 2002)

EXHIBIT C

Downtown Code Changes Title 10 Zoning Amendments 5/1/2025

The proposed amendments are shown in ~~strike through~~ for language to be deleted and in double underline for language to be added.

A. Amend Chapter 10.08 General Definitions with the addition, modification or deletion of the following definitions:

See Housing Code Changes for definitions

B. Amend Chapter 10.28 C-3 General Commercial Zone to read as:

Sections:

- 10.28.010 Purpose.**
- 10.28.020 Use.**
- 10.28.030 Conditional Uses.**
- 10.28.040 Uses Requiring ~~Development Permits~~ Site Development Review.**
- 10.28.050 Limitations on Use.**
- 10.28.060 Height of Building.**
- 10.28.070 Side and Rear Yards.**
- 10.28.080 Front Yard.**
- 10.28.090 Lot Area and Width.**
- 10.28.100 Parking Requirements.**
- 10.28.110 Bicycle Requirements.**
- 10.28.120 Fence Regulations.**
- 10.28.130 Clear-Vision Area.**
- 10.28.140 Sign Regulations.**
- 10.28.150 Conditions Imposed Where C-3 Zone Abuts Residential Zone.**

10.28.010 Purpose.

The C-3 General Commercial Zone is intended to provide for the broad range of commercial operations and services required for the proper and convenient functioning of the commercial center serving the City and its immediate environs. Uses permitted are intended to include all retail and service operations that may be appropriately located within a shopping district, and that are normally required to sustain a community. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.28.020 Use.

In a C-3 General Commercial Zone, the following uses and their accessory uses are permitted:

(A) Any retail or service commercial use not involving the manufacturing, processing, or compounding of products other than what is clearly incidental to the business on the premises and which does not occupy more than 50% of the floor area of the building; such as, but not limited to:

- (1) Non-profit membership organizations;
- (2) Parking lots when developed as prescribed in Chapter 10.52;
- (3) Office uses;
- (4) Professional office or clinic;

(5) Veterinary clinic (excluding housing and holding of animals outside the structure);
 (6) Banks;
 (7) Hotel ~~or motel~~;
 (8) Mortuary;
 (9) Greenhouse;
 (10) Restaurants, including drive-ins;
 (11) Retail uses (storage and sales inside);
 (12) Service uses (storage, sales and service inside);
 (13) Amusement and recreation, including bowling alley and skating rink;
 (14) Miscellaneous. The following businesses shall be permitted, provided that the lot is screened from any adjoining residential zone by a sight-obscuring fence, wall, or hedge at least six ~~five~~ feet in height:

(a) Automobile service station,
 (b) Automobile, truck and trailer sales,
 (c) Boat and marine accessories sales and service,
 (d) Motorcycles sales and service,
 (e) Retail tire shop, sales, service and repair,
 (f) Towing service,
 (g) Vehicle washing and polishing facilities.
 (B) Dwelling units shall be permitted subject to the following provisions:
~~_____ (1) A dwelling unit may be established if it is necessary and clearly accessory and subordinate to a permitted use.~~
 (2) Dwelling units not accessory and subordinate to a permitted commercial use may be established on the second or upper floors of a permitted commercial use.
~~_____ (3) A single dwelling unit not accessory and subordinate to a permitted commercial use may be established on the first floor of a commercial building, subject to the following restrictions:~~
~~_____ (a) The dwelling unit is located at the rear of the building.~~
~~_____ (b) Primary access to the dwelling unit from the front of the commercial building or from a public street shall be prohibited.~~
 (4) At least one off-street parking space shall be provided for each dwelling unit and subject to the shared parking standards found in Section 10.52.140.
 (C) Right-of-way (subject to provisions of Section 10.48.080, Underground Utility Installation) for:
~~_____ (1) Electric service lines;~~
~~_____ (2) Gas mains;~~
~~_____ (3) Communications lines;~~
~~_____ (4) Water lines;~~
~~_____ (5) Sewer lines; and~~
~~_____ (6) TV cable lines.~~

(Ord. 454 §2, 2000; Ord. 475 §1, 2005; Ord. 506 §1, 2015; Ord. 515 §1, 2017)

10.28.030 Conditional Uses.

When authorized under the procedure provided for conditional uses in this title, the following uses will be permitted in a C-3 zone:

(A) Light industrial as listed as permitted in Chapter 10.32.020, and in accordance with Chapter 10.108, Specific Conditional Uses, as appropriate.
 (B) Medical marijuana dispensary developed in accordance with Chapter 8.40 Medical Marijuana Dispensaries.
 (C) Formula Business located within the Central Business District (Chapter 10.46) and subject to provisions in Chapter 10.108 Specific Conditional Uses.

(D) Other uses which can meet the provisions of Section 10.104.030, Circumstances for Granting Conditional Uses. (Ord. 454 §2, 2000; Ord. 475 §1, 2005; Ord. 506 §1, 2015; Ord. 508 §2, 2015)

10.28.040 Uses Requiring Development Permits Site Development Review.

When authorized under the procedure provided for ~~Development Permits~~ Site Development Review in this Title, the following uses will be permitted in a C-3 zone:

(A) Public Facilities Overlay Zone uses including ~~educational~~, municipal service facilities, and public service facilities, and public park and recreation areas.

~~(B) Right of way (subject to provisions of Section 10.48.080, Underground Utility Installation) for:~~

- ~~—— (1) Electric service lines;~~
- ~~—— (2) Gas mains;~~
- ~~—— (3) Communications lines;~~
- ~~—— (4) Water lines;~~
- ~~—— (5) Sewer lines; and~~
- ~~—— (6) TV cable lines.~~

~~(C)~~ Public utility structures when they comply with all yard and setback requirements.

~~(D)~~ Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.28.050 Limitations on Use.

In a C-3 zone, the following conditions shall apply:

(A) For expansion of existing buildings and for new construction, a ~~development plan~~ Site Development Review application shall be submitted to the Planning Official ~~Planning Commission~~ for their approval. Such plan shall show the location of all existing and proposed buildings and structures, parking areas, drainage facilities, utility services, access points, lighting signs, landscaping, and other such data as may have a bearing on the adjacent properties.

In approving a ~~development plan~~ Site Development Review, the ~~governing body~~ decision maker may impose conditions relating to:

- (1) Size and location of signs;
- (2) Size, type and location of outdoor lighting;
- (3) Landscaped area;
- (4) Screening;
- (5) Building setbacks;
- (6) Ingress, parking, vehicle storage, and egress for commercial uses;
- (7) Drainage and utility service.

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

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

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

~~(D)~~ Compliance with requirements of Chapter 10.52 (Off-Street Parking and Loading). (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.28.060 Height of Building.

No building in the C-3 zone shall exceed a height of two and one half stories from natural ground level or 35 in height as measured using the Oregon Structural Specialty Code feet from natural ground level. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.28.070 Side and Rear Yards.

There shall be no required side or rear yards in a C-3 zone. If a side or rear yard is provided it shall be not less than three feet in depth, exclusive of any alley. (Ord. 454 §2, 2000)

10.28.080 Front Yard.

There shall be no front yard required in a C-3 zone. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.28.090 Lot Area and Width.

There shall be no lot area or width requirements in a C-3 zone. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.28.100 Parking Requirements.

All new developments shall require off-street parking, which shall be provided in accordance with Chapter 10.52, Off-Street Parking and Loading, including special provisions for development within the Central Business District Overlay Zone. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.28.110 Bicycle Requirements.

All new developments shall require bicycle parking, which shall be provided in accordance with Chapter 10.56, Bicycle Parking. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.28.120 Fence Regulations.

All new developments shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence and Wall Regulations. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.28.130 Clear-Vision Area.

All new developments shall adhere to the clear-vision requirements, which shall be provided in accordance with Chapter 10.68, Clear-Vision Area. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.28.140 Sign Regulations.

All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

10.28.150 Conditions Imposed Where C-3 Zone Abuts Residential Zone.

In any C-3 zone where the property abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed C-3 zone and the residential zone, conditions to preserve neighborhood qualities may be imposed by the Planning Official governing body relating to:

- (A) Size and location of signs;
- (B) Size, type and location of outdoor lighting per;
- (C) Landscaped areas;
- (D) Screening;
- (E) Building setbacks;
- (F) Ingress, parking, vehicle storage, and egress for commercial uses;
- (G) Drainage and utility service. (Ord. 454 §2, 2000; Ord. 506 §1, 2015)

C. Amend Chapter 10.32 L-I Light Industrial Zone to read as:

Sections:

- 10.32.010 Purpose.**
- 10.32.020 Permitted Uses.**
- 10.32.030 Conditional Uses.**
- 10.32.040 Uses Requiring ~~Development Permits~~ Site Development Review.**
- 10.32.050 Limitations on Use.**
- 10.32.060 Height of Building.**
- 10.32.070 Side and Rear Yards.**
- 10.32.080 Front Yard.**
- 10.32.090 Lot Area and Width.**
- 10.32.100 Parking Requirements.**
- 10.32.110 Bicycle Requirements.**
- 10.32.120 Fence Regulations.**
- 10.32.130 Clear-Vision Area.**
- 10.32.140 Landscaping.**
- 10.32.150 Sign Regulations.**
- 10.32.160 Conditions Imposed Where L-I Zone Abuts Residential Zone.**
- 10.32.170 Industrial Performance Standards.**

10.32.010 Purpose.

The L-I Light Industrial Zone is intended to provide for the broad range of light industrial operations and services required for the proper and convenient functioning of an industrial area serving the City and its immediate environs. Uses permitted are intended to include light industrial and service operations that may be appropriately located within the City, and that are normally required to sustain a community. (Ord. 466 §1, 2002)

10.32.020 Permitted Uses.

In the L-I Light Industrial Zone, the following industrial uses and their accessory uses are permitted provided:

- (A) Warehousing, including commercial and personal storage facilities.
- (B) Light manufacturing, processing, assembly or compounding of products, subject to the following restrictions:
 - (1) The floor area of the subject business associated with the manufacturing process, including compounding or assembly, shall contain a maximum of 5,000 square feet of floor area. This limit shall not apply to associated office, storage or retail space.
 - (2) All activities related to the industrial use shall occur within a building or enclosed structure.
- (C) Uses Accessory ~~Uses~~ to Permitted Industrial Activities. This shall include support activities, such as office space, as well as retail activities related to the industrial activity. The space devoted to supporting retail activities may exceed the area devoted to product compounding or assembly.
- (D) Commercial Activities.
 - (1) Construction including building construction general contractors offices and storage areas.
 - (2) Retail and Wholesale Trade.
 - (a) Agriculture equipment sales and service, wholesale or retail;
 - (b) Automobile, motorcycle, boat, trailer or truck rental, sales and service;
 - (c) Lumber or building supplies equipment storage or sales, retail;
 - (d) Storage or sales of frozen or refrigerated food.
 - (3) Services.

- (a) Veterinary services;
- (b) Mailing, reproduction, commercial art and photography and stenographic services;
- (c) Automotive repair, services and garages;
- (d) Welding repair;
- (e) Tire and wheel sales, including retreading and vulcanizing shop;
- (f) Industrial machinery service.
- (E) Right-of-way (subject to provisions of Section 10.48.080, Underground Utility

Installation) for:

- (1) Electric service lines;
- (2) Gas mains;
- (3) Communications lines;
- (4) Water lines;
- (5) Sewer lines; and
- (6) TV cable lines.

(4F) Uses similar to the above as determined by the Planning Official ~~Planning Commission~~.
(Ord. 466 §1, 2002)

10.32.030 Conditional Uses.

When authorized under the procedure provided for conditional uses in this ~~€~~Title, the following uses will be permitted in the L-I zone:

- (A) Activities identified in the Public Facilities Overlay Zone, including educational ~~facilities~~, municipal service facilities, ~~and public service facilities~~, and public park and recreation areas.
- (B) Public utility structures when they comply with all yard and setback requirements.
- (C) Light industrial activities identified in Section 10.32.020(B) that exceed 5,000 square feet in area and/or require outdoor storage or facilities.
- (D) The following commercial uses:
 - (1) Banks;
 - (2) Convenience grocery store (under 2,500 square feet in size);
 - (3) ~~Delicatessen~~ Coffee shops;
 - (4) Medical marijuana dispensary developed in accordance with Chapter 8.40 Medical Marijuana Dispensaries;
 - (5) Post offices;
 - (6) Restaurants, excluding drive-in restaurants;
 - (7) Taverns, bars, cocktail lounges;
 - (8) Other uses determined by the Planning Official ~~Planning Commission~~ to be of similar character to those specified above.
- (E) Commercial Development Requirements. Commercial uses identified in subsection (D) above shall not be approved unless the proposal satisfies the following specific criteria:
 - (1) There is a demonstrated need in the industrial area for such a use;
 - (2) The use will primarily service industrial area customers, and will not generate substantial customer traffic from outside the area;
 - (3) Traffic will not be generated by the use which would substantially hinder or impair industrial truck circulation in the area; and
 - (4) There is no suitable commercial land nearby. (Ord. 466 §1, 2002; Ord. 508 §2, 2015)

10.32.040 Uses Requiring ~~Development Permits~~ Site Development Review.

When authorized under the procedure provided for ~~Development Permits~~ Site Development Review in this ~~€~~Title, the following uses will be permitted in the L-I zone:

- (A) Public Facilities Overlay Zone uses, including educational facilities, municipal service facilities, ~~and public service facilities~~, and public park and recreation areas.

~~(B) Right of way (subject to provisions of Section 10.48.080, Underground Utility Installation) for:~~

- ~~— (1) Electric service lines;~~
- ~~— (2) Gas mains;~~
- ~~— (3) Communications lines;~~
- ~~— (4) Water lines;~~
- ~~— (5) Sewer lines; and~~
- ~~— (6) TV cable lines.~~

~~(CB)~~ Public utility structures when they comply with all yard and setback requirements.

~~(DC)~~ Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (Ord. 466 §1, 2002)

10.32.050 Limitations on Use.

In the L-I zone, the following conditions shall apply:

(A) For expansion of existing buildings and for new construction, a ~~development plan~~ Site Development Review application shall be submitted to the Planning Official ~~Planning Commission~~ for its approval. Such plan shall show the location of all existing and proposed buildings and structures, parking areas, drainage facilities, utility services, access points, lighting signs, landscaping, and other such data as may have a bearing on the adjacent properties.

In approving a ~~development plan~~ Site Development Review, the ~~governing body~~ decision maker may impose conditions relating to:

- (1) Size and location of signs;
- (2) Size, type and location of outdoor lighting;
- (3) Landscaped area;
- (4) Screening;
- (5) Building setbacks;
- (6) Ingress, parking, vehicle storage, and egress for commercial uses;
- (7) Hours of operation;
- (8) Drainage and utility service.

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

(B) Compliance with requirements of Sections 10.32.060 to 10.32.160. (Ord. 466 §1, 2002)

10.32.060 Height of Building.

No building or structure ~~in the L-I zone~~ shall exceed a height of 45 feet in height as measured using the Oregon Structural Specialty Code as measured from the adjacent grade. (Ord. 466 §1, 2002)

10.32.070 Side and Rear Yards.

There shall be no required side or rear yards in an L-I zone. If a side or rear yard is provided, it shall be not less than three feet in depth, exclusive of any alley. (Ord. 466 §1, 2002)

10.32.080 Front Yard.

There shall be no front yard required in the L-I zone. (Ord. 466 §1, 2002)

10.32.090 Lot Area and Width.

There shall be no lot area or width requirements in the L-I zone. (Ord. 466 §1, 2002)

10.32.100 Parking Requirements.

All new developments shall require off-street parking, which shall be provided in accordance with Chapter 10.52, Off-Street Parking and Loading. (Ord. 466 §1, 2002)

10.32.110 Bicycle Requirements.

All new developments shall require bicycle parking, which shall be provided in accordance with Chapter 10.56, Bicycle Parking. (Ord. 466 §1, 2002)

10.32.120 Fence Regulations.

All new developments shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence Regulations. (Ord. 466 §1, 2002)

10.32.130 Clear-Vision Area.

All new developments shall adhere to the clear-vision requirements which shall be provided in accordance with Chapter 10.68, Clear-Vision Area. (Ord. 466 §1, 2002)

10.32.140 Landscaping.

All new developments or redevelopment in the Light Industrial Zone shall provide a minimum landscaped area equal to five percent of the gross site area. (Ord. 466 §1, 2002)

10.32.150 Sign Regulations.

All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations. (Ord. 466 §1, 2002)

10.32.160 Conditions Imposed Where L-I Zone Abuts Residential Zone.

In any L-I zone where the property abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed L-I zone and the residential zone, conditions to preserve neighborhood qualities may be imposed by the ~~governing body~~ decision maker relating to items identified in Section 10.32.050. (Ord. 466 §1, 2002)

10.32.170 Industrial Performance Standards.

The discharge of solids, liquids or gases which are detrimental to the public health, safety and welfare causing injury to human, plant or animal life or to property is prohibited in this industrial zone. In an L-I zone no land or structure shall be used or occupied unless therein continuing compliance with the following standards:

(A) Heat, Glare and Light. All operations and facilities producing heat, glare or light, including exterior lighting, shall be so directed or shielded by walls, fences, or evergreen plantings, that such heat, glare or light is not reflected onto adjacent properties or streets.

(B) Noise. No noise or sound in an L-I zone shall be of a nature which will constitute a nuisance.

(C) Sewage. Adequate provisions shall be provided for the disposal of sewage and waste materials and such provisions shall meet the requirements of the City of Yamhill sewage disposal system.

(D) Vibration. No vibration other than that caused by highway vehicles and trains shall be permitted which is discernible without instruments at or beyond the property line for the use concerned.

(E) Odors. The facility shall not emit odors that are found to be offensive to the immediate area. (Ord. 466 §1, 2002)

D. Amend Chapter 10.34 E-I Employment Industrial Zone to read as:

Sections:

- 10.34.010 Purpose.**
- 10.34.020 Use.**
- 10.34.030 Conditional Uses.**
- 10.34.040 Uses Requiring Development Permits.**
- 10.34.050 ~~Development Permit~~ Site Development Review.**
- 10.34.060 Lot Area and Width.**
- 10.34.070 Height of Building.**
- 10.34.080 Minimum Yard Setback Requirements.**
- 10.34.090 Parking Requirements.**
- 10.34.100 Bicycle Requirements.**
- 10.34.110 Fence Regulations.**
- 10.34.120 Clear-Vision Area.**
- 10.34.130 Sign Regulations.**
- 10.34.140 Yards and Lots.**
- 10.34.150 Landscaping.**
- 10.34.160 Open Storage.**

10.34.010 Purpose.

The purpose of the E-I Employment Industrial zone is to provide areas suitable for light industrial uses including primary and secondary processing, assembly, artisan work, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental, related sales. The Employment Industrial Zone is intended to have developments that mitigate negative impacts on nearby uses through screening, lighting, building design, etc. The Employment Industrial Zone is appropriate in those areas designated “industrial” in the Comprehensive Plan where the location has access to an arterial street or highway and where the noises, lights, odors, and traffic will not significantly impact residential areas. (Ord. 489 §1, 2010)

10.34.020 Use.

The following uses, when developed under the applicable development standards in this title, are permitted in the E-I zone:

- (A) Dwelling for caretaker or watchman.
- (B) Industrial Uses.
 - (1) Beverage bottling facility, including warehousing and distribution.
 - (2) Feed and seed facilities, grain elevators and storage; not including retail or wholesale sales of agricultural chemical, fertilizer, or insecticide products, or the storage of such products in bulk with the intent of shipping those products to another location.
 - (3) Textile and leather products manufacture, excluding tanneries.
 - (4) Dairy products manufacturing, such as butter, milk cheese, and ice cream.
 - (5) Manufacture of secondary wood and paper products not including sawmills and other primary wood products manufacturing.
 - (6) Fabrication and assembly of products created from wood, metal, stone, ceramic, plastic, glass, and other raw materials, with those materials having their primary manufacturing off-site.
 - (7) Food processing, including canning, freezing, drying and similar food processing and preserving.
 - (8) Research centers and laboratories.
 - (9) Artisan studios and workshops including artisan foundries and metal working; wood working; production of oils, soaps, essences, perfumes, and other artisan products derived from agricultural sources; and other activities producing works sold as art or craft.

(C) Office uses accessory to, and in conjunction with a permitted industrial use where the office area occupies no more than 25% of the building area.

(D) Temporary Uses. Yard sales and auctions, provided there are not more than three sales in a calendar year with each sale not to exceed three consecutive days. Merchandise and signs shall remain on private property.

(E) Right-of-way (subject to provisions of Section 10.48.080, Underground Utility Installation) for:

- (1) Electric service lines;
- (2) Gas mains;
- (3) Communications lines;
- (4) Water lines;
- (5) Sewer lines; and
- (6) TV cable lines.

(Ord. 489 §1, 2010)

10.34.030 Conditional Uses.

The following uses shall require a Conditional Use Permit:

- (A) ~~¶~~Retail uses accessory to and in conjunction with a permitted industrial use. The retail use must predominantly be secondary, directly related, and limited to products manufactured, repaired, or assembled on the site, or by the operator of the site. For purposes of this section, retail use shall mean sales of goods, materials, and services to daily general public customers. Retail use does not include “wholesale sales” businesses, which sell and distribute merchandise to retailers, industrial, commercial and professional business users, but not the general public. (Ord. 489 §1, 2010)

10.34.040 Uses Requiring Development Permits.

When authorized under the procedure provided for ~~Development Permits~~ Site Development Review in this ~~¶~~Title, the following uses will be permitted in the E-1 zone:

(A) ~~Public Facilities~~ Overlay Zone including educational facilities, municipal service facilities, and public service facilities, and public parks and recreation areas.

(B) ~~Right-of-way (subject to provisions of Section 10.48.080, Underground Utility Installation) for:~~

- ~~_____ (1) Electric service lines;~~
- ~~_____ (2) Gas mains;~~
- ~~_____ (3) Communications lines;~~
- ~~_____ (4) Water lines;~~
- ~~_____ (5) Sewer lines; and~~
- ~~_____ (6) TV cable lines.~~

~~(CB)~~ Public utility structures when they comply with all yard and setback requirements.

~~(DC)~~ Other structures/facilities which can meet the provisions of Section 10.112.030, Circumstances for Granting Development Permits. (Ord. 489 §1, 2010)

10.34.050 ~~Development Permit~~ Site Development Review.

In the E-I zone, the following conditions shall apply:

(A) For expansion of the total floor area of existing buildings on a site by more than 10% of the gross floor area and for new construction on a vacant site, a ~~Development Permit~~ Site Development Review application, filed and processed in accordance with Chapter 10.112, is required. The plan submitted with the ~~Development Permit~~ Site Development Review application shall show the location of all existing and proposed buildings and structures, parking areas, drainage facilities, utility services, access points, lighting signs, landscaping, and other such data as may have a bearing on the adjacent properties.

(B) The purpose of reviewing the ~~Development Permit~~ Site Development Review is to assure conditions are imposed that reasonably mitigate the negative impact of traffic, view, odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration or similar causes.

(C) In approving a ~~Development Permit~~ Site Development Review, the ~~governing body~~ decision maker may impose conditions adequate to mitigate identified potential negative impacts relating to:

- (1) Size and location of signs;
- (2) Size, type and location of outdoor lighting;
- (3) Landscaped area;
- (4) Screening;
- (5) Building setbacks;
- (6) Ingress, parking, vehicle storage, and egress for commercial uses;
- (7) Drainage and utility service.

(D) Construction shall be in conformance to the plan approved by the Planning Official ~~Planning Commission~~ to assure compatibility with adjacent zones.

(E) Compliance with requirements of Chapter 10.64 (Off-Street Parking and Loading). (Ord. 489 §1, 2010)

10.34.060 Lot Area and Width.

The parcel size shall be adequate to comply with setback requirements and applicable development standards. (Ord. 489 §1, 2010)

10.34.070 Height of Building.

No building or structure shall exceed ~~Maximum height~~ 50 feet in height as measured using the Oregon Structural Specialty Code. (Ord. 489 §1, 2010)

10.34.080 Minimum Yard Setback Requirements.

Adjacent Property Use

Setbacks	Single-Family (R-1)	~~Multifamily Single-~~ ~~family/Mixed-~~ ~~Residential/Multi-family~~ (R-2, R-3, RM)	Commercial (RLC, C-3)	Industrial (I-1)
Front	20 feet	20 feet	20 feet	20 feet
Side	20 feet, (1)	15 feet, (1)	10 feet	10 feet
Rear	20 feet, (1)	15 feet, (1)	10 feet	10 feet
Street-side	20 feet	20 feet	20 feet	20 feet

- (1) Side and rear yards adjacent to residential zones shall be contained by a sight-obscuring fence, wall, or hedge a minimum of six feet in height consistent with the provisions of Sections 10.24.110 and 10.34.120.

(Ord. 489 §1, 2010)

10.34.090 Parking Requirements.

All new developments shall require off-street parking, which shall be provided in accordance with Chapter 10.52, Off-Street Parking and Loading. (Ord. 489 §1, 2010)

10.34.100 Bicycle Requirements.

All new developments shall require bicycle parking, which shall be provided in accordance with Chapter 10.56, Bicycle Parking. (Ord. 489 §1, 2010)

10.34.110 Fence Regulations.

All new developments shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence and Wall Regulations. (Ord. 489 §1, 2010)

10.34.120 Clear-Vision Area.

All new developments shall adhere to the clear-vision requirements, which shall be provided in accordance with Chapter 10.68, Clear-Vision Area. (Ord. 489 §1, 2010)

10.34.130 Sign Regulations.

All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations. (Ord. 489 §1, 2010)

10.34.140 Yards and Lots.

All new developments shall adhere to the lot area, yards and height restrictions which shall be provided in accordance with Chapter 10.76. (Ord. 489 §1, 2010)

10.34.150 Landscaping.

A minimum of 15% of the property shall be landscaped, including all required yards. (Ord. 489 §1, 2010)

10.34.160 Open Storage.

Open storage of materials used for the manufacture or assembly of goods and equipment is prohibited in required yards, but is otherwise permitted, provided that such storage is enclosed with a sight-obscuring fence, wall, hedge, or berm a minimum of six feet in height. (Ord. 489 §1, 2010)

E. Amend Chapter 10.36 PF Public Facility Zone to read as:

PFO PUBLIC FACILITY OVERLAY ZONE

Sections:

- 10.36.010 Purpose.**
- 10.36.020 Use.**
- 10.36.030 Development permits.**
- 10.36.040 Height of Building.**
- 10.36.050 Lot size.**
- 10.36.060 Yard setback requirements.**

10.36.010 Purpose.

The purpose of the PFO (~~pPublic fFacility oOverlay~~) zone is to provide areas appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. It is intended that this zone be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use. If the use existing at the time the PFO Overlay zone is applied is discontinued or if a proposed use is not established, it is the intent that the land be rezoned to conform to surrounding zoning or be devoted to permitted uses.

The ~~pPublic Facility Overlay~~ zone is applicable to those properties designated residential or commercial in the comprehensive plan. (Ord. 518 § 2, 2017)

10.36.020 Use.

Within any PFO zone the following uses are permitted:

(A) Any use that is oriented toward providing governmental, educational, administrative or public facility services to the citizens of Yamhill, including:

- (1) Educational facilities including:
 - (a) Kindergartens;
 - (b) Elementary schools;
 - (c) Junior high schools;
 - (d) High schools;
 - (e) Stadiums;
 - (f) Athletic fields;
 - (g) Playgrounds;
 - (h) Open space.
- (2) Municipal service facilities including:
 - (a) Fire and police stations;
 - (b) City Hall;
 - (c) Sewage treatment facilities;
 - (d) Water treatment facilities;
 - (e) Public works shops;
 - (f) Dwelling for the caretaker or watchman for an established public use;
 - (g) Wireless telecommunication facilities;
 - (h) Libraries.
- (3) Public service facilities including:
 - (a) Hospitals;
 - (b) Nursing homes;
 - (c) Community buildings.
- (4) Public parks and recreation areas. (Ord. 518 § 2, 2017)

10.36.030 ~~Development permits~~ Site Development Review.

In a PFO zone the following conditions shall apply:

(A) For establishment of new public uses, construction of new buildings greater than 5,000 square feet at the site of an established public use, or expansion of existing buildings by 5,000 square feet or more, a ~~development plan~~ Site Development Review application shall be submitted to the Planning Official ~~Planning Commission~~ for their approval in accordance with the provisions of Chapter 10.112. (Ord. 518 § 2, 2017)

10.36.040 Height of Building.

No building or structure shall exceed ~~In a PFO zone, no building or structure, 50 feet in height as measured using the Oregon Structural Specialty Code,~~ other than approved towers, light standards, or antennas, ~~shall exceed a height of 50 feet.~~ (Ord. 518 § 2, 2017)

10.36.050 Lot size.

The parcel size shall be adequate to contain all structures within the required yard setbacks. (Ord. 518 § 2, 2017)

10.36.060 Yard setback requirements.

Setbacks are required around the perimeter of a property used for public use as follows:

Front setback: 10 feet.

Side and rear setback: None required if adjacent to any non-residentially zoned property. If adjacent to a residentially zoned property the setback shall be the same as required on the adjacent property. (Ord. 518 § 2, 2017)

F. Amend Chapter 10.40 FHO Flood Hazard Overlay Zone to read as:

See Housing Code changes

G. Amend Chapter 10.44 LUO Limited Use Overlay Zone to read as:

Sections:

10.44.010 Purpose.

10.44.020 Overlay Zone Requirements.

10.44.030 Procedures and Criteria.

10.44.040 Official Zoning Map.

10.44.050 Site Plan Requirement.

10.44.010 Purpose.

The purpose of the LUO Limited Use Overlay Zone is to reduce the list of permitted uses in a zone to those that are suitable for a particular location. Zones permit a number of uses without notification or opportunity for a hearing. These uses are included in the zone because they are considered basically equivalent in terms of the type and intensity of activity. However, on a particular property certain permitted uses may conflict with adjacent land uses. Rather than reject an otherwise acceptable zone change request because the proposed zone would permit an objectionable use, the limited use overlay can be used to identify the appropriate uses and require a Conditional Use Permit for other uses normally permitted in the zone. It is the intent that the maximum number of acceptable uses be permitted so that the use of the property is not unnecessarily limited. (Ord. 454 §2, 2000)

10.44.020 Overlay Zone Requirements.

When the Limited Use Overlay Zone is applied, the uses permitted in the underlying zone shall be limited to those permitted uses specifically referenced in the order or ordinance adopting the Limited Use Overlay Zone. Until the overlay zone has been removed or amended, the only permitted uses in the zone shall be those specifically referenced in the adopting ordinance. Uses that would otherwise be permitted may only be allowed if a Conditional Use Permit is approved. (Ord. 454 §2, 2000)

10.44.030 Procedures and Criteria.

The Limited Use Overlay Zone is applied at the time the underlying zone is being changed. It shall not be necessary to mention in the hearing notice of a re-zoning application that this overlay zone may be applied. The order or ordinance adopting the overlay zone shall include findings to the following:

- (A) No zone has a list of permitted uses where all uses would be appropriate.
- (B) The proposed zone is the best suited to accommodate the desired uses.
- (C) It is necessary to limit the uses permitted in the proposed zone.
- (D) The maximum number of acceptable uses in the zone have been identified and will be permitted. The order or ordinance adopting the overlay zone shall by section reference, or by name, identify those permitted uses in the zone that will remain permitted uses. A permitted use description may be segmented to require a conditional use for distinct uses that may not be compatible. (Ord. 454 §2, 2000)

10.44.040 Official Zoning Map.

The official Zoning Map shall be amended to show an LUO suffix on any parcel where the Limited Use Overlay Zone has been applied. (Ord. 454 §2, 2000)

10.44.050 Site Development Review ~~Plan~~ Requirement.

In addition to limiting the uses in the zone, it may be necessary to require City approval in order to insure the compatibility of the permitted uses within the area. This requirement may be added by specific reference in the adopting order or ordinance of the location of buildings, access, and parking, screening and other site planning considerations. The document shall indicate any special concerns or locational requirements that must be addressed in the ~~s~~Site Development Review plan and approved by the City. (Ord. 454 §2, 2000)

H. Amend Chapter 10.46 CBD Central Business District Overlay Zone to read as:

Sections:

- 10.46.010 Purpose.**
- 10.46.020 Central Business District Defined.**
- 10.46.030 Development Requirements.**
- 10.46.040 Uses.**
- 10.46.050 Prohibited Uses.**
- ~~10.46.0460~~ Landscaping.**
- ~~10.46.0570~~ Building Standards.**
- ~~10.46.0680~~ Signs.**
- ~~10.46.0790~~ Modification of Site Design Standards.**

10.46.010 Purpose.

The purpose of the CBD Central Business District Overlay Zone is to establish development requirements which are specifically designed to address the unique challenges of the City's downtown. (Ord. 475 §1, 2005; Ord. 506 §1, 2015)

10.46.020 Central Business District Defined.

For the purposes of this chapter, the Central Business District shall be defined as follows: all General Commercial (C-3) zoned property south of Azalea Street. (Ord. 475 §1, 2005; Ord. 506 §1, 2015)

10.46.030 Development Requirements.

The following requirements shall apply to development within the CBD:

(A) General Requirements. Notwithstanding provisions contained elsewhere in this code, the following regulations shall apply to the development of new buildings and redevelopment of existing buildings within the Central Business District.

(B) Permitted Uses. Unless specifically modified by this chapter, regulations in this chapter do not prohibit or restrict, nor alter the development requirements of, permitted, ~~specially permitted~~ or conditionally permitted uses within the C-3 General Commercial Zone. (Ord. 475 §1, 2005; Ord. 501 §1, 2013; Ord. 506 §1, 2015)

10.46.040 Uses.

In a CBD Central Business District Zone, the following uses are permitted in addition to uses in the C-3 Zone:

- (A) Retail small-scale wineries, breweries, or distilleries are allowed provided all of the following are met:
 - (1) Retail sale of the product is offered on site.
 - (2) The floor area devoted to retail sales, eating and drinking, and similar customer uses is at least 25 percent of the gross floor area with a minimum of 1,000 square feet.
 - (3) The site must have a loading area for trucks. This could be a loading dock, an on-site paved loading area, or an adjacent alley.
 - (4) The floor area devoted to production, storage, and related uses does not exceed 10,000 square feet.
 - (5) Outdoor storage of materials on site is limited to a small (under 400 square feet) fenced and screened area.

10.46.050 Prohibited Uses.

- (A) Light industrial uses as listed as permitted in Chapter 10.32.020.
- (B) Drive Up and Drive In Windows.

10.46.0460 Landscaping.

Those areas not containing building or parking improvements, including access driveways and loading areas, shall be landscaped. (Ord. 475 §1, 2005; Ord. 506 §1, 2015)

10.46.0570 Building Standards.

New buildings, and the redevelopment of existing buildings that include exterior modifications, shall comply with the following standards:

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

(B) Building Height. No building or structure shall exceed 45 feet in height as measured using the Oregon Structural Specialty Code. ~~New buildings shall be within 25% of the average height of existing buildings located on the same street side.~~

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

(D) Building Façade. Building façades visible from a public street shall provide a brick, masonry or wood appearance and a minimum 30 percent of the ground floor between 3 feet to 9 feet above finished grade with window glazing.

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

(1) Setbacks. The maximum building setback from a street-side property line shall be zero feet.

(2) Building Height. No building or structure shall exceed 45 feet in height as measured using the Oregon Structural Specialty Code. ~~Buildings shall be within 10% of the average height of existing buildings within the block.~~

~~(3) Building Design. Buildings shall be similar in character and design with existing structures.~~

~~(F) Drive-Up and Drive-In Windows. Buildings constructed or reconstructed to include retail sale drive up or drive in windows shall be designed and constructed so the internal driveways access the public street(s) in a manner minimizing the potential for vehicle conflicts and congestion and minimizing the potential for pedestrian conflicts. Requirements that may be included in any permit approval may include limiting the number and location of driveways, design of pedestrian access or other appropriate and related safety measures. Internal driveways shall not be located in required landscape areas except to cross them as necessary to access the public street. (Ord. 475 §1, 2005; Ord. 501 §2, 2013; Ord. 506 §1, 2015)~~

10.46.0680 Signs.

Signs shall comply with Chapter 10.64.040, ~~the following standards:~~

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

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

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

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

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

~~———— (F) ——— Exempt Signs. Window signs shall be exempt from the maximum allowable sign area requirements. Portable signs shall also be exempt provided they do not exceed 16 square feet in area (all sides).~~

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

~~———— (H) ——— State Highway Requirements. Applicants are advised to contact the State Highway Division of the Oregon Department of Transportation regarding other possible sign regulations along Maple Street. (Ord. 475 §1, 2005; Ord. 506 §1, 2015)~~

10.46.0790 Modification of Site Design Standards.

The Planning Commission, as part of the ~~site design review~~ Site Design Review process, may allow modification through a variance to the site design requirements in the Central Business District when both of the following criteria are satisfied:

(A) The modification is necessary to provide design flexibility where:

- (1) Conditions unique to the site require such modification; or
- (2) Parcel shape or configuration precludes compliance with provisions; or
- (3) A modification is necessary to preserve trees, other natural features, or visual amenities determined by the Planning Commission to be significant to the aesthetic character of the area.

(B) Modification of the standards in this chapter shall only be approved if the Planning Commission finds that the specific design proposed is substantially in compliance with the intent and purpose of the Central Business District design provisions. (Ord. 475 §1, 2005; Ord. 506 §1, 2015)

I. Amend Chapter 10.48 General Provisions to read as:

See Housing Code for changes

J. Amend Chapter 10.52 Off-Street Parking and Loading to read as:

See Housing Code for changes

K. Amend Chapter 10.56 Bicycle Parking to read as:

See Housing Code for changes

L. Amend Chapter 10.60 Fence and Wall Regulations to read as:

See Housing Code for changes

M. Amend Chapter 10.64 Sign Regulations to read as:

Sections:

- 10.64.010 Title and Purpose.**
- 10.64.020 General Provisions.**
- 10.64.030 Commercial, Office and Business Signs.**
- 10.64.040 Central Business District Overlay (CBD) Signs**
- 10.64.0450 Public and Semi-Public Signs.**
- 10.64.0560 Residential Use Signs.**
- 10.64.0670 Signs Not Requiring Permits.**
- 10.64.0780 Temporary Signs.**
- 10.64.0890 Exempt Signs.**
- 10.64.09100 Nonconforming Signs and Uses.**
- 10.64.1010 Nuisance Signs.**
- 10.64.1120 Prohibited Signs and Advertising Devices.**
- 10.64.1230 Sign Maintenance.**
- 10.64.1340 Criteria for Sign Permits—All Signs.**
- 10.64.1450 Sign Permit Application Review.**
- 10.64.1560 Permits—Approval and Fees.**
- 10.64.1670 Inspection.**
- 10.64.1780 Appeals Process.**
- 10.64.1890 Enforcement.**
- 10.64.19200 Responsibility for Violations.**
- 10.64.2010 Penalties.**
- 10.64.2120 Cumulative Remedies.**

10.64.010 Title and Purpose.

This chapter shall be referred to as the sign regulations of the City of Yamhill. The purpose of this chapter is to protect the health, safety, property and welfare of the public through the establishment of standards to regulate the erection, location, maintenance and use of signs. The goals of this chapter are:

- (A) To maintain an uncluttered and attractive appearance in the community and to improve the effectiveness of signs in identifying and advertising businesses;
- (B) To provide equity and effectiveness in displaying identification signs by establishing regulations on size and location of such signs;
- (C) To promote public safety by ensuring that traffic regulating devices be easily visible and free from nearby visual obstructions, from signs resembling official signs and from excessive numbers of signs;
- (D) To ensure that signs are compatible with their surroundings;
- (E) To guide and regulate the design, materials, construction, location, illumination and maintenance of all signs and sign structures to be located within the city, and adjacent boundaries. (Ord. 454 §2, 2000)

10.64.020 General Provisions.

No person shall erect, construct, alter, relocate, maintain or use any sign unless a sign permit has been issued or the sign has been exempted by provisions of this chapter. (Ord. 454 §2, 2000)

10.64.030 Commercial, Office and Business Signs.

Commercial, office and business district signs shall comply with all provisions and regulations of this chapter:

- (A) Freestanding Signs. Freestanding signs for commercial, office and other business uses are permitted subject to the following requirements:

(1) Number. One double-faced freestanding sign, identifying only the name of the development and no more than two of the principal uses of the premises, shall be permitted for a development.

(2) Height and Area. The sign height shall not exceed 25 feet. The maximum sign area shall not exceed 100 square feet per sign face.

(3) Location. No freestanding sign or any part thereof shall be located on or over any portion of a public right-of-way or property line.

(B) Freestanding Directory Signs. In addition to freestanding signs, freestanding directory signs are permitted only for office but not for commercial uses, and are subject to the following restrictions. Such signs shall be limited to identifying the buildings and the names of tenants or occupants.

(1) Number. One double-faced freestanding directory sign shall be permitted for each development containing one multiple tenant building or group of architecturally related buildings. For developments with vehicle entrances on more than one street frontage, an additional directory sign may be permitted at such additional entrance.

(2) Height and Area. The sign height shall not exceed seven feet with the face area not exceeding 42 square feet.

(3) Location. No sign or any part thereof shall be located on or over any portion of a public right-of-way or property line. The sign shall be located for viewing from the development by potential users of the development who have already entered onto the site. A freestanding directory sign shall not be attached to any other freestanding sign.

(C) Wall Signs. In addition to any other permitted sign, wall signs are permitted for commercial use, subject to the following requirements:

(1) Number.

(a) Walls Used. No more than two exterior walls shall be used for wall signs. Single tenant buildings shall use only two walls. Multiple tenant buildings shall use only the exterior walls which correspond with the portion of the building the tenant occupies.

(b) Signs. The permitted sign area per wall which has been designated to be used for wall signs may be divided among a maximum of three signs.

(2) Area.

(a) Single Tenant Building. Except as otherwise provided, the sign area of a wall sign, or combination of wall signs, shall not exceed 10% (up to a maximum of 250 square feet) of the area of the wall to which it is attached. For the purpose of this regulation, the area of the wall is determined by multiplying the height of the wall from the ground level to eaves or top of the fascia by length of the wall. If the building contains two stories or more, the height of the wall is measured from the ground level to the top of the second story.

(b) Multiple Tenant Building. Except as otherwise provided, the sign area of a wall sign or a combination of wall signs, shall not exceed 10% (up to a maximum of 250 square feet) of the area of the wall to which it is attached. For the purpose of this regulation, the area of the wall is determined by multiplying the height of the wall from the ground level to eaves or top of fascia by the length of the wall corresponding with the portion of the building the tenant occupies. If a tenant occupies two or more floors of a multiple story building, the height of the wall is measured from ground level to the top of the second story.

(c) Location. No sign shall extend above the line of the buildings eaves, the bottom of the fascia or above the second story of a multiple-story building.

(D) Window Signs. In addition to other permitted signage, window signs are permitted for commercial, office or business uses subject to the following requirements:

(1) Number. No more than one window sign shall be permitted per building of a single tenant building, or for each tenant in a multiple tenant building.

(2) Area. The sign area shall not exceed 20% of the total area of the window or group of windows in which it is placed. Window signs may be substituted for permitted wall signage, as long as there is corresponding reduction of permitted wall sign area.

(E) Shingle Signs. In addition to other permitted signage, shingle signs are permitted for commercial or office uses, subject to the following requirements:

(1) Number. No more than one shingle sign shall be permitted for each tenant in any building.

(2) Area. The sign area shall not exceed six square feet per sign (two feet by three feet) with its depth not exceeding four inches. Shingle signs may be substituted for permitted wall signage, as long as there is a corresponding reduction of permitted wall sign area.

(3) Height. All shingle signs shall have a clearance of not less than eight and one-half feet between the lowest portion of the sign and ground level. No shingle sign, or part thereof, shall be located above the second story of a building, or above the line of the eaves or the top of the fascia wall.

(4) Location. A shingle sign may project out from a building, but shall be perpendicular to the building and horizontal to the ground level. No shingle sign shall project out diagonally from the corner of the building. No more than six inches shall separate the sign from the wall to which it is attached. The sign shall not extend over a public right-of-way, except a sidewalk.

(5) Illumination. A shingle sign shall not be internally illuminated.

(F) Entrance or Exit Signs. In addition to any other permitted signage, no more than one sign designating an entrance or exit shall be permitted at each driveway serving a development. Such signs shall be limited to "in," "out," "entrance" or "exit." Such signs shall not exceed eight square feet in sign area and four feet in height.

(G) Readerboard Signs. Readerboard signs are prohibited except for theater marquees advertising only current presentations, and automobile service stations. No more than one readerboard sign shall be permitted for each theater and automobile service station.

(H) Automobile Service Station Signs. In addition to other sections of this chapter, automobile service stations shall comply with the following requirements:

(1) All price signs shall be permanently affixed to the building or a freestanding sign;

(2) Price signs may be double-faced, but shall not exceed six square feet in area per face or as required by state or federal law;

(3) The maximum permitted freestanding and wall sign area shall be reduced by the sign area devoted to price signs;

(4) Signs not to exceed five square feet in area shall be permitted on each pump face.

(I) Bulletin Boards. Retail business, banks and organizations shall be allowed a bulletin board in addition to other permitted signs. The bulletin board shall not exceed 12 square feet in sign area and six feet in height. A permit is required.

(J) Roof Signs. Signs erected and maintained upon or against a sloped roof of a building, including a sign attached to any structure containing mechanical equipment.

(1) Roof signs will not be permitted except for tenants who have a total square footage of 5,000 square feet.

(2) Permit applications for a roof sign will be given based on the total square footage of a single tenant in a multi-tenant building whose square footage is 5,000 square feet or greater. The sign location on a lower slope not to exceed existing signs areas on present building and using the same design, color and material as other signs.

(K) Fascia Signs. In addition to other permitted signs, fascia signs are permitted for commercial/office and business uses as follows:

(1) Length. A space of no less than 12 inches on each end from the neighboring tenant.

(2) Height. The total height shall conform to the overall height of the fascia. It shall not extend above or below the edge of the fascia.

(3) Depth, not to exceed 20 inches.

(4) Area. Window or wall signs may be substituted for permitted fascia signs as long as there is a corresponding reduction of total permitted signage.

(5) Lettering may be internally illuminated by fluorescent lighting or other approved methods. (Ord. 454 §2, 2000)

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

(2) Location, Size and Display Method:

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

(3) Area Calculation - Any electronic changeable copy portion of a sign shall have its area calculated at a rate two times that of other non-EMC signs. Therefore, EMCs of the size shown in (2) may or may not be allowed.

(4) Static Message - The display on the entire electronic message center shall stay constant for a period of at least 10 minutes, and during that period, does not appear to change, move, scroll, vary color, or vary light intensity.

(5) Alternating Message - The display on the entire electronic message center shall be held constant for a period of at least fifteen seconds and does not appear to change, move, scroll, vary color, or vary light intensity during that period and where the image transitions to another image instantly or in a transition of less than two second.

(6) Lumination – Sign illumination shall be limited to the following:

~~(a)a.~~ An electronic display sign may not have a nighttime (dusk to dawn) lumination intensity of more than 280 candelas per square meter (nits) and shall not have a daytime (dawn to dusk) lumination intensity of more than 140 candelas per square meter (nits) over ambient light conditions.

~~(b)b.~~ All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be either programmed to automatically dim according to ambient light conditions, or manually adjusted to comply with subsection (D) above.

(7) Control - Electronic display signs shall be equipped with a means to immediately turn off the display when it malfunctions.

(8) An application for a sign permit shall include documents from the sign manufacturer showing the standards in subsections (6)(a) and (b); and, (7) of this section are met and will continually be met. Failure for the EMC sign to continually comply with these provisions shall be considered a violation and subject to enforcement.

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

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

(11) Electronic message signs established prior to the adoption of these regulations shall be considered legally conforming but shall be required to comply with the Lumination provisions in item (6), above.

10.64.040 Central Business District Overlay (CBD) Signs

Signs shall comply with the following standards:

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

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

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

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

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

(F) Exempt Signs. Window signs shall be exempt from the maximum allowable sign area requirements. Portable signs shall also be exempt provided they do not exceed 16 square feet in area (all sides).

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

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

10.64.0450 Public and Semi-Public Signs.

Public and semi-public uses include, but are not limited to, government and special district facilities, community centers, golf courses, libraries, museums and shall be subject to the following requirements:

(A) Freestanding Signs. Only one freestanding monument sign shall be permitted not to exceed 18 square feet in sign area and five feet in height.

(B) Entrance or Exit Signs. No more than one sign designating an entrance or exit shall be permitted at each driveway serving the development. Such signs shall be limited to “in,” “out,” “enter,” “entrance,” “exit,” or similar wording, and the name of the development. Such signs shall not exceed eight feet in sign area and four feet in height.

(C) Wall Signs. In addition to other permitted signs, wall signs are permitted subject to the following requirements:

(1) Number.

(a) Not more than two exterior walls for each building shall be used for wall signs.

(b) The total permitted sign area for each wall used for wall signs may be divided among a maximum of three signs.

(c) Area. The sign area of a wall sign, or combination of signs, shall not exceed 10% (up to a maximum of 150 square feet) of the area of the wall to which the sign is attached. For the purposes of this regulation, the area of the wall is determined by multiplying the height of the wall from the ground level to eaves or top of a fascia by the length of the wall. If the building contains two or more stories, the height of the wall is measured from ground level to the top of the second story.

(d) Location.

(1) A wall sign shall be attached to the wall from which the permitted sign area is calculated.

(2) No sign shall extend above the line of the building’s eaves, or the top of the fascia or above the second story of a multiple story building.

(D) Bulletin Board. Retail businesses, banks and organizations shall be allowed a bulletin board in addition to other permitted signs. The bulletin board shall not exceed 12 square feet in sign area and six feet in height. A permit is required.

(E) Government Facilities. All on-premises signs associated with government facilities shall meet all provisions of this chapter. (Ord. 454 §2, 2000)

10.64.0560 Residential Use Signs.

Residential uses shall be permitted the following signs: identification sign. Subdivision, condominium developments, multi-family developments shall be allowed one, indirectly illuminated, freestanding monument sign or wall sign. The sign shall not exceed 18 square feet in area and five feet in height. For developments with more than one vehicle entrance, an additional sign may be permitted at such additional entrance. Phased subdivisions shall be considered a single subdivision for determining permitted signs under this section. (Ord. 454 §2, 2000)

10.64.0670 Signs Not Requiring Permits.

The following signs do not require a permit but are subject to the provisions of this chapter:

(A) Incidental signs shall not exceed two square feet in area per business.

(B) Name plates and postal address signs shall not exceed two square feet in area and shall be part of the building or attached as a wall sign.

(C) No trespassing, keep out, danger and warning signs shall not exceed two square feet in area.

(D) Real Estate Signs—Residential Real Estate Signs—Single-family, Duplex, and Multi-family ~~dwelling units~~. The owner or authorized representative of a single-family, duplex, or multi-family ~~dwelling unit~~, may erect the following real estate signs:

(1) On Premises. One double-faced, freestanding sign on the property front is permitted. It shall not exceed four square feet in area. The sign shall be removed from the property within 30 days of sale or immediately after transfer of possession, whichever occurs first.

(2) Off Premises. No more than three signs located on property, other than the property being marketed may be erected, but only with the written consent of the owner. Display shall occur only during daylight hours. Such signs shall not exceed four square feet in area, and may state only the name of the realtor, the owner or authorized representative and “open” or “open house” with an arrow indicating direction to the property. Sandwich board signs are permitted. No more than one off-premises sign shall be allowed on any one lot, regardless of the number of properties being marketed.

(3) Residential Subdivisions and Undeveloped Land. Signs advertising more than three contiguous lots or undeveloped land in a residential planning district shall be limited to one double-faced sign not to exceed 16 square feet per face or two 16 square foot single-faced signs. Such signs shall be located on the premises being marketed, not less than 500 feet apart and shall not exceed eight feet in height. Signs shall be removed within 30 days of sale of undeveloped land, or upon transfer of possession, whichever occurs first.

(4) Commercial and Undeveloped Lands. Signs advertising in a commercial district and undeveloped land shall be limited to one single-faced or double-faced sign for each street for two years or when 90% of the number of lots are sold, whichever occurs first.

(E) Temporary Window Signs. Such signs shall not obscure more than 40% of the total transparent area of a window or group of windows.

(F) Auction Signs. One freestanding or wall sign may be permitted, subject to the following requirements. It shall be displayed no sooner than one week prior to the date of the auction. The sign shall not exceed 21 square feet in area per face and eight feet in height. Such signs shall be removed no later than the day following the auction. (Ord. 454 §2, 2000)

10.64.0780 Temporary Signs.

(A) Temporary Sign Permit Application. An application shall be submitted on forms prescribed by the Planning Official ~~City Recorder/Treasurer~~. The application shall include the size of the sign, a description of the proposed location of the sign, and the length of time the sign will be displayed. The application shall also contain the name and address of the applicant and the applicant's signature.

(B) Fees and Approval. Only the temporary signs cited in subsection (C) of this section shall be subject to the fees set forth in this chapter, except as otherwise provided. Each temporary sign permit application shall be accompanied by a fee as required by the City's schedule of fees and penalties as approved through resolution of the City Council. ~~Application and fees shall be submitted at least five working days prior to the Planning Commission's monthly meeting.~~ Approval may be given by the ~~Planning Official City Recorder/Treasurer, Planning Commission Chairman or Planning Commission.~~

(C) Grand Opening, Special Event, Special Sale Signs, or Banners. The Planning Official ~~City Recorder/Treasurer~~ shall have the authority to approve requests for advertising devices, signs or banners for a grand opening, special event or special sale. A permit can be granted for use up to 15 days. At least 60 days must separate each approved time period. (Ord. 454 §2, 2000)

10.64.0890 Exempt Signs.

The following signs are exempt from the provisions of this chapter:

(A) Signs which are authorized and installed by public utility, telephone or cable television companies which serve as an aid to public safety, or which show the location of underground facilities;

(B) Public signs;

(C) Signs not visible or not intended to be read from the public right-of-way or from common areas open to the public;

(D) Garage sale signs;

(E) Contractors advertising signs (must be removed no later than 30 days after the completion of the work). (Ord. 454 §2, 2000)

10.64.090100 Nonconforming Signs and Uses.

Nonconforming signs shall not be altered in any way. Any alteration, relocation or replacement of a nonconforming sign or any part thereof shall require immediate compliance with all provisions of this chapter. If a nonconforming sign is altered, then the amortization provisions of subsection (B) of this section shall not apply.

(A) All nonconforming signs shall be removed or brought into conformance with the requirements of this chapter no later than two years from the effective date of this chapter, unless the original cost or most recent renovation of the signs preceding adoption of this chapter exceeds \$100.00, in which case, the following schedule applies.

(1) If either the original cost of the nonconforming sign or the most recent renovation to the sign preceding adoption of this chapter exceeds \$100.00, then the sign may be maintained and used only for a limited period of time based on the following schedule:

Sign Cost or Renovation Cost	Maximum Permitted Years from Effective Date of This Chapter
\$ 101 to \$ 1,000	3 years
1,000 to 3,000	4 years
3,001 to 6,000	5 years
6,001 to 10,000	6 years
over 10,000	7 years

(2) The original cost of a nonconforming sign shall be determined by sign value information submitted at the time a sign permit was issued. If such information was not submitted, the property owner shall submit documentation verifying the original cost of the sign. The property owner shall also be

responsible for submitting documentation verifying the cost of the most recent renovation to the sign. If such information is not available, the original cost of the sign shall be used in establishing the date of removal or bringing the sign into conformance.

(3) After the applicable permitted number of years has elapsed, the status of the sign reverts from nonconforming to illegal and becomes subject to enforcement proceedings.

(B) The Planning Official ~~City Recorder/Treasurer~~ shall notify owners of property on which nonconforming signs are located on the amortization process and schedule for bringing the signs into conformance or removal; however, failure of the Planning Official ~~City Recorder/Treasurer~~ to so notify shall not act to extend the applicable time frame for compliance with the provisions of this chapter. A nonconforming sign which, after the expiration of the applicable maximum permitted years, if not removed, shall be illegal.

(1) All signs which comply with the provisions of this chapter and are associated with nonconforming land uses will be allowed to be continued, as long as the nonconforming use retains its status.

(2) Signs for which variances were granted prior to the effective date of the ordinance codified in this chapter shall be subject to all portions of this section with the exception of subsection (A) of this section.

(3) A sign legally erected and maintained on property prior to annexation into the city which fails to conform to the provisions of this chapter shall be brought into conformance within two years of the effective date of the ordinance codified in this chapter. The amortization schedule in subsection (A)(1) of this section shall not apply to such signs. (Ord. 454 §2, 2000)

10.64.1010 Nuisance Signs.

(A) A sign constitutes a public nuisance under this chapter if:

(1) It is in violation of this chapter;

(2) It is deposited, left, displayed or located in the public right-of-way without authorization from the city, except a public sign; or

(3) It is a sign which, due to location or conditions, poses a threat to the public health, safety or welfare.

(B) The Planning Official ~~City Recorder/Treasurer~~ is authorized to cause the removal and disposal of any signs which constitute a public nuisance in the following manner:

(1) Five days after written notice of the violation is mailed or 24 hours after notice is delivered in person to the person owning or controlling the nuisance sign the Planning Official ~~City Recorder/Treasurer and/or Planning Commission~~ may have the sign removed and stored. The sign shall be stored for 30 days, and if unclaimed within 30 days of removal, it shall be presumed to be abandoned, and may be immediately sold, destroyed or otherwise disposed of.

(2) If the nuisance sign is determined by the Planning Official ~~Planning Commission~~ to create a hazard to the public, for example, signs on the paved portion of the street or signs placed upon official traffic control signs, the five days advance notice need not be given and the sign may be immediately removed. Notice shall be given within one working day after removal.

(3) If the person responsible for the sign is not readily identifiable by the sign itself or by contacting adjacent property owners, the sign may be removed immediately without notice. If within the 30 days storage period, the person responsible for the sign becomes identified, then, notice should be made.

(4) If a previous notice has been given that a nuisance sign or substantially similar nuisance sign is again erected or placed (a change of copy or location does not constitute a different sign), any sign may be removed without further notice and stored for 30 days before further disposal. In such event, notice shall be given subsequent to removal and the owner shall be given an opportunity for a hearing before the Planning Commission to contest the violation and removal. The request for a hearing shall be made within three work days after removal and the hearing shall be held within 10 work days after removal. The scope of the hearing shall be limited to whether there was a subsequent violation and

whether the sign was a nuisance. Upon request, a written decision shall be made concerning the violation and removal procedure. The decision of the Planning Commission may be appealed to the City Council.

(5) A responsible party desiring to claim a sign which has been removed and stored may do so, provided the claim is presented within 30 days of removal and that the cost of removal and storage is an amount not less than \$10.00 for each sign and is paid to the city in advance. (Ord. 454 §2, 2000)

10.64.1120 Prohibited Signs and Advertising Devices.

The following signs or advertising devices are illegal and expressly prohibited by this chapter. No such sign or device shall be placed anywhere within the City limits.

- (A) Abandoned signs;
- (B) Advertising bench-type signs;
- (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;
- (D) Flashing sign;
- (E) Illuminated signs which direct light into a residence;
- (F) Obscene sign (displaying nudity and/or sexual activities);
- (G) Obstruction sign;
- (H) Off-premises sign, except for direction signs;
- (I) Portable sign, except for real estate signs;
- (J) Rotating or moving signs;
- (K) Search lights or beacons;
- (L) Signs attached to trees or public utility poles, except public signs;
- (M) Signs mounted on public property or within the public right-of-way, except public signs;
- (N) Signs on Vehicles. Signs attached to or located on a stationary vehicle or trailer which is visible from a public right-of-way, and infrequently moved or moved primarily for display of the sign;
- (O) Signs Resembling Official Traffic Signs or Signals. Signs stating “stop,” “go slow,” “caution,” “danger,” and “warning,” except as officially authorized or installed by the City, State Department of Transportation or the county;
- (P) Signs using bare-bulb illumination or signs with a visible immediate source of illumination, except when permitted by this chapter;
- (Q) Strobe lights;
- (R) Structurally unsafe sign;
- (S) Any sign which is erected, placed, maintained or used which fails to comply with a specific provision of this chapter;
- (T) Except for permitted, nonconforming signs, any sign for which a permit is required, but for which no permit has been issued;
- (U) Signs which have lost their status as nonconforming signs either due to alteration, relocation, replacement, or due to the expiration of the applicable amortization period will receive 30 days’ notice to comply with this chapter after which a fine will be levied;
- (V) Signs associated with illegal uses according to provisions of the Planning Commission review;
- (W) Signs which constitute a public nuisance;
- ~~(X) Readerboard signs, and computer electronically controlled signs except for temperature and time; exception, automobile service stations as expressly provided.~~ (Ord. 454 §2, 2000)

10.64.1230 Sign Maintenance.

All signs shall be maintained in good order and repair at all times. Signs which have become faded, worn or which pose a danger to members of the public shall be repaired or removed. (Ord. 454 §2, 2000)

10.64.1340 Criteria for Sign Permits—All Signs.

All sign changes, alterations, relocations, construction and new developments shall follow the same processes and guidelines. The process for review will require the following items:

- (A) Permit application obtained from City Hall and accompanied by an appropriate fee;
- (B) Details of proposed signs accompanied with a diagram or sketches of proposed signs;
- (C) Location of building and location of placement/renovation, change, alteration, construction of development where signs will be placed;
- (D) Total size/area of sign height, color and type of sign;
- (E) Method of illumination;
- (F) Method of support;
- (G) Approximate sign area for all existing signs pertaining to business or development and distance between signs;
- (H) In new development or construction, additional plans and pertinent information, when deemed necessary and appropriate, shall be required to ensure compliance with this chapter and other applicable ordinances. (Ord. 454 §2, 2000)

10.64.1450 Sign Permit Application Review.

In addition to provisions of this chapter, all signs, except temporary signs and those which are exempt from provisions of this chapter, shall be subject to an objective review of all information submitted. The decision reached on all signs, shall be based on the requirements contained in Section 10.64.1340. In addition, construction shall be compatible with surrounding architectural design to promote and give consideration to location of signs, design or building, landscaping, visibility, construction, quantity of existing signs, pedestrian activities and traffic patterns. (Ord. 454 §2, 2000)

10.64.1560 Permits—Approval and Fees.

(A) Sign Permit Application. Application for a sign permit shall be submitted on forms prescribed by the Planning Official ~~City Recorder/Treasurer~~. The application shall address all criteria ~~criteria~~ listed in Section 10.64.1340. In addition, the application shall contain the names and addresses of the sign contractors, if any, the applicant, the owner of the property on which the sign will be erected and the property owner's consent. A separate application shall be submitted for each sign.

(B) Sign Permit. The Planning Official ~~City Recorder/Treasurer~~ shall issue a sign permit when all applicable provisions of this chapter have been met. Except as otherwise provided, a separate sign permit shall be obtained for each sign.

(C) Sign Permit Fee. Each sign permit application shall be accompanied by a sign permit fee as required by the City's schedule of fees and penalties as approved through resolution of the City Council.

(D) Double Fees. When a sign is erected or placed prior to approval of a required sign permit, the sign permit application fee specified in the City's schedule of fees and penalties as approved through resolution of the City Council shall be doubled. Payment of the double fee shall not relieve an applicant from fully complying with the requirements of this chapter or from penalties prescribed in this chapter. (Ord. 454 §2, 2000)

10.64.1670 Inspection.

All signs for which a sign permit is required shall be subject to inspection by the Building Inspector ~~and/or Planning Official~~ ~~City Recorder/Treasurer and/or a member of the Planning Commission~~. Inspection may include, but shall not be limited to, the following:

- (A) Site inspection to assure compliance with the decisions of the Planning Official ~~Planning Commission~~, the sign permit criteria, if any, and provisions of this chapter;
- (B) Structural inspection;
- (C) Inspection of braces, anchors, supports and wall connections. (Ord. 454 §2, 2000)

10.64.1780 Appeals Process.

(A) A decision of the Planning Official ~~City Recorder/Treasurer's~~ review on a sign application may be appealed to the Planning Commission in accordance with Section 10.128.020.

(B) A decision or action of the Planning Commission based upon a review of a sign application may be appealed to the City Council in accordance with Sections 10.28.190 through 10.128.200. (Ord. 454 §2, 2000; Ord. 491 §8, 2011)

10.64.1890 Enforcement.

(A) The Planning Official ~~City Recorder/Treasurer~~ is authorized to enforce the provisions of this chapter and to direct the removal of any illegal signs. When the Planning Official ~~City Recorder/Treasurer~~ has determined that a violation of this chapter exists, a written notice shall be served to the owner of the sign or the owner of the premises on which the sign is located.

(B) Additional notice is not required if a written notice was previously served to the responsible person regarding a substantially similar sign on the same premises. Notice shall be delivered to the person allegedly responsible for the sign by certified mail with return receipt requested. Multiple sign violations may be incorporated into a single notice. The notice shall contain at least the following information:

- (1) A description of the sign condition to identify the violation;
 - (2) A statement describing how the recipient of the notice is responsible for the condition;
 - (3) A statement that the condition or the sign has been found to violate this chapter with a brief and concise description of the nature of the violation;
 - (4) A statement of the action required to remedy the violation and a date by which the remedy must be completed. Unless otherwise provided, permanent signs shall be remedied in not more than 14 days and temporary signs shall be remedied in not more than 48 hours;
 - (5) If the sign is determined to be a nuisance, then a statement to that effect shall be included.
- (Ord. 454 §2, 2000)

10.64.19200 Responsibility for Violations.

It is intended that sign violations result in a penalty even though the responsible party does not knowingly or intentionally violate the provisions of this chapter. The mere fact that a violation exists and that a person is responsible or owns or controls the property on which the sign violation occurs, is sufficient to initiate enforcement proceedings and impose penalties. A person may be found liable, responsible or guilty of an alleged sign violation by reason of ownership, control or possession of the sign or the property on which the sign exists or has existed by reason of such person being the proximate cause of such sign's condition. (Ord. 454 §2, 2000)

10.64.2010 Penalties.

It is a violation not to comply with any of the provisions of this chapter. It is also a violation to erect, maintain or use a sign contrary to this chapter. Conviction of a violation of any provision of this chapter will result in a penalty. Each day that a violation exists shall constitute a separate offense with a fine as required by the City's schedule of fees and penalties as approved through resolution of the City Council. (Ord. 454 §2, 2000)

10.64.2120 Cumulative Remedies.

The rights, remedies and penalties provided in this chapter are cumulative and not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the city under any other provisions of law. All officials, departments and employees of the city vested with authority to issue permits or grant approvals shall adhere to and require conformance with this chapter, and shall issue no permit or grant approval for any sign which violates or fails to comply with the conditions or standards

imposed by this chapter. Any permit or approval issued or granted in conflict with the provisions of this chapter, whether intentional or otherwise, shall be void. (Ord. 454 §2, 2000)

10.64.2230 Sign Variance.

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

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

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

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

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

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

N. Amend Chapter 10.68 Clear-Vision Area to read as:

Sections:

10.68.010 Clear-Vision Area.

10.68.020 Definition of Clear-Vision Areas.

10.68.030 Establishment of Clear-Vision Areas.

10.68.040 Measurement of Clear-Vision Areas.

10.68.010 Clear-Vision Area.

A clear-vision area is required at street intersections, driveway and street intersections, alley and street intersections, and railroad crossings and streets to ensure site visibility for vehicular, pedestrian, and bicycle traffic to protect the public safety. A triangular area on a lot at the intersection of two streets, or a street and a railroad, or a street and alley, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. (Ord. 454 §2, 2000)

10.68.020 Definition of Clear-Vision Areas.

A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. (Ord. 454 §2, 2000)

10.68.030 Establishment of Clear-Vision Areas.

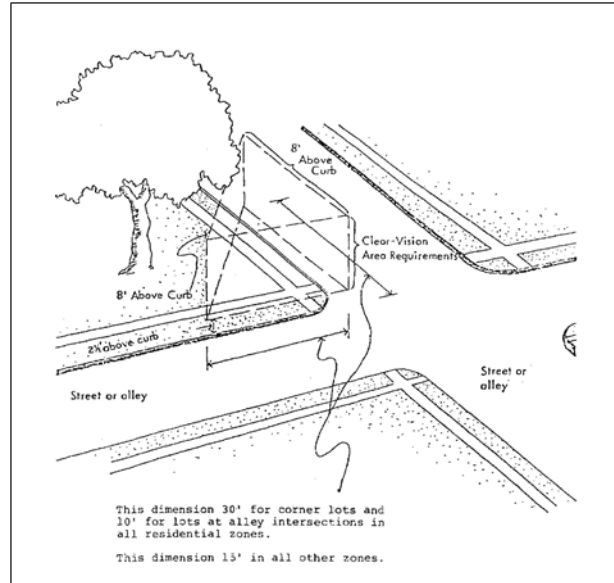
A clear-vision area shall be maintained on the corners of all property at the intersection of two streets, or a street and a railroad, or a street and an alley, or a street and a service drive. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three feet in height, measured from the top of the curb, or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade. (Ord. 454 §2, 2000)

10.68.040 Measurement of Clear-Vision Areas.

The following measurements shall establish clear-vision areas (sketch accompanying):

- (A) In a residential zone the minimum lot line distance at street intersections or streets and a railroad shall be 30 feet, or at street intersections with an including an alley, 10 feet.
- (B) In all other zones the minimum lot line distance at a street intersections or streets and railroads shall be 15 feet, except ~~that~~ when the angle of intersection between streets and streets and a railroad, other than an alley, is less than 30 degrees, the distance shall be 25 feet.
- (C) Service drive exits (driveways) shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street or alley right-of-way line, and a straight line joining said lines through points 15 feet from their intersection.

Clear-Vision Diagram



(Ord. 454 §2, 2000)

O. Amend Chapter 10.72 Accessory Structures to read as:

See Housing Code for changes

P. Amend Chapter 10.76 Lot Area, Yards and Height Restrictions to read as:

See Housing Code for changes

Q. Amend Chapter 10.84 Temporary Structures to read as:

See Housing Code for changes

R. Amend Chapter 10.88 Nonconforming Buildings and Uses to read as:

See Housing Code for changes

S. Amend Chapter 10.92 Land Use and Building Permit Procedures to read as:

See Housing Code for changes

T. Amend Chapter 10.96 Home Occupation Permits to read as:

See Housing Code for changes

U. Amend Chapter 10.112 Development Permits to read as:

See Housing Code for changes

V. Amend Chapter 10.116 Specific Development Permits to read as:

See Housing Code for changes

W. Amend Chapter 10.128 Administrative Provisions to read as:

See Housing Code for changes

X. Amend Chapter 10.132 Change of Zone, Comprehensive Plan Amendment to read as:

See Housing Code for changes

EXHIBIT D

Housing Code Changes Title 13 Annexation Amendments 5/1/2025

The proposed amendments are shown in ~~strike through~~ for language to be deleted and in double underline for language to be added.

Sections:

13.04.010	Title.
13.04.020	Purpose.
13.04.030	Introductory Provisions.
13.04.040	Authority of City to Annex.
13.04.050	General Annexation Procedure.
13.04.060	Annexation by Election.
13.04.070	Annexation Procedure Without City Election.
13.04.080	Annexation Procedure with Election in Proposed Territory.
13.04.090	Island Annexation.
13.04.100	Submission of Annexation Reports.
13.04.110	Effective Date of Annexation.
13.04.120	Zone Designation of Annexed Property.
13.04.130	Annexation Fee.

A. Amend Chapter 13.04 Annexation Provisions and Procedures to read as:

13.04.010 Title.

This chapter may be cited for all purposes as the City of Yamhill Annexation Policy, 1979. (Ord. 331 §1, 1979; Ord. 443 §1, 1998)

13.04.020 Purpose.

The City recognizes the need to establish standards and procedures for the future orderly annexation of lands into the City. Therefore, all future annexations to the City shall occur consistent with the provisions of this chapter. (Ord. 331 §2, 1979; Ord. 443 §1, 1998)

12.04.025 Definitions

As used in this title, the word “City” shall mean the City of Yamhill, Oregon, including its officers, agents and employees. For the purpose of this title, words used in the present tense include the future, the singular number includes the plural, the word “shall” is mandatory and directory, the word “building” includes a structure.

“Annexation” means the incorporation of a land area into the city with a resulting change in the boundaries of the city.

“Comprehensive plan” means the comprehensive plan of the City of Yamhill, Oregon including all adopted supporting documents.

“Council” means the City Council of Yamhill, Oregon.

“Planning Commission” means the Planning Commission of the City of Yamhill.

“Planning official” means the Yamhill city administrator or an official designated by the Yamhill city administrator with authority to administer the provisions of this Title.

“Urban growth boundary” means an adopted boundary around the city that defines the area in which the city expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Yamhill County.

13.04.030 Introductory Provisions.

- (A) Annexation to the City may be permitted only if:
 - (1) The site abuts the City limits of Yamhill;
 - (2) The site is within the urban growth boundary;
 - (3) The site is with the immediate urban area;
 - (4) The proposed use ~~use~~ designation for the site complies with the City of Yamhill Comprehensive Plan;
 - (5) The capacity exists to provide the site with urban services that will not unduly tax the public facility and services resources of the City;
 - (6) The site contains land which is physically suitable for urban use; and
 - (7) The proposed annexation will have a positive fiscal impact on the City. (Ord. 331 §2, 1979; Ord. 443 §1, 1998)

13.04.040 Authority of City to Annex.

The boundary of the City may be extended by the annexation of territory not then within the City and which territory is contiguous to the City or separated from it by a stream only, and within the Urban Growth Boundary. (Ord. 331 §2, 1979; Ord. 443 §1, 1998)

13.04.050 General Annexation Procedure.

(A) Following submission of an annexation proposal or initiation, the ~~Planning Official~~ City Recorder shall set a date for hearing with the Planning Commission. Notice shall be pursuant to the proposed method of annexation.

(B) The Planning Commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the City Council within 10 days of the hearing. The Planning Commission’s decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City’s Comprehensive Plan. For all annexations the decision shall state how the proposed annexation will:

- (1) Promote an orderly, timely, and economical transition of rural and agricultural lands into urbanizable lands;
- (2) Avoid promoting development in areas of natural hazard;
- (3) Affect the natural resources of the area, including air resources, water quality, natural vegetation and fish and wildlife resource;
- (4) Effectively utilize energy resources and promote conservation of energy use;
- (5) Provide for recreation and open space opportunities;
- (6) Affect and provide for an orderly and efficient arrangement of public facilities and services;
- (7) Improve and enhance the economy of the City;
- (8) Provide the opportunity for a variety of quality, safe, housing, and commercial or industrial development;
- (9) Affect and provide for an orderly and efficient arrangement of transportation needs in an orderly, safe and economic manner.

(C) The ~~Planning Official City Recorder~~ shall set a date for a public hearing with the council upon receipt of the Planning Commission's recommendation. Notice shall be pursuant to the proposed method of annexation. After considering all testimony the City Council shall sustain or reverse the Planning Commission's recommendation. The Council shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's Comprehensive Plan. (Ord. 331 §2, 1979; Ord. 443 §1, 1998)

13.04.060 Annexation by Election.

(A) The City Council, upon approval of the annexation proposal, has the authority to submit, except when not required under ORS 222.850 to 222.915, to dispense with submitting the proposal for annexation to the registered voters of the City.

(B) The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. The proposal for annexation may be voted upon by the voters of the City and of the territory simultaneously or at different times not more than 12 months apart.

(C) Two or more proposals for annexation may be voted upon simultaneously; however in the City each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation, no proposal for annexing other territory shall appear on the ballot.

(D) The City Council shall give notice of each annexation election by publication prior to such election once each week for four successive weeks in a newspaper of general circulation in the City. Whenever simultaneous elections are held, the same notice and publication shall fulfill the requirements of publication for the City election and the election held in the territory. Notice shall also be given by posting notices of the election in four public places within the City if votes are to be cast therein and four public places in each territory proposed to be annexed for a like period as provided in this section for publication of notice. The notice shall distinctly state the proposition to be submitted, shall contain a legal description of, and a map indicating, the boundaries of each territory proposed to be annexed and the registered voters shall be invited thereby to vote upon such annexation. The Council, shall also designate and the notice shall state the hours during which the polls will be open within the City and each territory proposed to be annexed. If the election is to be held at the usual precinct polling places designated for a general election held at that time, or if the election is not held at the same time as a general election, but is held at the same polling places used for the last preceding general election, the notice shall so state; if any polling place is to be different than the regular precinct polling places, the notice shall describe the location of the polling places to be used in the area or precincts in which the polling places are different. (Ord. 331 §2, 1979; Ord. 443 §1, 1998)

13.04.070 Annexation Procedure Without City Election.

(A) By ordinance or requirements of Oregon State Law, the City Council may elect to dispense with submitting the annexation proposal to the registered voters of the City, set a date for a public hearing, at which time the registered voters of the City can be heard on the annexation proposal.

(B) Notice of the public hearing shall be published once a week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the City, and posted in four public places in the City for a like period.

(C) Written notice shall be given to all property owners within the boundaries of the proposed annexation and within 500 feet of the external boundaries of the proposed annexation.

(D) After the public hearing the City Council, by ordinance subject to referendum and containing a legal description of the proposed annexation:

(1) Declare that the territory is annexed to the City upon the condition that the majority of the votes cast in the territory is in favor of annexation;

(2) Declare that the territory is annexed to the City where persons with land ownership in the proposed territory consent in writing to such annexation as provided in Section 13.04.080(A) of this chapter. (Ord. 331 §2, 1979; Ord. 443 §1, 1998)

13.04.080 Annexation Procedure with Election in Proposed Territory.

The City Council need not call or hold an election in any contiguous territory proposed to be annexed, or post notice in the contiguous territory, if more than half the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file the annexation proposal on or before the day:

(A) The public hearing procedure shall be pursuant to Section 13.04.060(A) and (B), and Section 13.04.070(B) and (C). If the City Council dispenses with submitting the question to the registered voters of the City; or

(B) The City Council takes the necessary action to call the annexation election in the City under Section 13.04.070(D), if the Council submits the question to the registered voters of the City. (Ord. 331 §2, 1979; Ord. 443 §1, 1998)

13.04.090 Island Annexation.

(A) It is within the power and authority of the City by ordinance subject to referendum, to annex land, provided it is not an incorporated City, that is surrounded by the corporate limits or boundaries of the City, with or without consent of any property owner or resident in the territory.

(B) Notice and procedure for public hearing shall be provided pursuant to the provisions of Section 13.04.060(A), (B), and (C), and Section 13.04.070(B).

(C) If the City Council elects to submit the questions to the registered voters of the City, procedure shall be pursuant to Section 13.04.060. (Ord. 331 §2, 1979; Ord. 443 §1, 1998)

13.04.100 Submission of Annexation Reports.

(A) The City shall report all changes in the boundaries or limits of the City to the County Clerk and County Assessor. The report shall contain a legal description of the new boundaries and shall be filed within 10 days from the effective date of the change of any boundary lines.

(B) With the exception of island annexation, the City Recorder shall submit to the Secretary of State:

- (1) A copy of the annexation ordinance;
- (2) An abstract of the vote within the City if votes were cast therein, which shall show the whole number of registered voters voting therein on the annexation, the number of votes cast against annexing;
- (3) A copy of the statement of consent of landowners in the territory annexed;
- (4) A copy of the ordinance of the City declaring that no election is required in the City; and
- (5) An abstract of the vote upon the referendum if a referendum petition was filed with respect to the deferred ordinance. (Ord. 331 §2, 1979; Ord. 443 §1, 1998)

13.04.110 Effective Date of Annexation.

The annexation shall be complete from the date of filing with the Secretary of State as provided in ORS 222.150, 222.160, 222.170, 111.900 and Section 13.04.100(B). Thereafter, the annexed territory shall be and remain part of the City. The date of such filing shall be the effective date of annexation, provided such filing is not made later than 90 days prior to any general or primary election; otherwise, the effective date of such annexation shall be the day after the primary or general election next following the date of filing. (Ord. 331 §2, 1979; Ord. 443 §1, 1998)

13.04.120 Zone Designation of Annexed Property.

Territory annexed to the City shall retain the comprehensive plan and zoning classification of its former jurisdiction, until changed by the City. Comprehensive Plan and Zone change proceedings shall be initiated by the City within two months after the effective date of annexation. (Ord. 331 §2, 1979; Ord. 443 §1, 1998)

13.04.130 Annexation Fee.

The fee for application for annexation to the City of Yamhill shall be as determined by resolution set forth by the City Council. (Ord. 331 §2, 1979; Ord. 443 §1, 1998)

EXHIBIT E

CITY OF YAMHILL

COMPREHENSIVE PLAN NOVEMBER, 1999

This Comprehensive Plan was adopted by Resolution R-430, May 24, 2000.

Planning Commission Public Hearing - 02/02/00
City Council Public Hearing - 05/24/00

CITY OF YAMHILL

CITY COUNCIL

Charles P. Mitchell II, Mayor

Cordelia Amspacher	Jane Heinrich
Melvin Jordan	Phil Weddington

PLANNING COMMISSION

Walt Larkin, Chairperson

Diane Roelandt	Jill Gailey
Randy Murphy	Carol Prendergast

CITIZEN ADVISORY COMMITTEE

Walt Larkin, Chairperson

Diane Roelandt	Jill Gailey
Randy Murphy	Carol Prendergast

ACKNOWLEDGMENTS

The preparation of this Plan was financed in part through a Planning Assistance Grant from the State of Oregon, Department of Land Conservation and Development.

The City wishes to acknowledge the work of the Yamhill County Planning Staff during the 1975 preparation of this document. Those Yamhill County Planning Staff involved were as follows:

Ron Bunch, Lead Planner.

Rich Faith, Assistant Planner.

Maggie Collins, Editor, Comprehensive Planning Supervisor.

Marsha Mackie and Tom Cunningham, Yamhill County Energy Office.

Gene Williamson, Yamhill County Deputy Watermaster.

Blaise Edmonds and Sara Leslie, Graphics.

Velma Schaffner and Dee McKenzie, Production.

The City also wishes to acknowledge the work of the Yamhill City Planning Staff during the 1999 revision of this document. Those Yamhill City Planning Staff involved were as follows:

Terrylynn Bednarzyk, City Recorder/Treasurer

Michael D. Henry, City Planner

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INTRODUCTION

The land use goals and policies within this document are the produce of an effort to give a clear direction to the future of Yamhill. The Plan was developed by the citizens of the area through local government and elected officials, by responding to community surveys, attending public meetings and hearings and responding to draft proposals. Those who have participated in the plan process believe the goals and policies are accurate representations of the needs and desires of the community.

The goals contained in this plan are the general directions or accomplishments towards which the City wishes to go in the future. The policies are more specific actions the City feels are necessary to accomplish the goals. Many policies contained in the plan are based upon the City's zoning and subdivision ordinances.

Other policies apply to individual proposals, such as the siting of mobile home parks. Still other policies are subject to additional effort on the part of the City, such as the policies regarding future energy considerations and recreation opportunities. Action on these policies will depend to a great extent on the City's fiscal resources through time. Thus the goals and policies within this plan provide a basis for all future land use decisions. The future growth of the City will be accommodated in the most timely, orderly and efficient manner possible. Measures to implement the goals and policies are provided in consideration of the fiscal responsibilities of the City and in a manner that will most effectively meet the needs of the citizens of the community.

Oregon Revised Statutes require a "comprehensive" land use plan, one which includes a coordinated land use map and policy statements that interrelate "all functions and natural systems and activities relating to the use of the land." In addition, the plan is "coordinated", meaning that "the needs of all levels of governments, semi-public and private agencies and the citizens of Oregon have been considered and accommodated as much as possible." ORS 197.015(4). Thus, the City's comprehensive plan and supporting documents in total fit the state requirements as well as the future planning needs of the community.

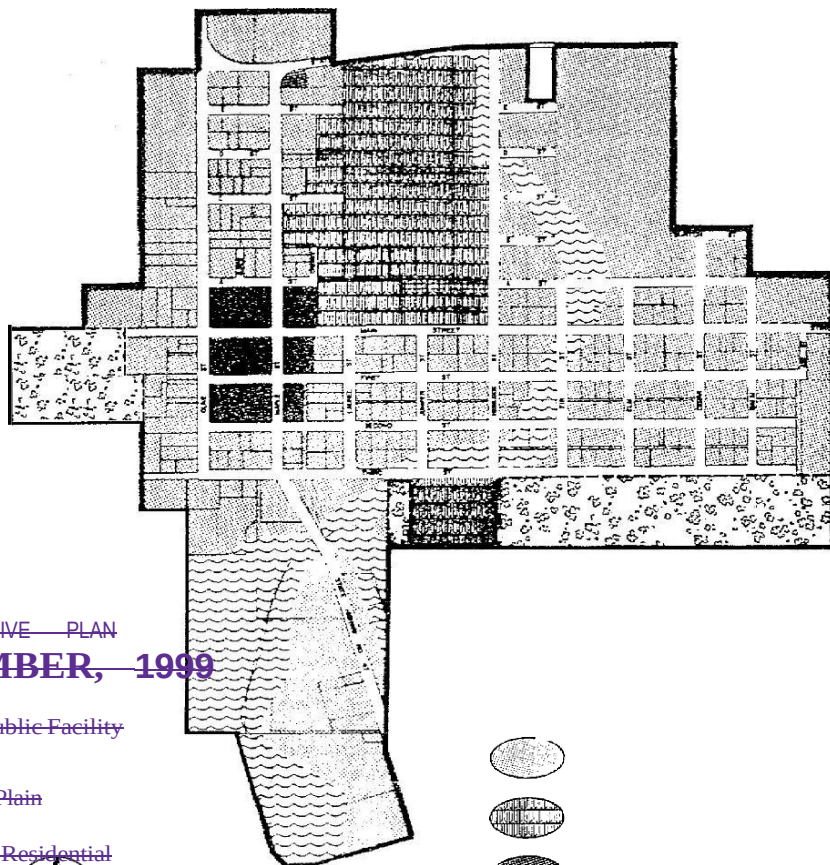
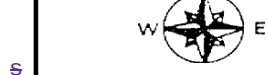
In 1976, the City contracted with Yamhill County Planning Department for staff assistance to develop this plan. Yamhill has received two planning assistance grants from the Land Conservation and Development Commission to help fund the plan development. While staff members have compiled information to discuss and consider, the plan is basically the result of the diligence and time supplied by the Planning Commission and the Citizen Advisory Committee, the City Council, and the Community at large.

COMPREHENSIVE PLAN
NOVEMBER, 1999

Residential Public Facility
Commercial

⊙ Flood Plain

N Future Residential

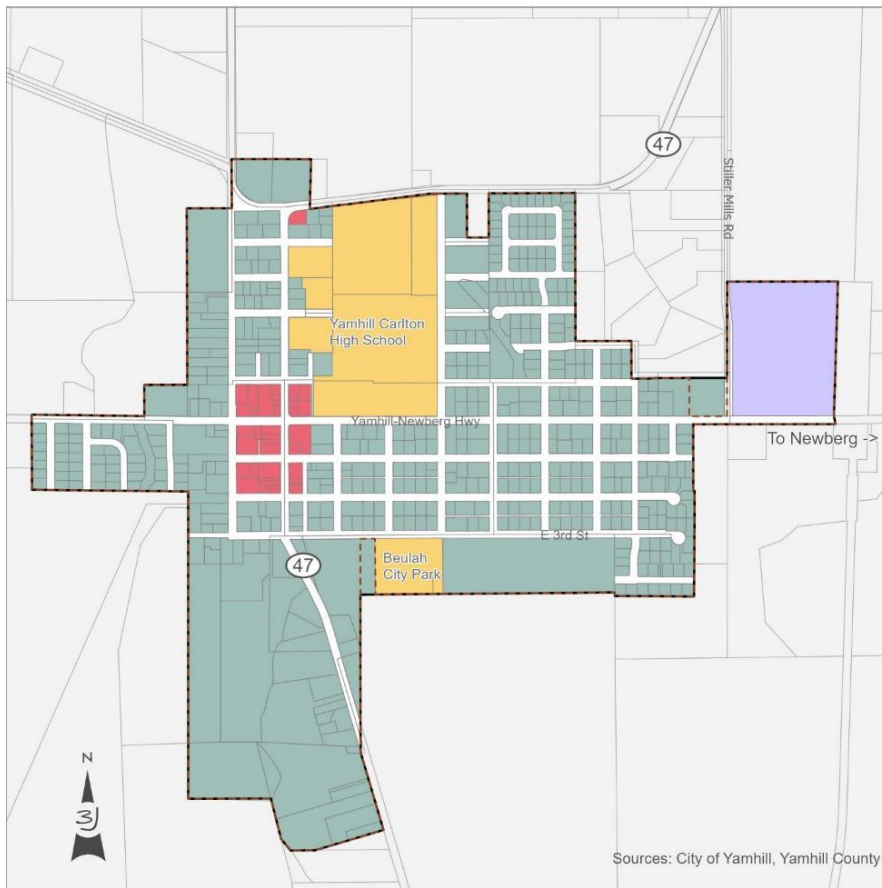


City of Yamhill, Oregon
Comprehensive Plan Designations
March 2025

0 500 1,000 2,000 Feet

-  UGB
-  City Limits
-  Tax Lots

- Comprehensive Plan Designation
-  Commercial
 -  Industrial
 -  Public Facility
 -  Residential



Sources: City of Yamhill, Yamhill County

CITIZEN INVOLVEMENT

Yamhill has an adopted Citizen Involvement Program to ensure that the citizens of the City have an opportunity to be involved in all phases of the planning process. With the approval of LCDC, the City has designated its Planning Commission as the Committee for Citizen Involvement (CCI).

The ultimate purpose of the Citizen Involvement Program is to establish effective communication and involvement between governing officials and the citizens of the community. It is intended specifically to promote awareness of this opportunity and to provide channels of communication so that the public may express their views to appointed and elected officials. It also provides means whereby citizens are guaranteed an open response to those views.

Findings:

- The Yamhill Planning Commission serves as the committee for citizen involvement and also the Citizen Advisory Committee.
- The body meets regularly and provided the direction for plan development.
- All meetings are announced, and open to the public.
- Community surveys were conducted to obtain input and determine citizen needs, desires, and opinions.

Goal:

1. To maintain a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policies:

1. The City shall employ a variety of methods of informing citizens and obtaining their opinions and attitudes on matters relating to the planning process.
2. The City shall continue to involve citizens in all phases of the planning process and shall encourage the continued involvement of the Citizen Advisory Committee.

Citizen Involvement Activities

As the designated CCI, the Planning Commission has had the major responsibility for the overall development of the Comprehensive Plan and for the implementation of a citizen involvement program.

To make sure citizens would be involved in the plan development from the outset, the Planning Commission was appointed as a Citizen Advisory Committee (CAC) in February of 1985, as per City Ordinance #355. This group has met regularly with the Planning Commission members, and together these two bodies supplied the direction for plan development.

At its regular meetings, all of which were open to the public, the Planning Commission and CAC reviewed and discussed background information on the numerous topic items which make up the Comprehensive Plan. Several City Council members have also been regular attendees of these meetings. The Planning Commission examined specific issues concerning the plan and future growth needs. On the basis of these discussions, the Planning Commission formulated draft goal and policy statements for consideration by the general public and the City Council. A public hearing was held to give all citizens the opportunity to voice their concerns about these statements.

Major methods of communication used by the CCI to solicit widespread citizen involvement in the planning process have been questionnaires, news releases, and meeting notices in local newspapers, person-to-person contact, and door-to-door distribution of informational material.

Through its citizen involvement program, a cross-section of residents has been involved in the development of the plan during all phases of the planning process. This includes data gathering and review, formulating goals and policies, recommending ordinance changes, participating in development, adoption and application of legislation to carry out the Comprehensive Plan and ordinances, and evaluating the final plan. Citizens expressing views during the planning process have received responses to their concerns from the policy makers, making the communication network a two-way street.

To enhance the citizen involvement program, the goals and policies of the proposed plan were distributed to all citizens for their review and comments. Copies of the final plan and supporting documents will be available to the public for review. The availability of the final plan and supporting documents at City Hall will serve as a means of educating and informing the local citizenry about planned future actions and policies by the City of Yamhill. This will enable and provide for continued citizen involvement in the future.

Citizen Involvement Program
for the City of Yamhill

The City of Yamhill has designated its Planning Commission as the CAC with the approval of LCDC.

The City of Yamhill encourages the involvement of all citizens in all phases of the planning process. The Citizen Involvement Program shall include the following:

I. Communication -

Effective two-way communication between citizens and elected and appointed officials will be facilitated by:

- A. Mail-back questionnaires or door-to-door surveys conducted by the Planning Commission will be distributed to each household.
- B. News releases in local newspapers.
- C. Word-of-mouth.
- D. Other media if available and feasible.
- E. Meeting notices are posted and included in utility billings if possible and appropriate.

II. Citizen Influence -

All citizens will have the opportunity and will be invited to be involved in:

- A. Data gathering.
- B. Plan preparation.
- C. Recommending changes in Comprehensive Plan and ordinances.
- D. Participating in development, adoption and application of legislation to carry out the Comprehensive Plan and ordinances.
- E. The evaluation of the Comprehensive Plan.
- F. The evaluation of the Citizen Involvement Program.

III. Technical Information -

Maps and other technical information will be made available at City Hall in a simplified and understandable form.

IV. Feedback Techniques -

The following techniques will be utilized as appropriate to provide for communication between policy makers and citizens:

- A. Minutes will be kept of all Planning Commission and City Council meetings and the rationale used to reach land use decisions will be contained therein.

- B. Results of city questionnaires will be posted in City Hall for public inspection and review.
- C. Newspaper clippings concerning recent or current land use issues in the city will be posted or filed at the City Hall.

V. Program Support -

The City of Yamhill will allocate an adequate and appropriate portion of its planning budget to the Citizen Involvement Program. Support will also include:

- A. City staff assistance in preparing questionnaires.
- B. Informational resources provided by the City.

VI. Agency Involvement -

Local, State, and Federal Agencies, School Districts and Special Districts will be asked to participate to the fullest extent possible as a source of data and future need projections.

VII. Evaluation -

Evaluation of the Citizen Involvement Program will include:

- A. Semi-annual Planning Commission review of citizen involvement in the planning process, including a report to the City Council.
- B. As a part of its evaluation, the Planning Commission will provide an opportunity for the general citizenry to be involved and make comments on the adequacy of the Citizen Involvement Program.

LAND USE PLANNING

Findings:

- Data inventories were prepared on natural resources, man-made structures and utilities, developable lands, population and economic characteristics and projections to the year 2017 and are included as a part of the technical atlas.
- Land requirements were projected and facilities and services capability to meet future growth needs were analyzed.
- The plan and urban growth boundary were evaluated based on the above information, citizen input and governmental coordination.

Goal:

1. To maintain a land use planning process and policy framework as a basis for all decisions and actions related to the use of the land and to assure an adequate factual base for such decisions and actions.

Policy:

1. The Planning Commission, acting as the Citizen Advisory Committee, will conduct a thorough review of the Plan and Implementing Ordinances at least as often as directed by the Oregon Department of Land Conservation and Development in order to satisfy the periodic review requirements of ORS 197.633.

NATURAL RESOURCES



Forest Lands

There are no forest lands in the City of Yamhill or its immediate environs. The only significant stand of trees within the planning area are found in the city park. Trees and brush line the Yamhill Creek running through the southwest panhandle of the City. There are also two large clusters of oak trees located along the eastern city boundary.

Because of the absence of forest lands within the planning area, the Planning Commission and Citizen Advisory Committee chose not to develop goals and policies for this element at this time.

Fish and Wildlife Resources

As stated in 1978, Yamhill Creek is primarily a mud bottom stream with limited areas for trout spawning. Channel alteration has occurred which has reduced the quality of trout habitat. Despite these concerns, native Cutthroat and a variety of other fish species persist in the system. Sucker, Squawfish, Dace, Scuplin, Sticklesack, and Redside Shiner are several non-game fish which have also been documented in Yamhill Creek.

Small animals, including Raccoon, Opossum, Rabbit, and Muskrat inhabit the riparian edge of Yamhill Creek, and other channels. These species are also found in areas where sufficient vegetative cover exists.

Numerous small birds and several game birds, such as Pheasant, Quail and Hungarian Partridge inhabit the planning area. These are most commonly found in open space areas which offer some protective vegetation.

The 1994 National Wetlands Inventory Map shows only minor areas of Wetlands within the Cities Urban Growth Boundary.

No rare or endangered fish or wildlife species has been identified as living within the Yamhill planning area at this time.

Findings:

- Rowland Creek and Yamhill Creek contain riparian vegetation that is important to fish and wildlife habitat and stream bank stability.
- While not depicted on the 1994 National Wetlands Inventory Map, both creeks likely contain jurisdictional wetlands.
- Yamhill Creek is buffered from development by the City sewerage facility and a high easterly bank. Rowland Creek has little development potential within the City limits.

Goals:

1. To protect remaining riparian vegetation along Rowland Creek and Yamhill Creek. Through coordination with the Department of Fish and Wildlife.
2. To protect significant wetlands within Yamhill's Planning jurisdiction.

Policies:

1. The City shall protect riparian areas by establishment of a stream corridor protection area.
2. The City shall provide notice to Division of State Lands on development involving identified and potential wetlands.
3. The City shall investigate funding sources applicable to local wetland inventory requirements.

City of Yamhill, Oregon

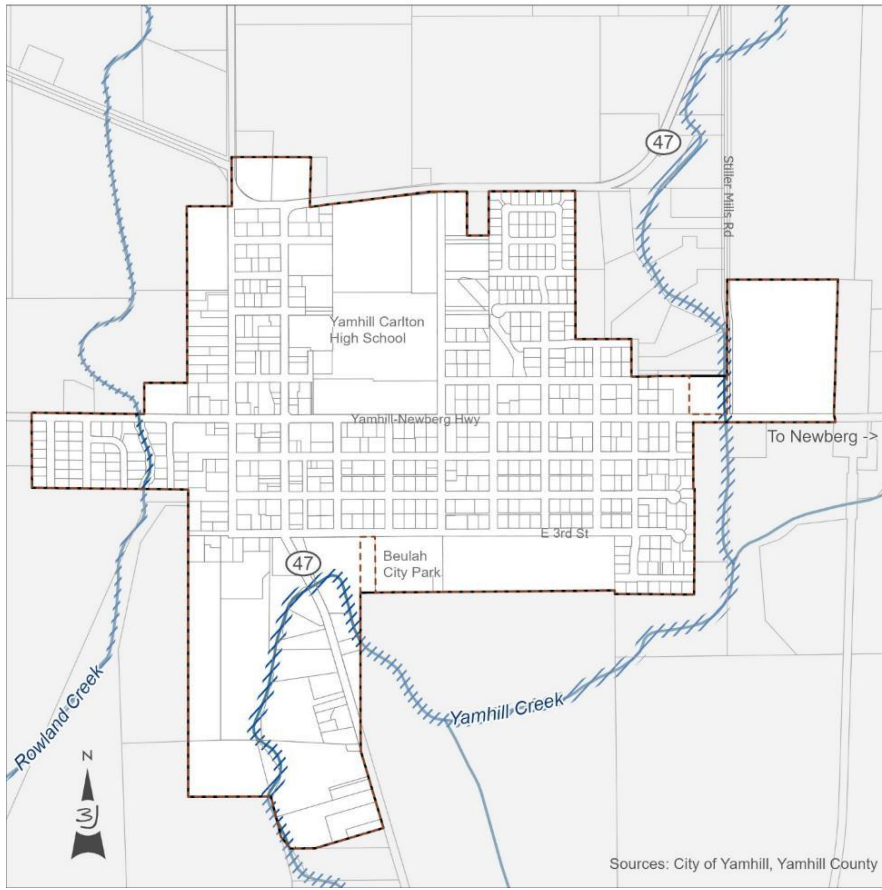
Riparian Corridors

March 2025

0 500 1,000 2,000 Feet

-  UGB
-  City Limits
-  Tax Lots

-  Streams
-  Stream Buffers



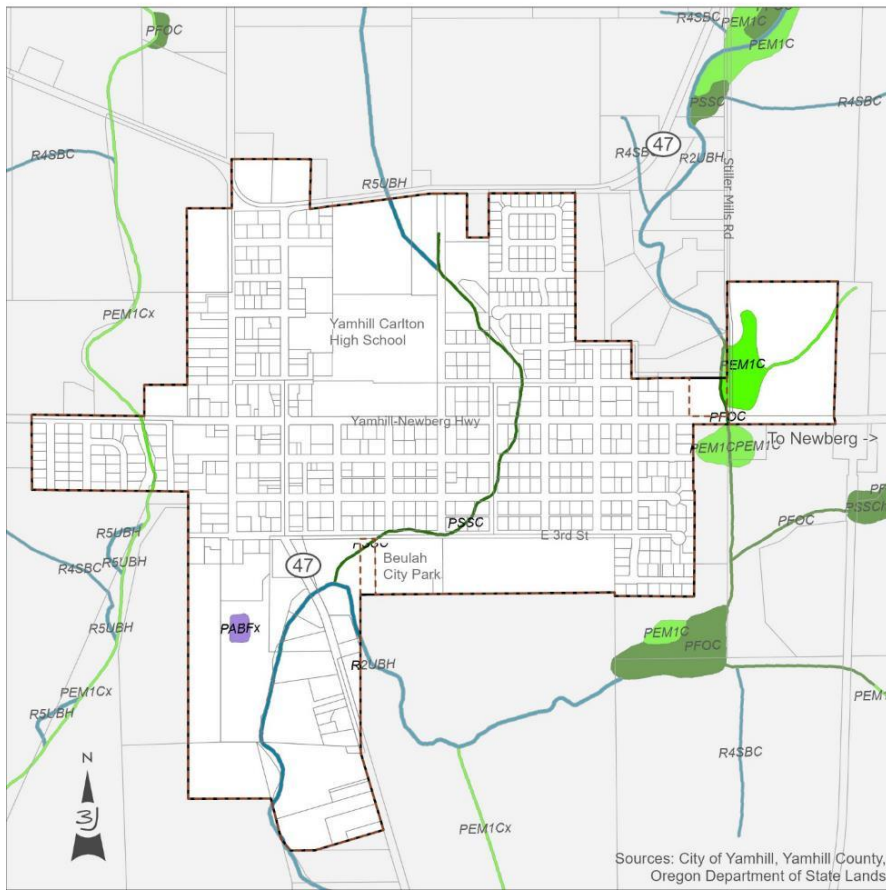
City of Yamhill, Oregon

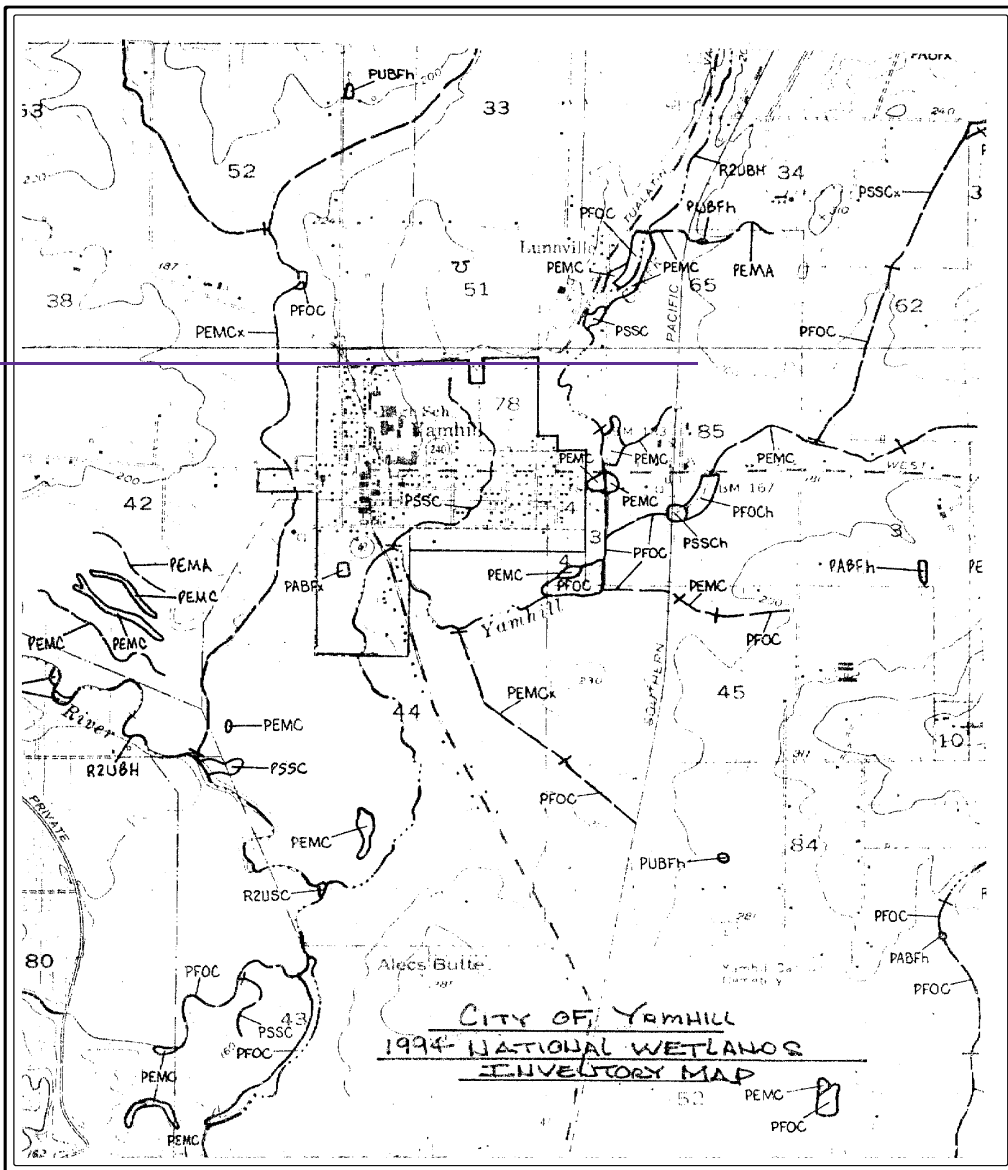
Wetlands

March 2025

0 500 1,000 2,000 Feet

 UGB	 Freshwater Emergent Wetland
 City Limits	 Freshwater Forested/Shrub Wetland
 Tax Lots	 Freshwater Pond
	 Riverine





Mineral and Aggregate Resources

An inventory of mineral and aggregate resources for Yamhill County was completed in 1981 by the Department of Geology and Mineral Industries. There is no existing quarrying activity in the Yamhill planning area at this time.

Findings:

- Development of mineral and aggregate resources within Yamhill County impacts the cost of public infrastructure in Yamhill.

Policies:

1. The City shall support the development and protection of mineral and aggregate resources throughout Yamhill County.

Agricultural Lands

Within the city limits of Yamhill there are about 20 acres devoted to agriculture. This represents a small percentage of the total land area in the City. All 20 acres are composed of SCS Agricultural Capability Classes I, II, or III soils.

The buildable agricultural lands have been determined to be necessary for the future urbanization of the City to the year 2017. Until such time as these lands are needed, agriculture shall serve as an interim land use within the planning area. However, much of the agricultural lands lie within the floodplain of those creeks which run through the City. The lands display generally marshy conditions during the wet winter months. For this reason most of the City's agricultural land shows severe building limitations because of soil characteristics and flood hazard.

Findings:

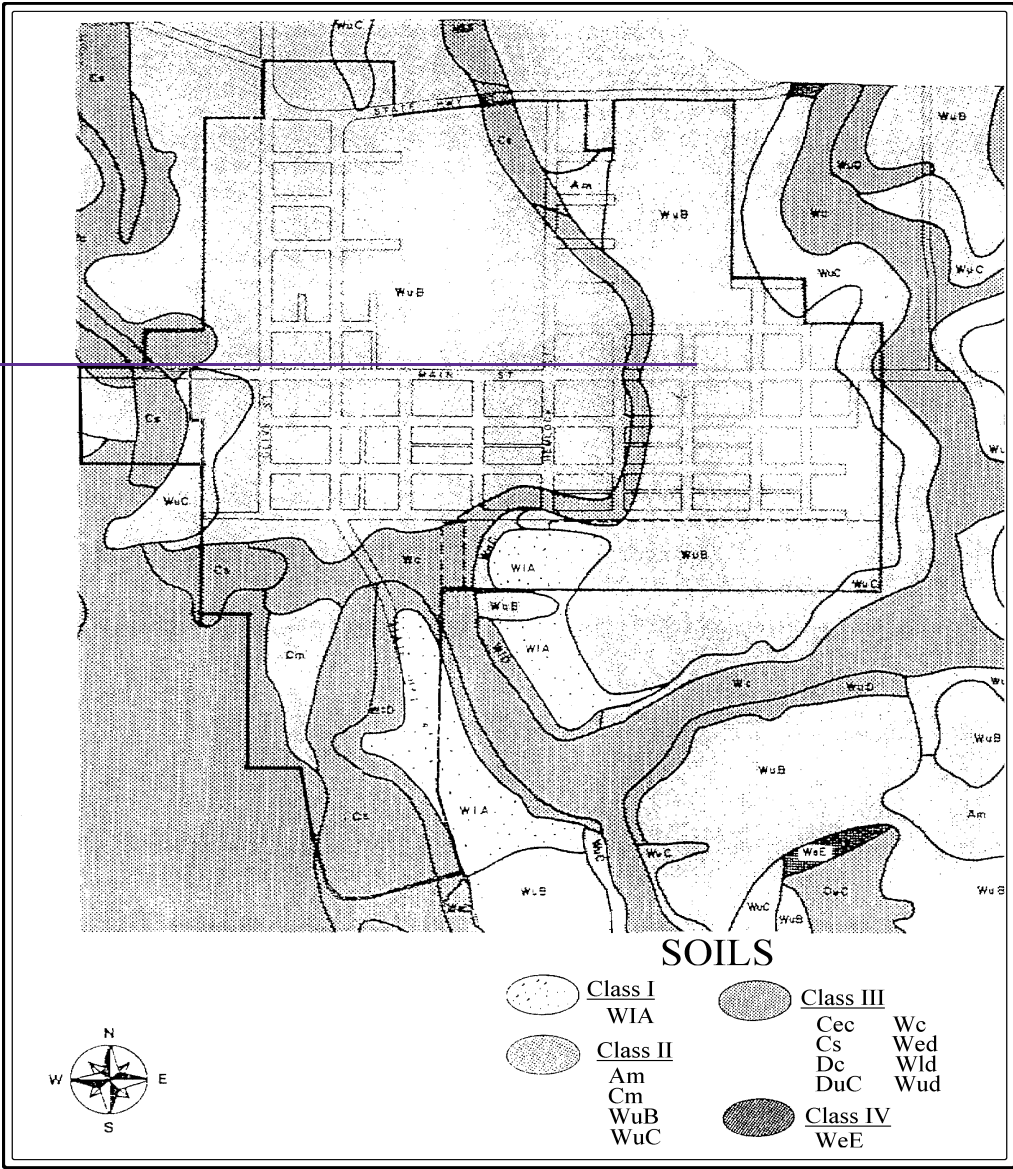
- Within Yamhill's municipal boundaries there are approximately 20 acres of land devoted to agricultural uses. This represents a small percentage of the City's land area.
- All 20 acres are SCS Agricultural Capability Class I, II, or III soils.
- The principal farm crops grown in the planning area are grains and nuts. Grazing lands also make up a significant share of the agricultural activity in the area.

Goals:

1. To provide for a timely, orderly, economic development of agricultural lands to urban uses.
2. To preserve agricultural lands until needed for development.

Policies:

1. The City shall encourage Yamhill County to restrict commercial and residential development outside the Yamhill Urban Growth Boundary.
2. Any offsite costs generated by a developer as determined by the Council upon Planning Commission recommendation shall be mitigated to the extent as determined by the governing bodies. These costs shall include but not be limited to sewer and water line improvements, street improvement, and storm drainage improvements.
3. All developments shall be analyzed for both long term and short term impacts to the City. Negative impacts shall be mitigated by whatever action determined to be necessary by the City Council upon recommendation of the Planning Commission.



City of Yamhill, Oregon

Soil Classifications

March 2025

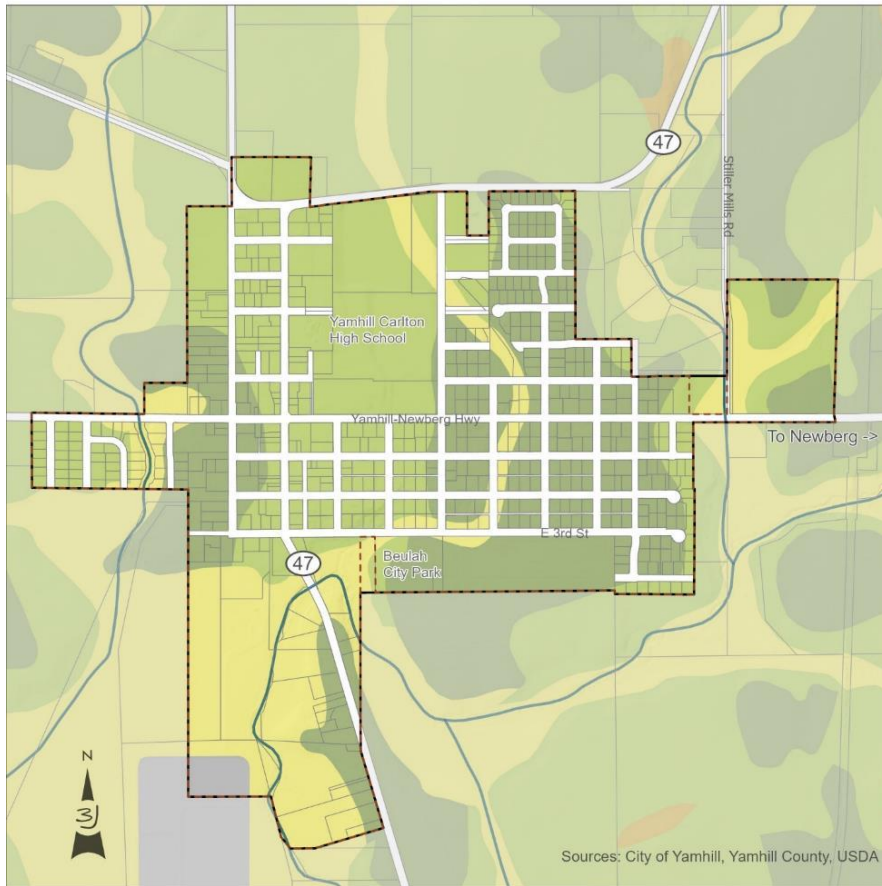


- UGB
- City Limits
- Tax Lots
- Streams

Soil Class*

- I
- II
- III
- IV
- VIII

* Highest-rated soil class is shown, regardless of irrigation status.



Sources: City of Yamhill, Yamhill County, USDA

OPEN SPACES, SCENIC, AND HISTORIC AREAS,
AND NATURAL RESOURCES

Open Spaces and Scenic Views

There are areas within the City of Yamhill which are desirable to preserve as open spaces. The most notable of these are the agricultural and undeveloped lands in the southwestern portion of the City. However, should be noted that as a rural community, Yamhill is surrounded by scenic farm land and open spaces which lend an overall pastoral setting to the City.

Findings:

- Within the Community are found significant areas of floodway and flood fringe which offer open space potential. These areas make possible a wide range of uses and functions for land that is normally considered impractical and unwise for urban development. For example, when left in a natural state such areas can be a visual asset to the City. They can serve as a wildlife refuge for fish, birds and small animals. They can provide recreational opportunities such as bicycle and hiking paths; and they can serve as an open space buffer between areas of urban settlement.
- Other existing uses which provide open space in Yamhill include schools, vacant lots, and the city park. Scenic views are offered by the number of historic structures in the Community and by the Coast Range mountains to the west of the City.
- Yamhill was first platted in 1889 and incorporated as a City in 1891. Settlement of the area had occurred some 40 years before this when the first business establishment appeared around 1858.
- Within Yamhill, there are four buildings listed in the Statewide Inventory of Historic Sites and buildings. These are the John Marian Bunn House, the Lee Laughlin House, the United Methodist church, and the Yamhill Christian Church. Both the Bunn House and the Laughlin House have been nominated for inclusion on the National Historic Site Register.

Goal:

1. To conserve open spaces and preserve natural and cultural resources.

Policies:

1. The City shall establish and abide by a policy to protect the significance of cultural resources that have been identified.
2. The City shall investigate funding sources applicable for restoration.
3. The City shall ensure that, as development occurs, appropriate and suitable land will be retained in permanent open space.

4. Yamhill's designated historic sites shall be protected, promoted, and enhances as important community cultural resources.
5. Yamhill's inventory of historic resources shall be periodically updated to include any additional sites or qualifying structures.
6. Special incentive programs for restoration and preservation shall be investigated and applied.

Air Resources

Yamhill exceeds the air quality standards set by D.E.Q., and there exists very slight potential that air pollution would pose a problem with the planning area, however, the City sees a need to maintain the present air quality and to evaluate the impact of future development of air resources.

Findings:

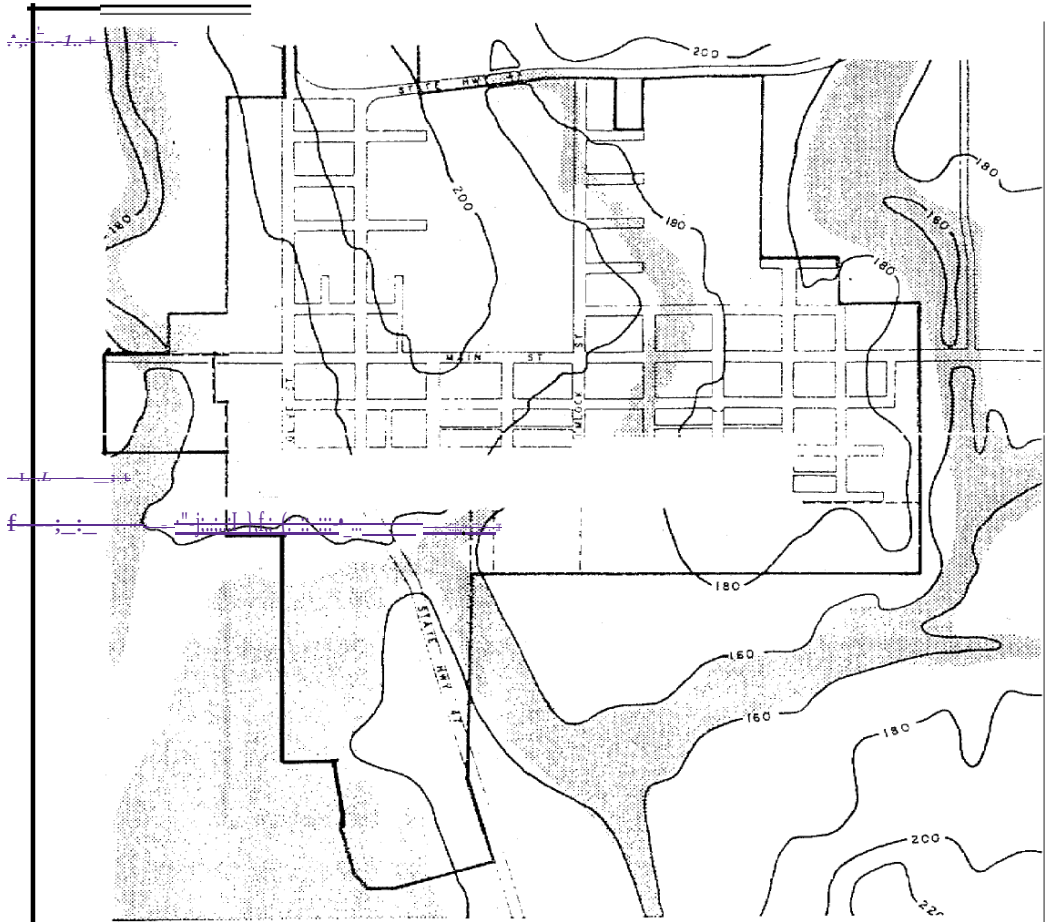
- Federal and State air quality standards are presently being met.
- Field burning is a seasonal form of air pollution.
- The overall area is susceptible to temperature inversions.
- Increased automobile traffic will increase auto related air pollution.

Goals:

1. To maintain and improve the quality of the air resources of the City and State.

Policies:

1. The City shall support State, and Federal agency efforts to maintain and improve the air resources of the City and State.
2. The City shall restrict future developments which would detrimentally affect the quality of the air resources.
3. The City shall encourage alternative forms of transportation to reduce automobile emission pollution.
4. The City shall encourage the minimization of noise levels wherever possible.
5. All development within the City shall comply with D.E.Q. air quality standards.



TOPOGRAPHY

① 100 Year Flood Plain

U.S. Army Engineer District, Portland,
Hydrology Section, September 1980

② Contour lines are measured in feet
above sea level.



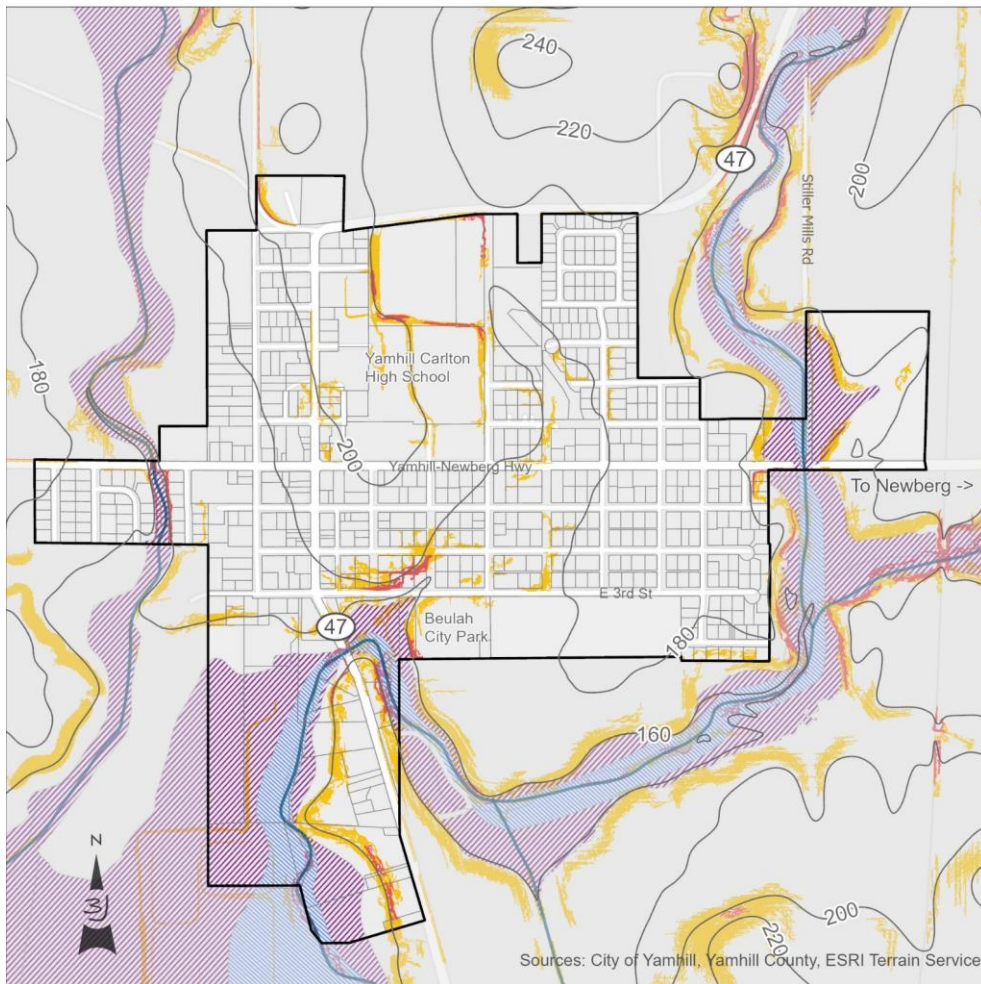
City of Yamhill, Oregon

Constraints

April 2025

0 500 1,000 2,000 Feet

-  Streams
-  20-Foot Contours
-  UGB
-  Tax Lots
-  100-Year Floodplain
-  Regulatory Floodway
- Slopes**
-  10% to 25%
-  More than 25%



Natural Hazards

The only identifiable natural hazards found in the Yamhill area are due to flooding, soil hazards, and steep slopes. Approximately 20 percent of the planning area is subject to some form of natural hazard. Although some of these areas are presently developed, agriculture and open space are the primary uses of the land. All of this land area has severe building limitations and should be extensively evaluated to adequately plan for future growth.

Flood Plains

Approximately 15 percent of Yamhill's land area lies within an identified flood hazard area. Most of this is in agricultural or open space use at the present time. Any use of flood hazard areas should be carefully evaluated before future development is allowed to occur.

Findings:

- There are approximately 55 acres of identified flood plain within the Yamhill Urban Growth Boundary.
- Extensive areas of 100 year flood plain exist adjacent to the Urban Growth Boundary.

Goals:

1. To minimize danger to public safety and welfare from flooding and improve the general welfare by reducing economic loss due to interruption of business and industry, or damage to homes and other properties.
2. To minimize damage to public facilities and utilities such as water, electric, telephone, and sewer lines, and streets and bridges located in areas of specific flood hazard.
3. To help maintain a stable tax base by providing for the sound use and development of areas of specific flood hazard so as to minimize future flood blight areas.
4. To minimize expenditure of public money required for costly flood control and allotment programs.

Policies:

1. The City shall restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
2. The City shall designate areas of recognized flood hazard on the plan map.
3. The City shall recognize and incorporate additional flood data as it becomes available.
4. The City shall initiate a high water watch to document and record high water levels within the flood hazard area.

5. The City shall make information regarding flood hazard available to the public to ensure that those who consider occupying areas of potential or existing flood hazard have access to appropriate information and assume responsibility for their actions.
6. The City shall require that uses vulnerable to floods including facilities which serve such uses be protected against flood damage at the time of initial construction.
7. The City shall ensure that public utilities be protected from flood hazard at the time of initial construction, including sewer and water lines.
8. The City shall control the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
9. The City shall control filling, grading, dredging, and any other development which may increase flood damage.
10. The City shall prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards in other areas.
11. The City shall develop appropriate zoning and subdivision ordinances as a way to guide development within the flood plain. The City shall encourage expansion into areas not affected by the flood plain hazard.

Soil Hazards

Of the eight soil types present within the Yamhill Planning area, three soils, occupying approximately 77% of the land, are in the category of "slight building limitations." These soils present little or no problems for residential development. Of the remaining five soil types, two soils, occupying about 8% of the land, are in the "moderate" category and three soils, occupying 15% of the land, are in the "severe" category.

Soil characteristics which severely limit constructing buildings on approximately 15% of the Yamhill land area include flooding hazard; seasonal high water table; high shrink-swell potential in subsoil; low shear strength; and poor drainage.

Goal:

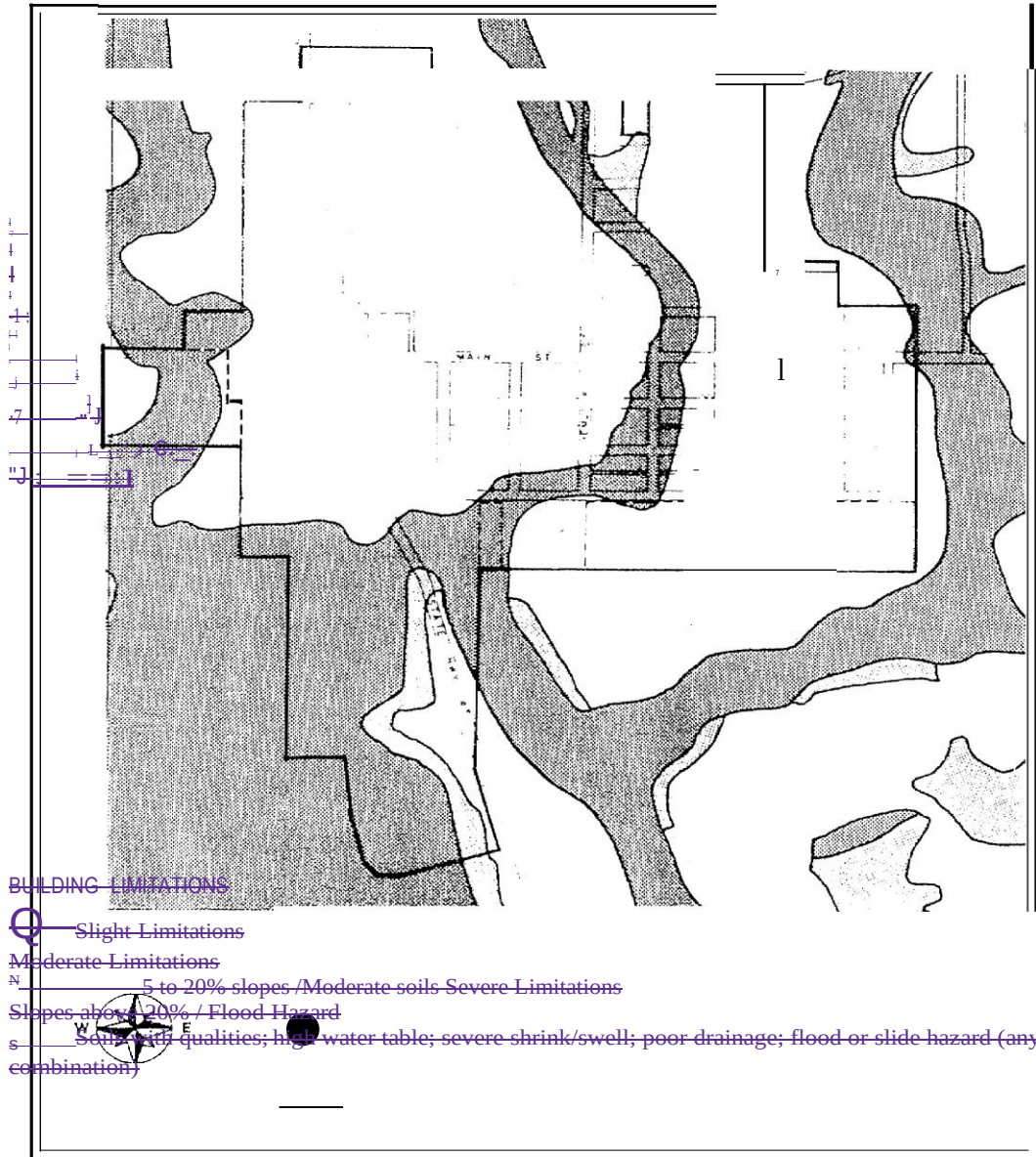
1. To recognize areas of soil hazard and require uses vulnerable to soil hazard to be protected from future damage at the time of initial construction.

Policies:

1. The City shall designate areas of recognized soil hazard on the plan map.
2. The City shall make information regarding soil hazards available to the public to ensure that those who consider occupying areas of potential or existing hazard have access to appropriate information and assume responsibility for their actions.
3. The City shall request assistance and comment from appropriate agencies in evaluating development in areas of known soil hazard.
4. Through assistance from appropriate agencies, the City shall assure that criteria for building in soil hazard areas is met. Special consideration shall be given to Chapter 29 of the Uniform Building Code.

These criteria include but are not limited to: adequate foundation plans; adequate drainage, erosion and sedimentation plans; adequate road and sidewalk construction; and adequate protection for utilities, including sewer and water lines.

5. The City shall ensure that building plans of large structures in areas of known hazard, including industrial and commercial structures, bear the stamp of an engineer, registered in the State of Oregon, and his statement that foundation plans are adequate for the soil conditions on the site.
6. The City shall ensure that public utilities and services be protected from soil hazard at the time of initial construction, including sewer and water lines.

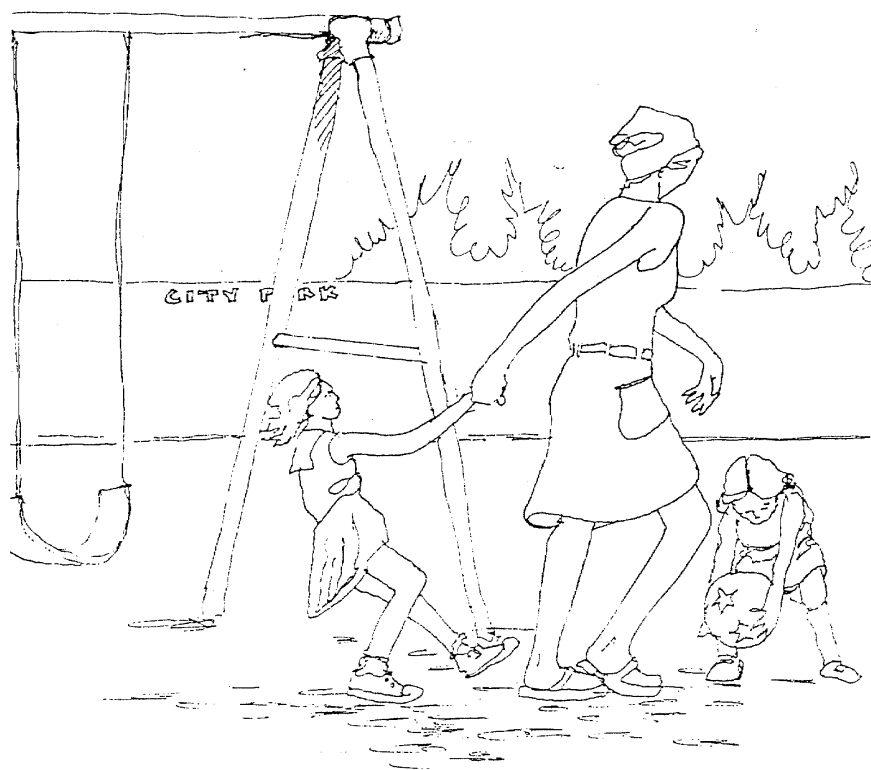


Steep Slopes

The steepest slopes in Yamhill are found along Third Street across from the City park. ~~These slopes are in the 12-20% range.~~
Steep slopes, while not necessarily a hazard themselves, are a factor to be considered when combined with soil characteristics.

~~Steep slopes in Yamhill because of their very limited area and associated soil characteristics are a negligible hazard. Because of this the Planning Commission and Citizen Advisory Committee have chosen not to develop goal and policy statements for this element. The Oregon Department of Geology and Mineral Industries is currently conducting a study of slopes in the Yamhill area. Upon completion of the study, the City will use the results to adopt new goals and policies related to steep slopes.~~

COMMUNITY RESOURCES



Recreation

Yamhill recognizes the importance of places for recreation for the community's well being both in the variety of parks available, and in the open space possibilities within the City. It is the City's intent to continue to maintain a balance between work, living and play spaces.

Findings:

- Yamhill currently has one city park. This 5-acre park contains picnicking and playground facilities, as well as a kitchen area and restrooms. Athletic fields at the elementary and high schools are also available for use by the general public.
- There are no county or state parks in the immediate vicinity of Yamhill. Menefee Park is a 1.08 acre county-owned park located 8.7 miles northwest of the City. Haskins Creek Park (1-2 acres), which is maintained by the McMinnville Water and Light Co., is located approximately 10 miles east of the City. Bald Peak State Park (26 acres) lies about 10 miles northeast of the Community.
- According to standards released by the Parks and Recreation Branch of the Oregon Department of Transportation, a city-wide park should be 2½ acres per 1,000 people. With an estimated 1997 population of 981, Yamhill easily meets this standard. In addition, the existing city park is large enough to meet the needs of the City's projected population to the year 2017.
- The existing City park has no open space for sports events and receives very little use outside the summer months. The park is in need of general upkeep and maintenance.
- The City lacks adequate recreational facilities for all age groups. An organized summer recreation program has been identified as a particular need.

Goals:

1. To provide adequate parkland, recreational opportunities and facilities for the citizens of Yamhill and its Visitors.

Policies:

1. The City shall provide support to maintain, upgrade, and expand park facilities, programs, and opportunities as the need arises consistent with the fiscal responsibilities and policies of the City.
2. The City shall investigate appropriate funding alternatives and other suitable recreation programs and alternatives. These shall include:
 - (a) Investigation of outside funding sources including state, federal, and private funding;
 - (b) Local measures, including bonding and special tax levies; and
 - (c) Subdivision ordinance provisions requiring developers to set aside adequate park space or donating commensurate funds in lieu of for recreational purposes.

3. The City shall support and recognize the future overall recreational needs of Yamhill County, and when necessary, support the County's future recreation planning and development.
4. The City and school district shall continue to encourage the appropriate cooperative use of district-owned recreational facilities.
5. Bicycle and pedestrian ways shall be examined and where appropriate, recognized as potential recreation and transportation opportunities for both Yamhill's citizens and the City's visitors.
6. The City shall encourage the establishment of the Chamber of Commerce Park Commission.

Public Facilities and Services

The orderly and cost efficient service of public facilities and services to present and future residents of Yamhill is a high priority of the City. The City is serviced by public water, sewer, and a limited storm drainage system. Other public facilities and services that have been identified as necessary to promote the health, safety, and general welfare of the community are: educational facilities, solid waste disposal, fire protection, police protection, medical services, city government, social and cultural services, communications, electrical power, and street construction and maintenance.

Education

Prior to the 1993-94 school year, there were two school districts serving the educational needs for the City of Yamhill. Yamhill School District (which had operated Yamhill Grade School) and Yamhill-Carlton School District (which had operated Yamhill-Carlton High School) merged into Yamhill-Carlton School District and have been operating these same two schools (plus the nearby Carlton Grade School) since then.

Yamhill-Carlton High School serves grades nine through twelve on a 14 acre tract just north of the grade school. Enrollment is projected to be well above capacity at 500 students for the fall of 1997.

Solid Waste

City Sanitary and Recycling Service of McMinnville provides the solid waste and recycling service for Yamhill and the immediate area. Service rates are submitted to the City Council for approval. In addition, service rates are adjusted annually by the August CPU-U West C to account for general increases in the costs of performing services.

Refuse is picked up by truck and transported to the Riverbend Landfill site, 3 miles south of McMinnville. City Sanitary and Recycling Service has entered into a 20 year disposal contract with Sanifill, the owner of Riverbend Landfill.

Recycling solid waste materials reduces the volume of material to be disposed of, and conserves energy and material resources. Materials generally recycled are glass, ferrous and non-ferrous materials, plastics and paper.

Water Supply System

Flowing east out of the Oregon Coast Range mountains, Turner Creek provides the City of Yamhill with its only source of public water.

The water supply has been sufficient to meet the City's water needs, although during the driest summers, supply has been limited and curtailment measures within the city have been necessary to ensure adequate storage. There are concerns that during a significant drought Turner Creek would not be able to meet raw water demand, and production would not be able to keep up.

The Yamhill Water Treatment Plant (WTP) utilizes a mixed-media filtration system, along with the addition of various chemicals, to achieve treatment of the raw water. There are no major issues with the existing WTP water treatment plant's ability to meet current demand.

Treated water is gravity fed from the WTP to the City's two 500,000-gallon water storage reservoirs. The reservoirs consist of a welded steel tank constructed in 2002 and a concrete tank constructed in 1959. There are no major issues with the existing water storage at this time.

The Yamhill water system has approximately 11 miles of distribution and transmission piping ranging in size from 1.5 inches to 10 inches in diameter. The system is generally configured with adequate looping and decent interconnectivity, but some key areas are not looped, limiting the effectiveness of the existing system-looping. While portions of the system were constructed prior to 1965, the majority of the system was updated during two major projects in 1965 and 1973. Several subdivisions were developed starting around 2000, as a result there are several localized areas of newer pipe. The City's distribution system is in generally fair condition, as suggested by the current leakage rate of approximately 20%.

The Turner Creek Reservoir holds 30 acre-feet of surface water. The City holds permits for storage and use of this reservoir water amounting to 0.826 million gallons per day.

Constructed in 1959, the concrete reservoir stands on a hill 2.5 miles northwest of the City. Gravity fed water flows through a transmission line to the City. The 10-inch pipe, constructed of asbestos cement, is part of an area study. At this time, the City is nearing completion of a Water System Master Plan. The plan will address previous violations and system deficiencies.

Public Sewer System

The City of Yamhill owns and operates its own wastewater collection, treatment and disposal system. The wastewater system consists of a gravity collection system throughout the City, an influent pump station, a facultative lagoon treatment system, and river outfall.

In 1996, the outdated contact stabilization treatment plant was replaced with a 4-lagoon facultative treatment system. The first three lagoons serve as treatment, with the fourth lagoon acting as a dechlorination and summer holding pond. The new treatment system is designed to meet wastewater flows through the year 2013.

Storm Drainage

Yamhill does not have to have an overall City storm drainage system. Drainage facilities exist for a small two-block section in the west end of the City. The remainder of the City relies on surface drainage. Open swales along residential streets collect much of this drainage.

Fire Protection

The Yamhill Rural Fire District provides fire protection for the City of Yamhill. The fire district encompasses an area of about 72 square miles. Presently there is a fire chief and 30 volunteer firemen in the district.

Yamhill currently has a fire rating of 7. One reason for this high rating is the varying sizes of water mains in the City's water system. Water pressure ranges from 75 to 90 pounds/square inch, depending on the diameter of the water main. The district is presently experiencing no problems in providing adequate fire protection for the community. Approximately 200 alarms are responded to each year.

Police Protection

Yamhill currently employees two full-time police officers, and three reserve officers. While the Chief of Police is generally on call 24 hours per day, Yamhill County Sheriff's provide service to the City when there is not an officer on duty. The City contracts with Yamhill County for use of the County jail facility. The City's equipment consists of four fully-stocked patrol vehicles, and other miscellaneous equipment necessary for the enforcement of law.

Medical Services

There are presently no medical facilities or physicians in Yamhill, although numerous and varied such services are accessible in the surrounding cities. In Carlton, three miles away, McMinnville's Physician's Medical Center maintains a satellite office. There is also a pharmacy in Carlton. Numerous additional medical facilities exist in both McMinnville and Newberg. The County Public Health Department, located in McMinnville, offers a number of health services to county residents. Home Health Services are available through both local hospitals, as well as through various private agencies. In addition, Health Dynamics Hospice provides in-home hospice services. Also, the Yamhill County Public Health provides a variety of health services to county residents.

City Government

Yamhill has an elected Mayor - Council form of government. The Council consists of the Mayor and Four Council-members. A five member Planning Commission is appointed by the Council. The responsibilities of the Planning Commission include the approval of [specified](#) land use applications consistent with the existing charter and ordinances of the City; and serves as an advisory body to the Council.

The City employs a staff of seven full-time persons, one seasonal temporary person, and two reserve officers for the following municipal services: a City Recorder/Treasurer, a City/Municipal Court Clerk, a Chief of Police and one full-time police officer, and a Public Works Superintendent, and 2 full-time and 1 seasonal temporary public works employees.

The City also contracts for the services of Municipal Judge, City Attorney, Building [Official Inspector](#), City Planner, and City Engineer (on a project basis).

Social and Cultural Services

Due to the close proximity to McMinnville, Newberg and the Portland Metropolitan area, Yamhill residents are offered a wide range of social and cultural activities. Local organizations include the Yamhill Chamber of Commerce, Lions Club, the Oddfellows, the Rebekahs, the Pythian Sisters, Eastern Star, Yamhelas Community Resource Center (YCRC), 4-H Homesteader, Share and Care, White Cloud Extension, Senior Citizens Activities, Softball Association, Girl Scouts, Brownies, and the Cub Scouts and Boy Scouts.

Communications

Because of its proximity to larger urban centers, Yamhill has a good variety of communication facilities available to it. Although the City does not publish its own newspaper, local news and public information is regularly printed in the News-Register, which is published in McMinnville.

There are presently two radio broadcasting stations in McMinnville, KMCH and KSLC-FM, plus a variety of stations in Portland that can be received in the Yamhill area. Six television stations are available to local viewers, and cable service is provided by T.C.I. Yamhill's telephone service is provided by G.T.E.

The City has had a post office since 1858. There is no mail delivery service to the west side of the City at this time, however mail delivery is available on the east side of the City, with the general exception of no mail delivery to the Commercial Zone. All residents and businesses without mail delivery pick up their mail at post office boxes.

Street Construction and Maintenance

Street construction and maintenance are not budgeted through City funds; instead repairs are funded through state tax fund allotment. There is a need to identify other funding sources so that street construction and maintenance will keep pace with Yamhill's growth trends.

Goals:

1. To develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for future development.
2. To achieve and maintain an orderly and efficient solid waste disposal system which will meet the needs of the community.

Policies:

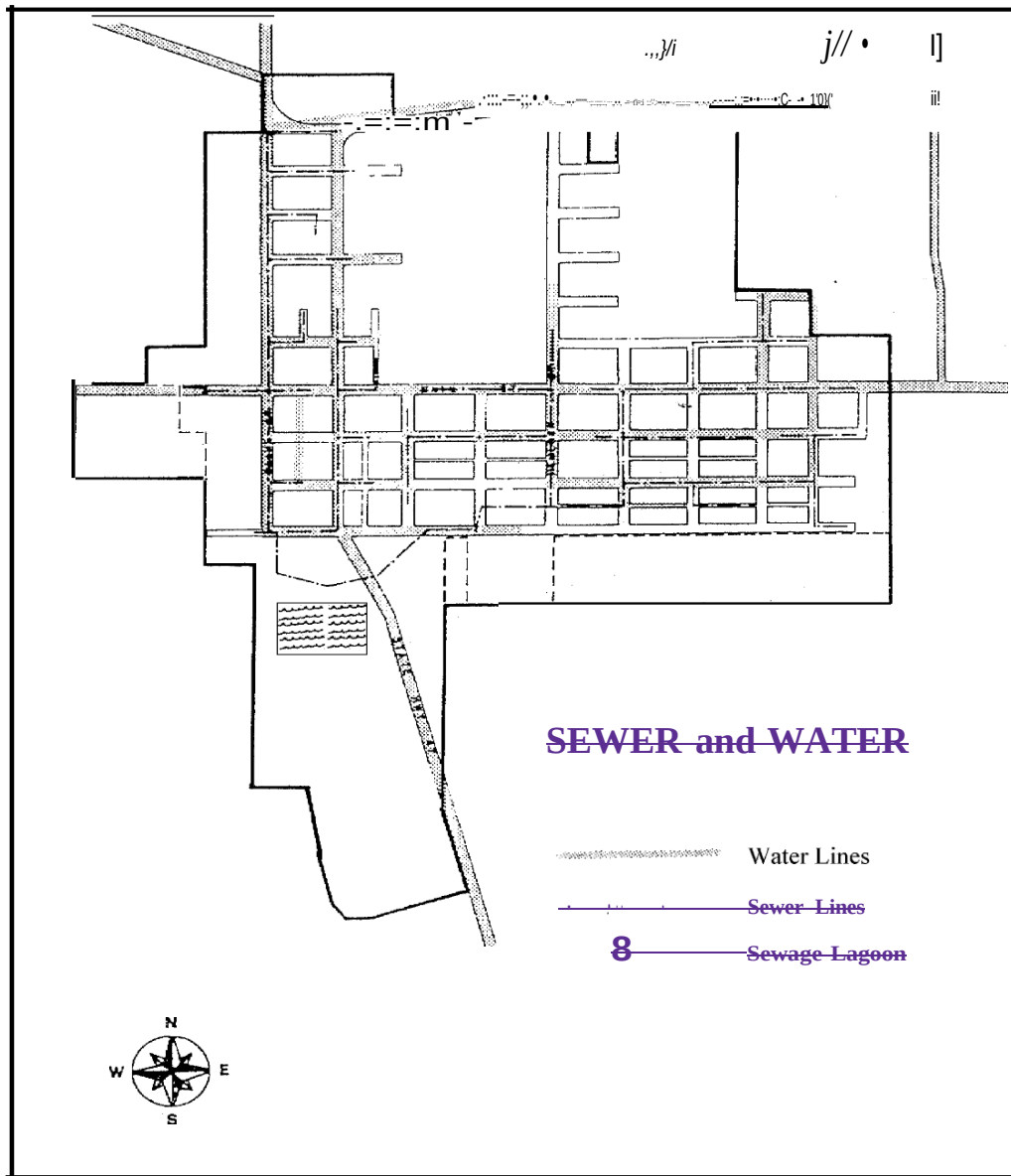
1. The City shall support the upgrading and maintenance of the sewer and water systems as vital elements to the continued well being of the community.
2. The City shall examine, identify and promote energy efficient and cost effective methods to provide and maintain public facilities and services. These include, but are not limited to the following: street, curb, and sidewalk construction; and provision of adequate drainage measures, both man-made and natural, to accommodate storm runoff.

3. The City shall ensure that adequate sedimentation, erosion control, and drainage measures are taken for all new buildings and development.
4. The City shall investigate and promote measures to improve and maintain a high standard of water quality within the domestic system, including investigation of funding sources applicable to implementation of identified improvements.
5. The City shall coordinate the type, location, and delivery of public facilities and services in a manner that best supports the existing and proposed land use of the community.
6. Developable areas which are most easily served by public facilities and services shall be identified and promoted as priority development areas.
7. Transportation planning shall funnel major traffic flows away from residential neighborhoods.
8. The City, as the need arises, shall investigate and promote the use of funds in addition to state monies for the construction and maintenance of city streets and sidewalks.
9. A public facility and service should not be provided in a developable area unless there is provision for the coordinated development of all facilities and services applicable to the kind of development intended.
10. A high standard of police and fire protection shall be maintained and expanded as needed.
11. When in the best interest of the community, the City shall support and promote the use of county-wide social services. Particular attention shall be paid to the needs of the youth and the elderly.
12. The City shall coordinate efforts with the contracted disposal service to assure that the solid waste disposal needs in the community are being met in a most cost efficient and energy conserving manner.
13. The City shall promote recycling of solid waste materials.
14. The City shall encourage the Chemeketa Region Solid Waste Management Program to provide policy and implementation alternatives for an effective solid waste program.
15. The City shall encourage the County and the Chemeketa Solid Waste Region to coordinate with, and inform the City of all solid waste management decisions relative to the community.
16. The City shall require all development to comply with State and Federal environmental rules, regulations, and standards.

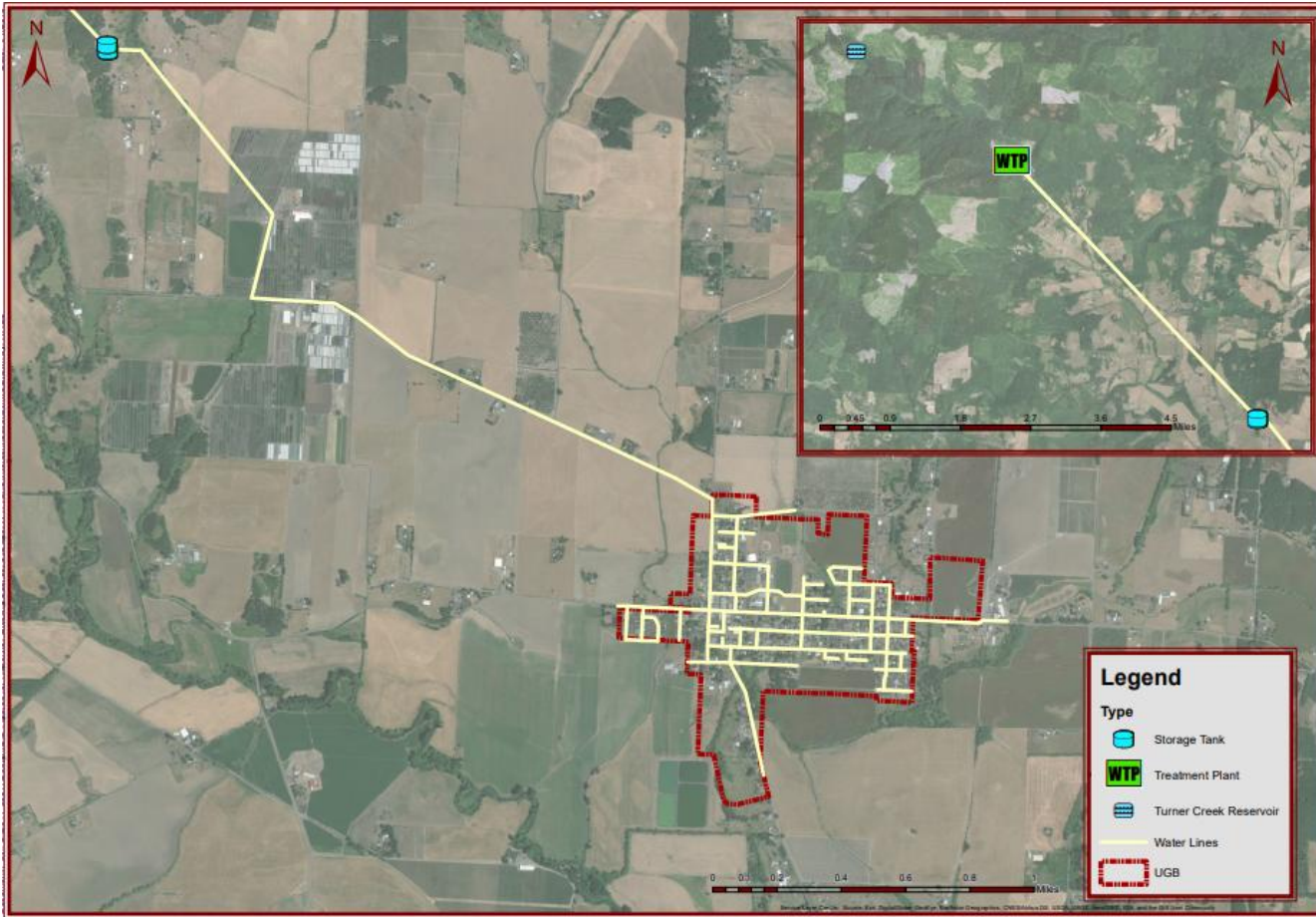
17. The City shall encourage and assist Public Works employees to maintain required operator certifications relating to Water and Wastewater systems.

18. The City shall review Land Use Applications relating to commercial/industrial activities to assure Total Mass Discharge Limits (TMDL) are not exceeded at the City's point of wastewater discharge.

~~18-19.~~ The City shall explore options to secure a sustainable, long-term water supply.



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HBH
CONSULTING
ENGINEERS

**2017 Yamhill
Water Master Plan**

**Existing Sources, Storage, Water
Treatment Plant, and Distribution System**

1

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Transportation

Transportation in Yamhill consists of automobile, bicycle, and pedestrian traffic. Maintenance and improvement of existing city streets will continue to be a priority. A balanced approach in the use of available funds is in the best interest of the entire community.

Yamhill is conveniently located within a short driving distance to McMinnville, Forest Grove, and Newberg, which offer transportation services including airport shuttles, bus lines, and Tri-Met (light rail will be available in Hillsboro at the end of 1998). Using amenities available from these larger communities until Yamhill can support the local availability of such services is a helpful transportation option. However, more local transportation choices to meet daily lifestyles of Yamhill's citizens such as services to the elderly and disabled, bike paths, and safe, aesthetically pleasing pedestrian walkways are needed. Furthermore, any participation in future county transportation services should be heavily encouraged.

Due to the size of Yamhill, noise pollution from Highway 47 and Highway 240 can be heard by many citizens. Heavy trucks frequent these Highways. Enforcing speed limits at unpredictable hours and working with the county in future development of these roadways (studying the feasibility of a truck bypass as traffic flow increases or use of signs or other measures to slow traffic) is a crucial factor in retaining the peaceful living conditions of Yamhill. Other sources of loud noises disturbing the peace originate from mufflers, oversized car stereo speakers, and off-road recreational vehicles.

Findings:

- The automobile constitutes the primary mode of travel in Yamhill.
- Highway 47 (Maple Street) is the City's most heavily traveled road.
- Pedestrian sidewalks exist along only a few major streets in the City, and are not continuous around City blocks where minor streets are located.
- There are no developed bicycle paths in the City, although Highway 47 is a State Designated Bicycle Route.
- Major traffic problems which have been identified are as follows:
 - (a) On-street parking too close to intersections poses a traffic hazard:
 - (b) The loading and unloading of commercial vehicles from City streets poses a traffic hazard;
 - (c) Off-street parking to accommodate anticipated future growth is a concern.
 - (d) The intersection of Highway 240 and Highway 47 and the intersection of First Street and Highway 47 create the most serious traffic hazards in Yamhill. Poor visibility, particularly when traveling in an easterly direction, is the main reason for hazardous driving conditions at both intersections.

- (e) The 1985 Oregon Highway Plan identified State Primary Highway 47 as being capacity deficient within the City. Due to several past street overlay projects, exposure along sidewalks has been greatly diminished, thus increasing chances of loss of life and property damage along the commercial area.
- (f) The 1993-98 State Transportation Improvement Program does not identify any proposed projects for the City of Yamhill.
- The greatest City demands, in regards to transportation, are for continued maintenance and paving of City streets; and maintenance and installation of sidewalks.
- Approximately 5.6 miles of streets exist within the City. There are 12 north-south streets and 10 east-west streets in Yamhill. Approximately .2 mile (3-4%) of the streets are not paved.
- At present, the only form of public transportation available to all Yamhill citizens is the Dial-A-Ride program operated by the Community Action Program of Yamhill County, which requires a 24 hour notice/request for transportation within the county. Other mass transportation options exist for special populations or purposes only; such as thru the Veteran's Office, Red Cross Transportation (medical appointments), or DHR Volunteer Services.

Goals:

1. To provide a safe, convenient, aesthetic, economic, energy efficient, reliable, and multi-modal (road, rail, public transportation, bicycle and pedestrian pipeline) transportation system for all users; including the young, elderly, disabled, and the disadvantaged.
2. To maintain an ongoing transportation planning process keyed on the needs of the travelling public and coordinated among state, regional, and local jurisdictions.
3. To implement a level of transportation development which positively contributes to the City's livability.
4. The City shall work in conjunction with Yamhill County to enhance and promote inter-modal connectivity throughout the transportation system plan.
5. The City shall continue to evaluate potential funding sources for implementation of a transportation plan.
6. The City shall establish a process to provide notification to Yamhill County Public Works Department and Oregon Department of Transportation for land use actions that have an impact on each agencies respective road/highway system.

General Policies:

1. All transportation facilities shall be sited, designed, and constructed so as to minimize visual and environmental impacts on the natural and social features of the area and meet accepted engineering design standards.

2. All transportation facilities shall respect adjacent land uses and shall be designed in a way which promotes the community aesthetically.
3. All transportation improvements shall be used to guide urban development and shall be designed to serve anticipated needs of the City and its residents.
4. The City shall promote and encourage the usage of alternate modes, including public transportation, bicycle and pedestrian systems. Urban Growth Boundary Amendments shall be coordinated with Yamhill County and Oregon Department of Transportation to assure future transportation needs are addressed.
5. All Transportation planning and improvements shall be coordinated with county, regional, and state transportation plans.

Automobile Policies:

1. Hazardous and inferior road sections and intersections shall be identified and recommendations shall be made for improvement through a systematic capital improvement program.
2. Automobile routes between residential areas and major activity centers shall be examined and recommendations shall be made for improvements.
3. The City shall discourage direct access from adjacent properties onto arterial highways whenever alternative access can be made available.
4. The City will notify County and ODOT of all proposals requiring access to a state highway and any land use change or development within 500 feet of a state highway.
5. The City will strive to maintain level of service C or better on all City arterials and collectors.
6. The City will work cooperatively with Yamhill County to accomplish an expeditious way of transferring road jurisdiction from the county to the City in conjunction with annexation, and in accordance with ORS 373.270. The following caveats apply:
 - The developers of the property proposed for annexation will meet City road standards including the necessary improvements for upgrading the frontage road to City Standards.
 - Roads will be upgraded at the time of annexation, or the developer will obtain a signed agreement with the City for upgrade at the time of development.

7. The City shall work in conjunction with Yamhill County and Oregon State Department of Transportation to provide and maintain a safe, convenient, and aesthetic bicycle system that is interconnected with other forms of transportation.

Bicycle and Pedestrian Policies:

1. The City shall coordinate with and encourage the Oregon State Department of Transportation in development of the designated bicycle route.
2. The City shall encourage and support education and safety programs for all ages, which improve riding skills, encourage observance of traffic laws and increase awareness of cyclists and pedestrian rights.
3. The City shall monitor and analyze bicycle accident data to determine where safety problems exist or are likely to occur.
4. The City shall ensure that bikeways and pedestrian facilities for which it has maintenance for safety related problems shall have highest priority.
5. The City shall coordinate local plans for pedestrian and bicycle facilities using the 1995 Oregon Bicycle and Pedestrian Plan, or as amended, as a guide. The statewide plan provides a framework for a local bicycle route system and design standards.
6. The City shall support adequate bikeways on arterials through coordination with Oregon Department of Transportation and provide same on collectors located in the City's urban growth boundary, and other such locations that provide access between residential subdivisions, schools, shopping centers, and industrial parks when financially feasible.
7. When determined to be necessary by a majority of adjacent property owners, good quality sidewalks shall be installed on at least one side of all city streets. The priority area for sidewalk construction and maintenance shall be Main Street and Maple Street.
8. When the scale of the development, as determined by the City Council, warrants additional amenities, bike path on the other side shall be considered.

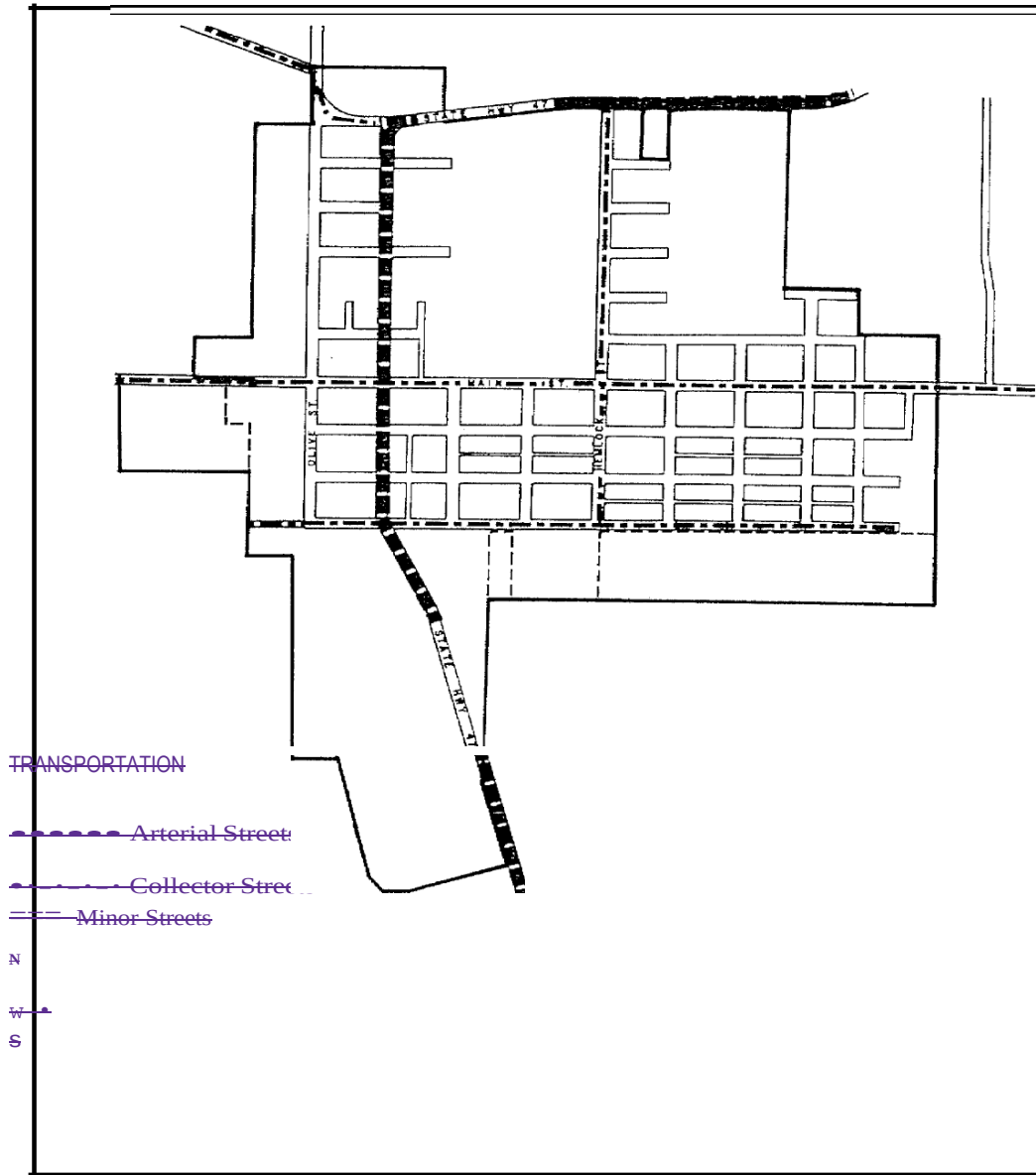
Public Transit Policies:

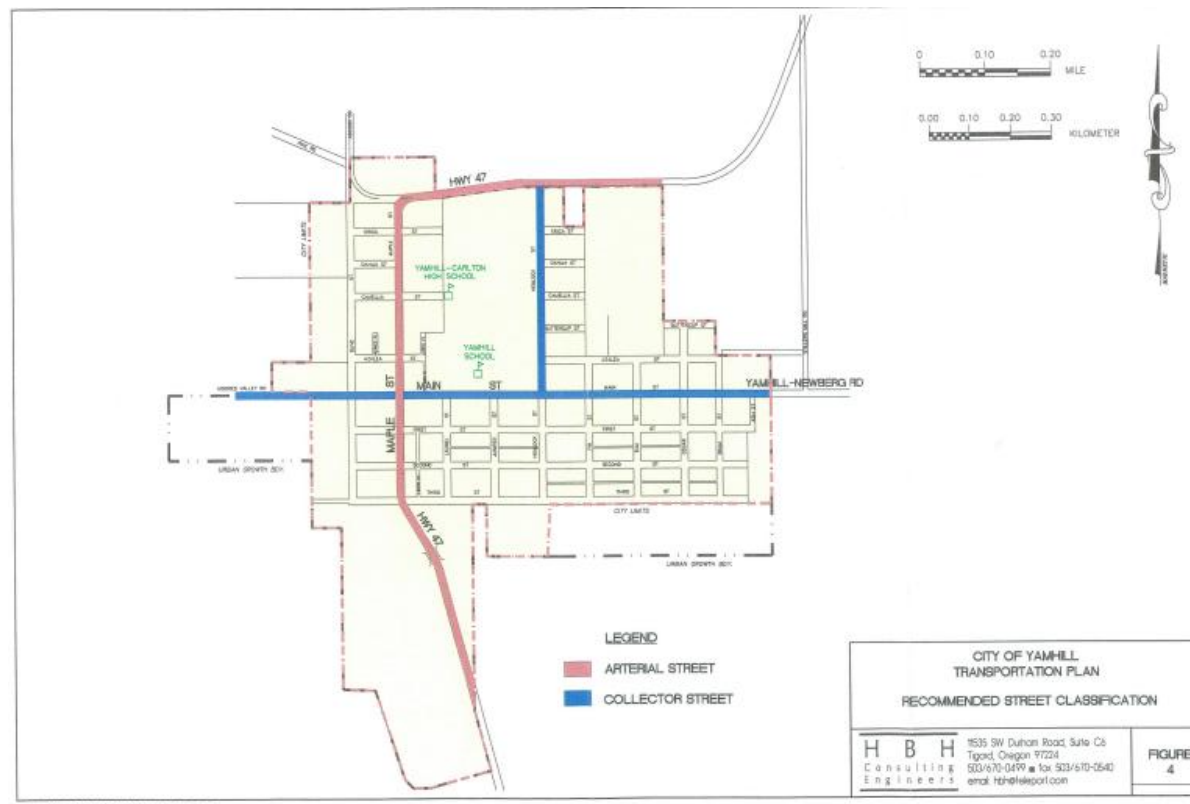
1. The City shall work with Yamhill County officials to promote and encourage the future operation of an inter-county transit system.
2. The City shall work with Yamhill County to identify public transportation needs of the disadvantaged and attempt to fill those needs.
3. The City shall encourage transportation improvements and actions which address the special needs of the low income, the handicapped, and senior citizens.

4. Undeveloped lands near the Urban Growth Boundary and near arterials should be designated as "Critical Transportation Corridors," and receive special consideration for the use of the various access control techniques. These lands have both the greatest need and the greatest potential for access control.
5. The City shall ensure that any expansion plans or design changes undertaken by the Oregon Department of Transportation regarding either Highway 47 or the east end of Highway 240 be compatible with the City's goals and policies for future growth.
6. The City of Yamhill shall coordinate with the Oregon State Department of Transportation to have curb exposure problems along Highway 47 placed on the six-year Highway Improvement Program.

Railroad Policies:

1. The City shall recognize and encourage the potential future uses of the railroad spur and adjacent land for transportation purposes. The county should recognize this as an area of mutual concern.





Energy

Electricity, heating oil, propane and wood are the principal fuel types supplying the energy needs for Yamhill. The City is not presently served by natural gas. With the exception of wood, these major fuels are imported into the County. Electricity is primarily generated from electric plants elsewhere in Oregon. Fuel oil comes from other parts of the United States and from foreign imports.

The City recognizes that rising costs of energy will affect the well-being of the community, and the importance of greater energy, conservation, and self sufficiency.

Findings:

- Approximately 78% of the household energy budget goes toward space and water heating.
- All energy fuels, with the exception of wood, are imported into the City.
- The harnessing of solar radiation is a potential energy resource for the city.
- The demand for energy, and the costs to produce energy, are continually rising.

Goals:

1. To conserve existing energy resources and develop alternative sources to ensure that an adequate future energy supply will be available to Yamhill's citizens at a reasonable cost.

Policies:

1. The City shall request assistance from appropriate agencies, when necessary, to evaluate energy considerations for planned development. Resource agencies include but are not limited to: Yamhill County Department of Planning and Development Energy Office.
2. The City shall solicit support for and otherwise encourage the weatherization of existing structures to minimize health and economic impacts due to rising fuel prices.
3. The City shall encourage the siting, design and layout of structures which minimize the electrical and fossil fuel energy consumed by these structures.
4. The City shall, when feasible and practical, solicit support for renewable and indigenous energy sources including but not limited to wood, solar and wind.
5. The City shall encourage landscaping which provides summer shade to structures and paved areas, protection from winter winds, and access to solar radiation.

6. Special considerations shall be paid to avoiding landscape tree conflict with overhead lines, sewer lines and other utilities.
7. Power, telephone lines and other utilities should be encouraged to be established underground whenever possible.
8. Whenever possible, the City shall promote preservation of solar rights through encouragement of proper development planning.
9. The City shall encourage development which contains provisions for energy efficiency and/or retain options for future considerations to renewable sources of energy.
10. The City shall encourage new housing developments which provide for natural design opportunities, including but not limited to the use of solar energy, and natural drainage patterns.
11. The City shall encourage the use of innovative design and development techniques which will save energy in new residential, governmental and commercial structures.
12. The City shall, when determined to be necessary, request assistance to inventory and encourage local potential from natural, renewable and unique sources of energy. Special attention shall be paid to:
 - (a) Methane gas utilization from the Yamhill Sewage Treatment Plant;
 - (b) Utilization of wood fuel sources;
 - (c) Self-contained small scale energy systems;
 - (d) Resource agencies for information sharing and technical assistance, including but not limited to Oregon State University; Energy Department, Yamhill County Department of Planning and Development; Office of Appropriate Technology; and National Science Foundation.

Water Resources

Surface water in and around Yamhill is fairly plentiful. Although the area lacks the necessary geologic formations to produce large ground water supplies, surface water is plentiful. In the vicinity of the planning area are found the North Yamhill River and its tributaries, Salt Creek, Turner Creek and Yamhill Creek.

The impoundment on Turner Creek has recently been improved by the installation and maintenance of a 10 acre reservoir located approximately 3/4 mile upstream from the present point of diversion. This improvement and a new water treatment facility will allow Yamhill to meet its projected needs to the year 2017.

Findings:

- A survey of surrounding geological formations reveals that there are no major water bearing aquifers upon which the City could rely for supply. Therefore, water resource potential for municipal or industrial use is limited to surface water development.
- Surface water resources include the North Yamhill River and its tributaries, Salt Creek, Turner Creek and Yamhill Creek.
- The recent improvements on the Turner Creek impoundment will allow the City to meet its projected demands to the year 2017.
- The North Yamhill River provides scenic and recreational opportunities.
- The flow of the North Yamhill River is highly variable. The average summer flow is 3.8 c.f.s. A record high of 9,350 c.f.s. was posted during the flood of 1955.
- The City of Yamhill's water resources are influenced by the Middle Willamette River Basin Study.
- The available water resources from Turner Creek Watershed are limited:
 1. The City will likely reach surface water source capacity by the year 2060.
 2. The watershed is generally owned by private timber companies and Bureau of Land Management (BLM).
 3. Logging activities in the watershed have increased turbidity at the water treatment plant and stream siltation.

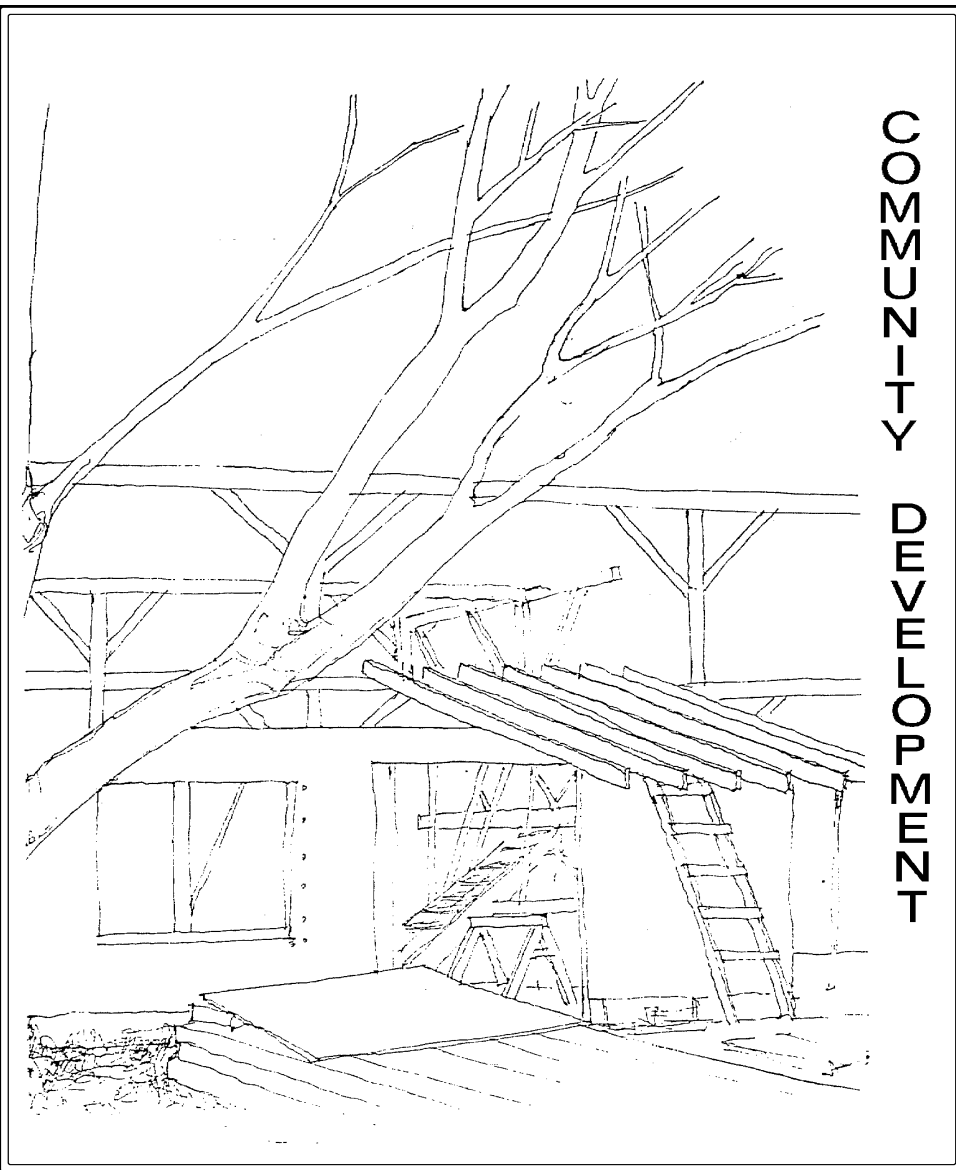
Goals:

1. To protect Yamhill's water quality by compliance with state and federal water quality standards.
2. To protect surface and groundwater resources from damage by commercial, residential and industrial development, and recreational uses.
3. To protect Yamhill's water resources through coordination with the Department of Water Resources.

4. To protect Yamhill's water shed through coordination with Yamhill County, private land owners, and BLM.

Policies:

1. The City shall propose a cooperative agreement between private industry, Yamhill County, and BLM for watershed protection and enhancement.



Economy of the City

Historically, Yamhill has served as a retail and service center supplying goods and services for those living and working in the surrounding area. Agriculture and the lumber industry have always dominated the economy of this area. However, the Community's economy has been, and now is, largely concentrated in retail trade and services.

Findings:

- A recent inventory of business establishments in the City revealed that nearly half are in the retail sector while about one-fourth are in the service sector. Other industrial sectors (according to Standard Industrial Classification Codes) represented by business establishments are transportation-communication, and finance-insurance-real estate. There are no manufacturing or wholesale trade businesses in the City.
- The service sector employs the largest number of persons working in Yamhill. About two-thirds of the City's work force is employed within this industrial category. This situation is attributable to the two schools which are the largest employers in Yamhill. The Union High School and Yamhill Elementary School each employ about 48 persons.
- Of the City's total work force, 23 percent live and work within the City. Of the remaining 77 percent, two-thirds (68 percent) work outside the City of Yamhill, but within Yamhill County. One-third (32 percent) of the residents work outside of Yamhill County.
- According to the 1990 U.S. Census, the median family income was \$27,545. This figure ranked below the county and above state median family incomes, which were \$28,303. and \$27,250. respectively.
- Yamhill has no basic industries that produce goods or services for export out of the immediate area. The local economy consists of non-basic support activities necessary to service those engaged in the region's basic industries.

Goals:

1. To provide for the needs of existing industries, encourage desired economic growth, develop a stable community-based economy, and provide for greater employment opportunities for Yamhill's citizens.
- 4.2. To provide a Central Business District (CBD) with commercial and mixed use development that meets the needs of residents and visitors.

Policies:

1. The City shall encourage the type of industrial development that contributes substantially to the community's economy by assuring revenues and wages generated will be recycled through the local economy.
2. The City shall encourage industry that will raise the wage scale in the community.

3. The City shall encourage industry that would offer employment to, and create a balance between, a broad range of workers, including professional, skilled and unskilled labor.
4. The City shall encourage industry that provides training opportunities in skills that can be transferred to other job categories and opportunities.
5. The City shall encourage industry that would pay its fair share for services required for its establishment and maintenance.
6. The City shall encourage industry and/or economic activity that will not drain the energy resources of the area. Energy efficient, and conservation measures that shall be promoted, include, but are not limited to the following:
 - (a) Efficient building, manufacturing, and heating practices.
 - (b) Co-generation systems, including the burning of wastes.
 - (c) Utilization of new and alternative systems.
7. The City shall encourage industrial development that is non-polluting.
8. The City shall encourage a strategy of economic development that will:
 - (a) Efficiently utilize and develop existing resources.
 - (b) Encourage further development and expansion of existing facilities and industries, and/or economic activity.
 - (c) Identify local, state, and federal resources to assist in the economic and industrial expansion desired in Yamhill.
 - (d) Identify and correct problems that discourage desired economic growth.
 - (e) Identify and promote industry and/or economic activity that will be compatible with, enhance, and maintain Yamhill's small town character, quality of life, and identity.
9. Future industrial growth found to be incompatible with residential use shall be directed away from existing or proposed areas of residential development. These industries shall be sited in concentrated areas sufficiently buffered from adjacent uses to prevent conflict.
10. An industrial facility proposal shall be evaluated to consider the social, environmental, and economic impacts to the City and surrounding area before being approved.

11. Area for future industrial expansion shall be designated on the Plan map.

12. Ensure that the CBD includes sufficient land to accommodate the city's current and future commercial needs.
13. Promote downtown Yamhill to attract new businesses that will diversify the economy and provide needed services.
14. Expand downtown by allowing live/work units and home occupations in residential zones adjacent to the CBD.
15. Allow limited industrial uses in the CBD when co-located with a primary commercial use.
11. _____

Housing

One of the major concerns of the city is to allow the opportunity for the provisions of an adequate choice of housing for both its present and future residents. It is the city's intent to provide the option for the development of a wide range of housing types. Further, the rehabilitation and restoration of existing housing should be encouraged as this is an affordable means of obtaining home ownership while preserving the historical presence of the community. Another matter is the need for development of a set of guidelines for Yamhill's urban growth expansion areas. Consideration for a mix of housing types and prices, protection of distinctive natural features of the land, density of units per acre, preservation of common open spaces, and layout of streets is needed early in the process of growth for Yamhill to retain its high standards of livability for all citizens.

Findings:

- A 1997 update to the housing portion of the land use survey conducted in 1986 revealed that there are 297 housing units in the City of Yamhill which represents an increase of 31 units or 2.8 units per year during the planning period. Of these, 282 are single-family dwelling units, and 15 are multi-family units. Multi-family structures in the City include three duplexes and three triplexes, two of which have been converted from older single-family structures. The City's vacancy rate has decreased from 3.0 percent to approximately 1.0 percent. This figure indicates a severe limitation in housing choices among residences of the City.
- Yamhill's housing stock has increased by about 11.5 percent since 1986; the majority of new housing added during this period has been single-family units.
- Multi-family units have declined significantly during this period. Vacancy rates have shown no appreciable difference in the past eight years.
- Overall housing conditions in Yamhill are good. About 64.5 percent of the housing stock is in excellent to good condition, 29 percent in fair condition, and 2.5 percent in critical condition.
- Based upon a population projection of 1,517 by the year 2017, it is estimated that an additional 184 dwelling units will be needed in Yamhill.

Goals:

1. ~~To develop an opportunity for support housing development and preservation to that meets the needs of Yamhill residents at all income levels, all those at the lowest possible cost and with the highest possible standards.~~
2. ~~To continue to recognize mobile-manufactured homes units as an important potential source of housing supply.~~

Policies:

1. The City shall provide a 20-year land supply to accommodate an opportunity for a mixture of housing types and densities to occur shall be provided throughout the City.

4.2. The maintenance, rehabilitation, and conservation of the existing housing supply shall be encouraged.

2.3. The use of new and innovative design and development techniques shall be provided for through the planned unit development portion of the Zoning Ordinance.

3.4. New developments shall be permitted only when all urban services become available. These services shall include: public water and sewers, electric power, solid waste collection, streets, parks and schools, and adequate police and fire protection. The City shall plan for full urban services to support residential development. Development shall be approved when services are available or can be provided by the developer.

4.5. The City shall recognize mobile home parks as a service of housing supply allow manufactured homes on all lands designated for single-family residential uses.

Land Use and Urbanization

An updated buildable lands inventory for the City of Yamhill indicates there is insufficient land within the existing Urban Growth Boundary to meet projected land needs to the year 2017. The amount of buildable land available for Yamhill's future urban development is dependent upon a number of factors. One of the major uncertainties surrounding this issue is the future use of the 19-acre parcel presently owned by the School and planned as a future elementary school site. This is the largest individual parcel inside the City lacking substantial building limitations due to soil characteristics or flood hazard potential. It is not presently known if the School will need additional acreage beyond the 19 acres.

Revised land use projections for residential, and commercial uses indicate the need for as much as 46 acres of developable land by the year 2017. This figure does not take into account industrial uses which may be needed to accommodate future populations. In addition, the projected land use needs could be even greater depending upon such things as the housing density and types of commercial and industrial activities which occur in future years.

Not including the school district's 19-acre parcel, the buildable lands inventory shows about 46 acres of undeveloped land are available for future urban development inside the UGB. In addition there are approximately 12 acres of infill property available inside the City if oversized lots and existing vacant lots are utilized. Thus, there is not a demonstrated need to expand the existing urban growth boundary. Land included within the urban growth boundary will be considered for annexation into the City.

Assuming the need for 46 acres of buildable land by the year 2017 and an available supply of 58 acres, the city has decided not to expand its Urban Growth Boundary.

Findings:

- There is a demonstrated need to accommodate a long-range urban population of 1,517 by the year 2017.
- There is a need to provide for housing and employment opportunities by inclusion of sufficient buildable lands to allow the marketplace to function efficiently and to provide for expansion of Commercial and Industrial activities.
- The present City limits and Urban Growth Boundary (UGB) provide sufficient lands and zoning designations to meet identified residential land needs. The present lack of abundant Residential acreage should facilitate the infill of larger residential properties. However, during the 20 year planning process it is doubtful that sufficient lands exist to allow the marketplace to continue to function efficiently.
- The present City limits and UGB provide sufficient lands for projected Commercial needs. This is enhanced if redevelopment of Residential land uses within Commercial areas is considered.
- The present City Limit/UGB contains no provisions for industrial lands. Thus as future industrial needs arise, amendment of the Plan may be appropriate to provide for growth of the community.

Goal:

1. To provide for an orderly and efficient transition from rural to urban land use.

Policies:

1. The City shall define a growth policy consistent with revised population projections and expectations and identify possible future development areas on the plan map.
2. The City shall encourage the availability of sufficient land for various urban uses to ensure choices in the market place.
3. The City shall encourage the utilization of existing platted residential lots outside of the flood prone area as a means to infill within the City limits.
4. The City shall recognize the existence of forces that result in unforeseen population changes. If such circumstances occur, the City shall undertake adequate measures to meet the demand for urbanizable land consistent with the goals and policies adopted for urbanization.
5. The City shall ensure that maintenance and acquisition of public properties will be consistent with general public need and benefit. Special attention shall be paid to the maintenance and general upkeep of existing City properties.
6. Change of the Urban Growth Boundary shall be based upon consideration of the following factors:
 - (a) Demonstrated need to accommodate long range, urban population growth requirements;
 - (b) Need for housing, employment opportunities and liveability;
 - (c) Orderly and economic provision of public facilities and services;
 - (d) Maximum efficiency of land uses within and on the fringe of the existing urban area;
 - (e) Retention of agricultural land within the City limits until needed for development;
 - (f) Compatibility between the proposed urban uses and nearby agricultural activities.
 - (g) Environmental, energy, social and economic consequences.
7. The size of the parcels of urbanizable land that are converted or developed shall be of adequate dimension to maximize the utility of land resources and to enable the logical extension of services to the parcels.

8. The City and County shall mutually adopt an Urban Growth Boundary management agreement for the purpose of guiding urbanization for these County lands which are now or in the future may be located inside the Urban Growth Boundary.
9. The City shall investigate the use of growth management techniques to promote a reasonable rate of growth consistent with the availability of public facilities and services, and the fiscal ability of the City to provide public facilities and services.
10. As lands become available for development, local land use controls and ordinances should be mutually supporting, adopted, and enforced to integrate the type, timing, and location of public facilities and services. The controls and ordinances should accommodate an increase in public demand by including but not limited to: sewers, schools, water, power, roads and streets, police and fire protection.

Plan Implementation

Implementation

The City has established a series of goals and policies consistent with the statewide goals that are implementable in the following ways.

Natural Resources

When reviewing proposals which could have impacts upon the natural resource base the city shall, when appropriate, request the expertise of involved agencies. Through effective agency coordination the City can be made aware of changes dealing with environmental quality and have access to a data resource that will aid in the implementation of conservation and management measures.

The City's zoning ordinance provides for site design review of all commercial and industrial development. Further, the subdivision ordinance addresses environmental impacts of development. Information required for a site design review would include addressing the impact of proposed development upon natural resources. Lands that are subject to natural hazards, including flood plains, poor soils, and steep slopes have been inventoried and mapped. The developer of lands within hazard areas shall comply with the review process at the planning commission level to assure that development will occur in such a way as to eliminate the hazard potential.

Community Resources

The following methods pertain to the implementation of the City's community resource policies:

1. Agency Coordination: In evaluating development proposals affected agencies will be notified and given an opportunity for review and comment.
2. Comprehensive Plan Map: Future uses and extension of public facilities and services will be designated on the plan map and shall be referred to in the decision making process.
3. Comprehensive Plan and Data Base Update: The City will update the Comprehensive Plan and Atlas as changes occur. Technical data necessary to encourage good planning will be collected and made available to the citizens and governing bodies.
4. Capital Improvement Program: Through the management of a capital improvement program, maintenance and upkeep of public services and facilities will be prioritized and managed for the most efficient service to the community.
5. Subdivision Ordinance: The land division subdivision ordinance establishes regulations and standards for subdivisions and land partitioning with the City. Transportation improvements, public facilities and services, energy conservation, and recreational standards are specifically addressed during the review procedure for a subdivision plat or partitioning request.
6. Zoning Ordinance: Within the zoning ordinance, the following sections pertain to the implementation of the community resource policies:

- A. Site Design Review. The impact on the community resources of proposed commercial and industrial development

is evaluated by the Planning Commission through a site design review. The City can assure, through this review mechanism, that development will be aesthetically pleasing; and development will be sited to utilize public services most efficiently and planned in such a manner to benefit the community.

- B. Mobile Homes and Mobile Home Parks. Standards and restrictions pertaining to mobile homes and mobile home parks are specified.
- C. Zone Map and Regulations. Lands are designated on the official City zone map as to the intent of the use of such areas; regulations and standards pertaining to the various zone districts are specified.

Community Development

The following measures pertain to the implementation of the City's Community Development Policies:

1. Agency Review and Coordination: The City will obtain information and guidance from appropriate agencies that will aid in the economic development of the City. Through proper communication and coordination channels the City can actively pursue State and Federal sources to provide revenue through borrowing or grants for basic services. The City will also tap available resources from other governmental agencies to upgrade and diversify the housing stock in the City.
2. Zoning Ordinance: Within the zoning ordinance the following pertain to the implementation of the community development policies:
 - A. Zone Map and Regulations. Land use is regulated through the establishment of zones in the City. Adequate land for various uses has been designated to meet the projected needs of the City to the year 2017. Standards and regulations for specific uses are defined in the zone code. [The following is a summary of Comprehensive Plan designations and associated zones.](#)

RESIDENTIAL

Single-Family Residential (R-1)

[The R-1 zone permits single-family dwellings and their accessory structures, duplex dwellings and their accessory structures, Accessory Dwelling Units, and with Planning Official or Planning Commission approval, certain other uses which are necessary and compatible to single-family residential dwellings.](#)

Single-Family Residential (R-2)

[The R-2 zone permits single-family dwellings and their accessory structures; duplex dwellings and their accessory structures, Accessory Dwelling Units, and with Planning Official or Planning Commission approval, certain other uses which are necessary and compatible to single-family and duplex dwellings.](#)

Mixed-Residential (R-3)

[The R-3 zone permits single-family dwellings and their accessory structures, duplex dwellings and their accessory structures, Accessory Dwelling Units, and the integration of multi-family dwellings.](#)

Multi-family Residential Zone (RM)

The purpose of the RM zone is to provide higher-density housing options to meet the needs of Yamhill residents for more affordable housing in a manner compatible with adjacent single-family and duplex dwellings.

Residential Limited Commercial (RLC)

The RLC zone permits the integration of limited commercial activities through the conditional use process, and multi-family dwellings within and adjacent to single-family and duplex dwellings.

COMMERCIAL

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General Commercial Zone (C-3)

The C-3 zone permits a broad range of commercial operations and services required for the proper and convenient functioning of the commercial center serving the City and its immediate environs. Uses permitted are intended to include all retail and service operations that may be appropriately located within a shopping district, and that are normally required to sustain a community.

INDUSTRIAL

Light Industrial Zone (L-I)

The L-I zone permits a broad range of light industrial operations and services required for the proper and convenient functioning of an industrial area serving the City and its immediate environs. Uses permitted are intended to include light industrial and service operations that may be appropriately located within the City, and that are normally required to sustain a community.

Employment Industrial Zone (E-I)

The E-I zone permits light industrial uses including primary and secondary processing, assembly, artisan work, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental, related sales. The E-I zone is intended to have developments that mitigate negative impacts on nearby uses through screening, lighting, building design, etc. The E-I zone is appropriate in those areas designated "industrial" in the Comprehensive Plan where the location has access to an arterial street or highway and where the noises, lights, odors, and traffic will not significantly impact residential areas.

OVERLAY ZONES

PFO Public Facilities Overlay Zone

The PFO zone permits specific public and semi-public uses and to ensure their compatibility with adjacent uses. It is intended that this zone be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use. If the use existing at the time the PFO Overlay zone is applied is discontinued or if a proposed use is not established, it is the intent that the land be rezoned to conform to surrounding zoning or be devoted to permitted uses. The PFO zone is applicable to those properties designated residential or commercial in the comprehensive plan.

FHO Flood Hazard Overlay Zone

The FHO zone regulates and prohibits some uses in those areas in the Flood Hazard Overlay Zone that would endanger the safety and general welfare of the community.

LUO Limited Use Overlay Zone

The LUO reduces the list of permitted uses in a zone to those that are suitable for a particular location. Zones permit a number of uses without notification or opportunity for a hearing. These uses are included in the zone because they are considered basically equivalent in terms of the type and intensity of activity.

However, on a particular property certain permitted uses may conflict with adjacent land uses. Rather than reject an otherwise acceptable zone change request because the proposed zone would permit an objectionable use, the limited use overlay can be used to identify the appropriate uses and require a Conditional Use Permit for other uses normally permitted in the zone. It is the intent that the maximum number of acceptable uses be permitted so that the use of the property is not unnecessarily limited.

CBD Central Business District Overlay Zone

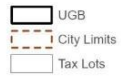
The CBD zone establishes development requirements which are specifically designed to address the unique challenges of the City's downtown.

City of Yamhill, Oregon

Zoning Designations

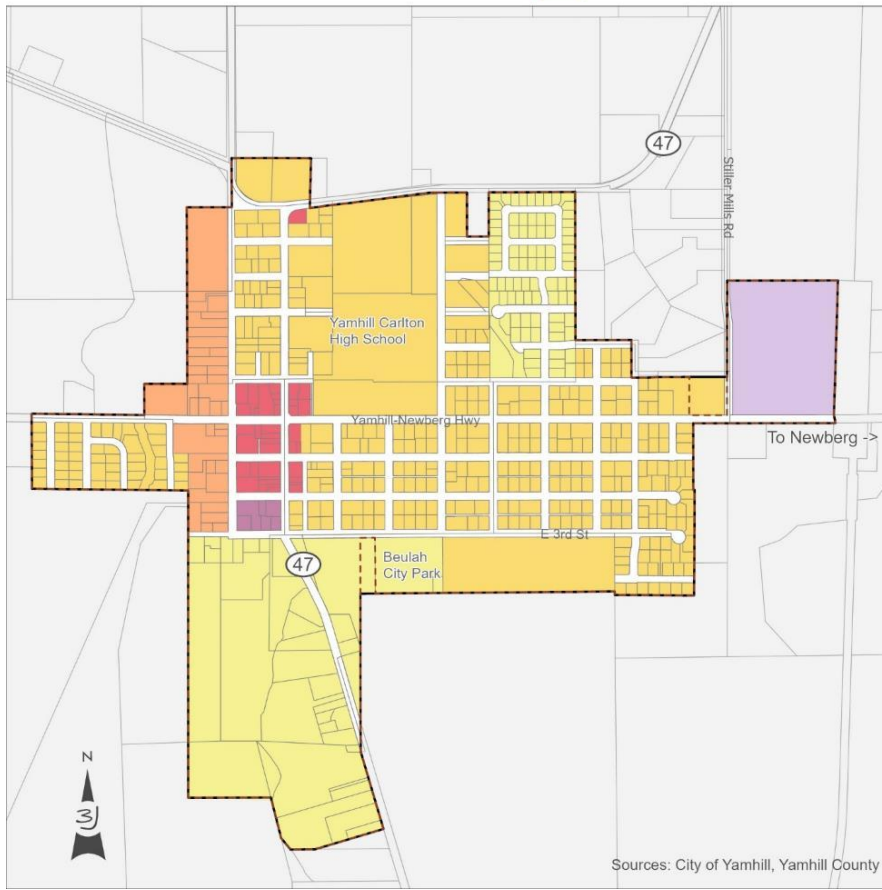
March 2025

0 500 1,000 2,000 Feet



Zoning

- C3 - General Commercial
- RLC - Residential Limited Commercial
- LI - Light Industrial
- R3 - Mixed Residential Zone
- R2 - Single Family Residential
- R1 - Single Family Residential
- E1 - Employment



- B. Site Design Review. Design reviews of commercial and industrial development will be required so that the City maintains design consistency and services are arranged as efficiently as possible.
- 3. Building Code: Building codes help to assure the public of safe housing by defining standards for structural strength, and standards for fire, safety, plumbing, and electrical installation.

Urban Area Growth Management Agreement

I. Introduction

The City and Yamhill County recognize the need for coordination and cooperation in the management of growth in and around the Urban Area. This agreement is formulated in accordance with this principle.

This agreement establishes a process for maintaining ongoing planning efforts, designed to keep pace with growth and change. It is essential that intergovernmental coordination be maintained to assure the citizens of the City and of Yamhill County that growth occurs in an orderly and efficient manner.

To that end, this agreement sets forth the means by which a plan for management of any unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified.

II Definitions

Area of Influence - An area of land located outside an Urban Growth Boundary that is contiguous to the City limits. The Area of influence shall also be considered as the watershed of the City and those lands contiguous upon which action may have impacts upon the water quality of the City. The Area of Influence shall be designated by the City and Yamhill County and show upon an Area of Influence Map adopted by reference by both bodies. Within the Area of Influence, the County will give the City an opportunity to participate in land use actions taken by the County. In the case of watershed areas, the County shall notify the City of any action to be taken that may affect the water quality of the City and give the City an opportunity to participate in land use decisions. This shall be a notification process only. It shall be the responsibility of the City to notify other agencies, companies, individuals, or corporations of the watershed Area of Influence and to request opportunity to participate in land use actions that affect water quality.

City - The City of Yamhill.

County - Yamhill County unless the context suggests otherwise.

Urban Growth Boundary - A line jointly adopted by the City and County that encircles the City and separates rural and urbanizable land. The City's urban growth boundary is shown on the attached map. the Urban Growth Boundary and the City limits may or may not be the same.

III. 1. Plan Map Conflicts. The Comprehensive Plan Land Use Map adopted by the City on June 25, 1979 shall be the plan map for the area within the Urban Growth Boundary, and shall replace conflicting portions of the Yamhill County Comprehensive Plan May (1974) pertinent to this area. Where said maps conflict, Yamhill County shall initiate the process necessary for consideration of a map amendment.

2. Urban Growth Boundary. In accordance with the Comprehensive Plan of the City the jointly adopted Urban Growth Boundary shall define the geographical limits of urban expansion to the year 2000. The City shall prepare for the orderly

extension of public facilities and services within the boundary consistent with the City's comprehensive Plan and the annexation policy of the City. Lands outside the boundary shall be maintained in accordance with the Yamhill County Comprehensive Plan.

3. Urbanization. The City and Yamhill County shall encourage urbanization within the boundary to occur in an orderly and efficient manner, resulting in a compact, balanced urban center meeting long-term economic and social needs of the residents of the area regardless of political boundaries.
4. Implementation and Coordination. The very nature of planning requires continual refinement of various elements of the Comprehensive Plan. This includes the development of ordinances, specific plans, and other mechanisms to implement the City's Comprehensive Plan. The City and County will work together in a coordinated effort to implement the goals of the City and County Comprehensive Plans.
5. Concurrence and Recommendation. The legitimate interests of the City and County overlap within the City's Urban Growth Boundary and Area of Influence. This agreement attempts to resolve these overlapping interests by providing for concurrence of City and County governing bodies for certain decisions and recommendations for other decisions.
 - a. Concurrence - Where concurrence is required, the City and County shall agree before a decision shall be binding. If agreement cannot be reached, procedures outlined in ORS 197.300 may be invoked.
 - b. Recommendation - Where a recommendation is required, the City and County need not agree for a decision to be binding. The procedures are these: The right to object to any item referred to a jurisdiction for a recommendation shall be deemed to have been waived unless the referring jurisdiction is notified otherwise within thirty days; the time limit for consideration of items referred for recommendation shall begin to run from the time the item is received by the jurisdiction whose recommendation is being solicited; each jurisdiction shall have standing to appeal the decision of the other governing body.

IV. Amendment of this Agreement.

1. This agreement may be amended or terminated at any time by concurrence of both parties.

V. Urban Services.

1. The City is recognized as the ultimate provider of urban services within the Urban Growth Boundary. To this end:
 - a. Special Districts. Before Yamhill County shall create any special district for the provision of utilities, transportation, or other public facilities or services within the Urban Growth Boundary, the matter shall be referred to the City for a recommendation. The County shall not act contrary to such recommendation without a unanimous decision of the Board.

- b. Service Capacity. New development resulting from the division of lands within the Urban Growth Boundary shall not exceed the capacity of existing services or be contrary to the annexation policy or Comprehensive Plan of the City.
- c. Annexation. Annexation shall occur in accordance with the City Comprehensive Plan and the Annexation Policy of the City. Before final action by the City Council on an annexation proposal, the proposal shall be forwarded to the Board of County Commissioners for its recommendation. In order to provide the Board with advance notice of reasoning for a proposed annexation, the findings adopted by the City Planning Commission shall be referred to the County Board.
- d. Service Expansion Plans. As the ultimate provider of urban services, the City may prepare and from time to time update utility expansion plans. If so, these plans shall provide a basis for the extension of services within the Urban Growth Boundary, and as such shall be referred to Yamhill County for information and comment.
- e. Roads. The County and City shall cooperatively develop an implementation policy regarding streets and roads within the Urban Growth Boundary which is consistent with the City Comprehensive Plan. Such policy shall include, but not be limited to, the following:
 - (1) The circumstances under which the City will assume ownership of and maintenance responsibility for County roads within the corporate limits.
 - (2) The conditions under which new public streets and roads will be developed within the Urban Growth Boundary.
 - (3) The conditions under which existing roads designated as future arterials in the City's Comprehensive Plan will be improved.
 - (4) The conditions under which County and other roads should meet City standards within the Urban Growth Boundary. Roads should be compatible with City street alignments and extensions. Upon annexation of property, roads adjacent to (and which serve) such property should also be annexed.
- f. The City through its departments shall cooperate with the County to coordinate City and County planning efforts and actions that affect land use with those of special districts.

VI. Establishment of the Urban Area Management Commission.

The City and Yamhill County do hereby establish the Yamhill Urban Area Management Commission (YUAMC) as a hearings officer in accordance with ORS 215.406. The UAMC shall be composed of the following members.

- Commissioner of the Yamhill County Board of Commissioners designated by the Board.
- Mayor or councilperson of the City designated by the Council.
- Member of the City Planning Commission designated by the City Council.
- Member of the Yamhill County Planning Commission designated by the Board of County Commissioners.
- Member-at-large chosen by the above UAMC members and ratified by the City Council and County Board.

Duties and Responsibilities. - The UAMC shall function in accordance with by-laws to be adopted by the City Council and the Yamhill County Board of Commissioners.

It shall be the responsibility of the Yamhill Urban Area Management Commission to hold hearings, make findings, and present its decision City and County governing bodies as outlined in this agreement and the by-laws.

VII. Establishment of Land Use Review Procedures.

1. Urban Growth Boundary Amendment.

Amendment of the Urban Growth Boundary may be initiated by the Yamhill County Board of Commissioners, the City Council, or by an individual owner(s) of property who request(s) inclusion in or exclusion from the Urban Growth Boundary.

Amendment of the Urban Growth Boundary shall be treated as a map amendment to both City and County Comprehensive Plan maps.

The joint fee for individual amendments shall be the sum of fees established from time to time by each governing body.

Each application shall include a map and sufficient information to make a decision based on consideration of the following factors:

- a. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
- b. Need for housing, employment opportunities, and livability;
- c. Orderly and economic provision for public facilities and services;
- d. Maximum efficiency of land uses within and on the fringe of the existing urban area;

- e. Environmental, energy, economic, and social consequences;
- f. Retention of agricultural land as defined, with Class 1 being the highest priority for retention and Class VI the lowest priority; and,
- g. Compatibility of the proposed urban uses with nearby agricultural activities.

Applications shall be filed with the City Planning Commission or the designated official which shall collect the joint fee and forward the Yamhill County fee along with notice to the Yamhill County Department of Planning and Development. Applications must be complete prior to consideration by the Urban Area Management Commission.

Applications shall be accumulated and referred quarterly to the Yamhill Urban Area Management Commission for a Public Hearing. At least ten days advance public notice of the hearing shall be given by publication in a newspaper of general circulation in the County.

Following the Public Hearing, the UAMC shall make and forward its findings and decision directly to the governing body of each jurisdiction which shall then make a determination based upon the facts and record presented at the UAMC hearing and shall not be required to hold a public hearing thereon.

Nothing included in this process requires or prohibits the City or County from referring the application to its respective Planning Commissions for information.

If the governing bodies do not concur in their final decision within sixty days of referral of the matter to them by the UAMC, a joint meeting shall be held to resolve differences. If agreement cannot be reached, procedures for resolution of conflict provided within ORS 197.300 may be invoked.

2. Comprehensive Plan Amendment.

- a. Inside Urban Growth Boundary, but outside City limits. This amendment shall be filed with Yamhill County, and shall otherwise be treated as an amendment to the Urban Growth Boundary.
- b. Inside City limits. This amendment shall be processed by the City and shall be referred to Yamhill County for a recommendation when determined to have impact on County lands.
- c. Outside the Urban Growth Boundary, but within the Area of Influence. This amendment shall be processed by Yamhill County and shall be referred to the City for a recommendation.

3. Zone Changes and Combination Plan/Zone Changes.

The City and Yamhill County recognize that each jurisdiction has authority to zone within its legal boundaries. However, the Urban Growth Boundary recognizes the eventual assumption of authority by the City. Therefore, the

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following procedures are established.

a. Zone Changes

- (1) Zone change outside city limits but within the Urban Growth Boundary. The application shall be processed by Yamhill County and shall be forwarded to the City Council for its recommendation.
- (2) Inside City limits. The application shall be processed by the City and shall be referred to Yamhill County for information and/or comment when determined to have impact on County lands.
- (3) Outside the Urban Growth Boundary, but within the Area of Influence. The application shall be processed by Yamhill County and shall be referred to the City for recommendation.

b. Combination Plan/Zone Changes

- (1) Combination Plan/Zone Changes shall be processed in the same manner as a comprehensive plan change.

4. Other Items Affecting Land Use.

a. Items having a substantial impact upon land use under the jurisdiction of Yamhill County within the City's Area of Influence shall be referred to the City for recommendation. Items not having a substantial impact may be so referred. Items affecting land use shall include, but are not limited to:

- (1) Conditional Use Permits
- (2) Planned Unit Developments
- (3) Subdivisions and Partitions
- (4) Public Improvement Projects
- (5) Health Hazards
- (6) Special Exceptions

(7) Capital Improvement Programs

(8) Major Transportation Improvements

- b. Items having a substantial impact upon land use under the jurisdiction of the City shall be referred to Yamhill County for a recommendation. Items not having a substantial impact may be so referred. Items affecting land use shall include, but are not limited to:

(1) Conditional Use Permits

(2) Planned Unit Developments

(3) Subdivisions and Partitions

(4) Public Improvement Projects

(5) Extensions of the public Sewer, Water or Storm Drainage Systems.

(6) Capital Improvement Programs

(7) Major Transportation Improvements

5. Any of the above applications shall be referred to affected federal, state, and local agencies identified in the City or Yamhill County agency coordination list for information and/or comment.

Approvals

Approved by the Yamhill County Board of Commissioners on this 28th day of June, 1979.

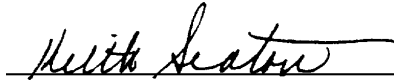
Ordinance # 206

A handwritten signature in black ink, reading "Colin L. Armstrong", written over a horizontal line.

Colin L. Armstrong, Chairman

Yamhill County Board of Commissioners

Approved by the City of Yamhill City Council on this 25th day of June, 1979.
Ordinance # 330

A handwritten signature in black ink, reading "Keith Seaton", written over a horizontal line.

Mayor of Yamhill

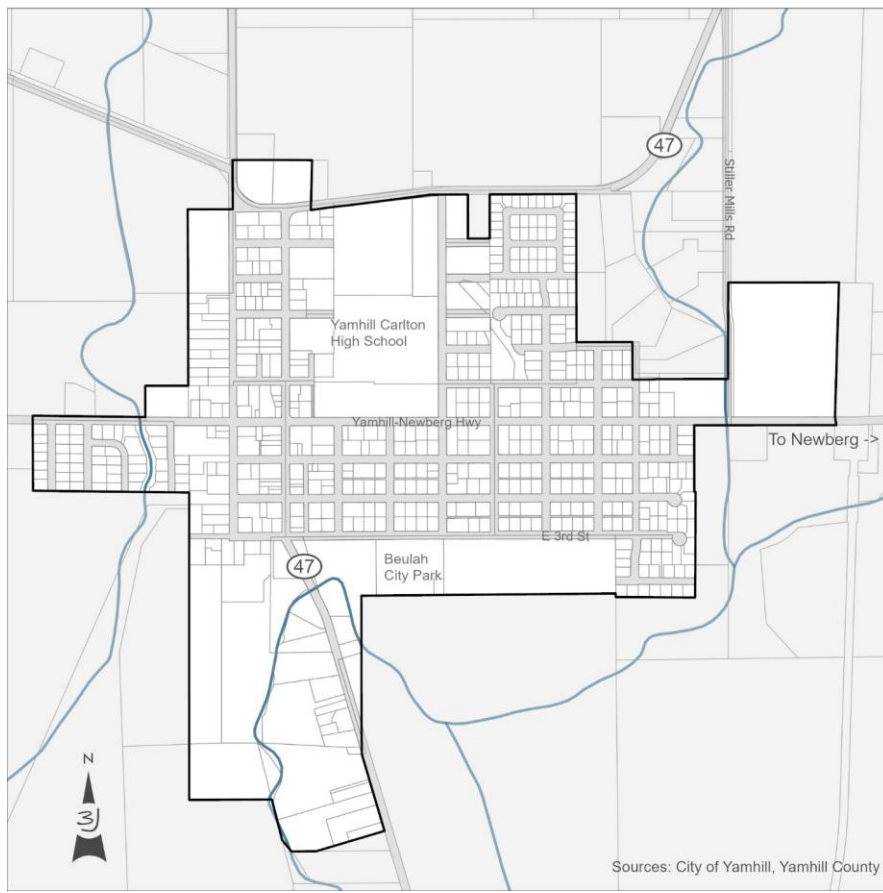
City of Yamhill, Oregon

Urban Growth Boundary

April 2025

0 500 1,000 2,000 Feet

- Streams
- UGB
- Tax Lots



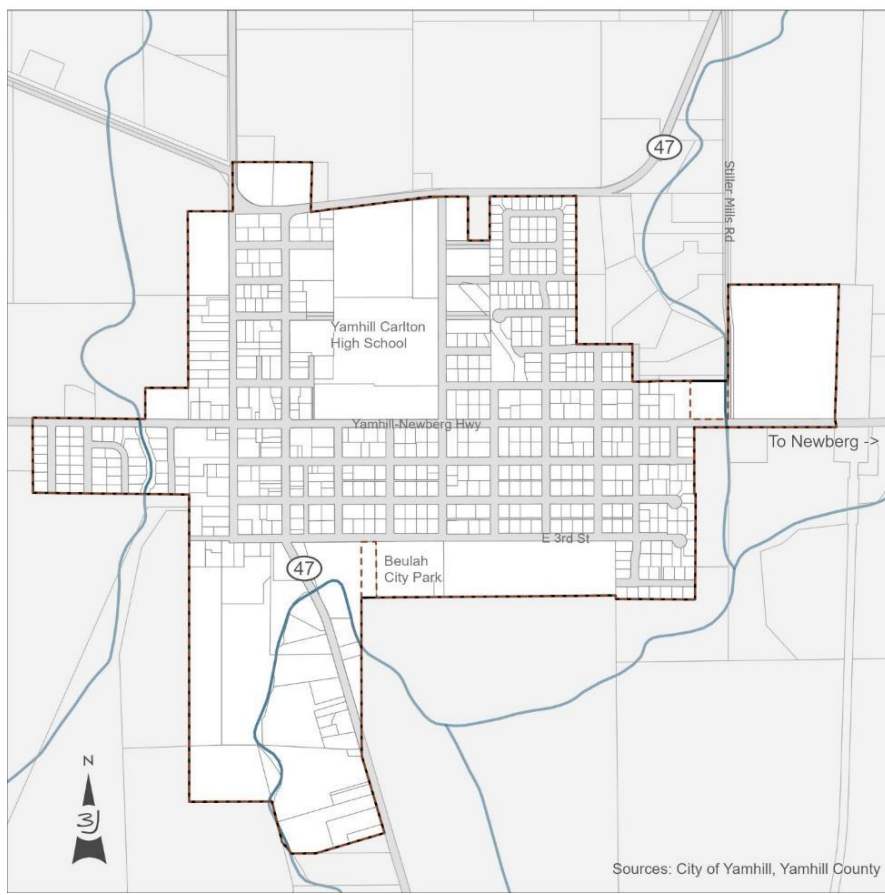
City of Yamhill, Oregon

City Limits

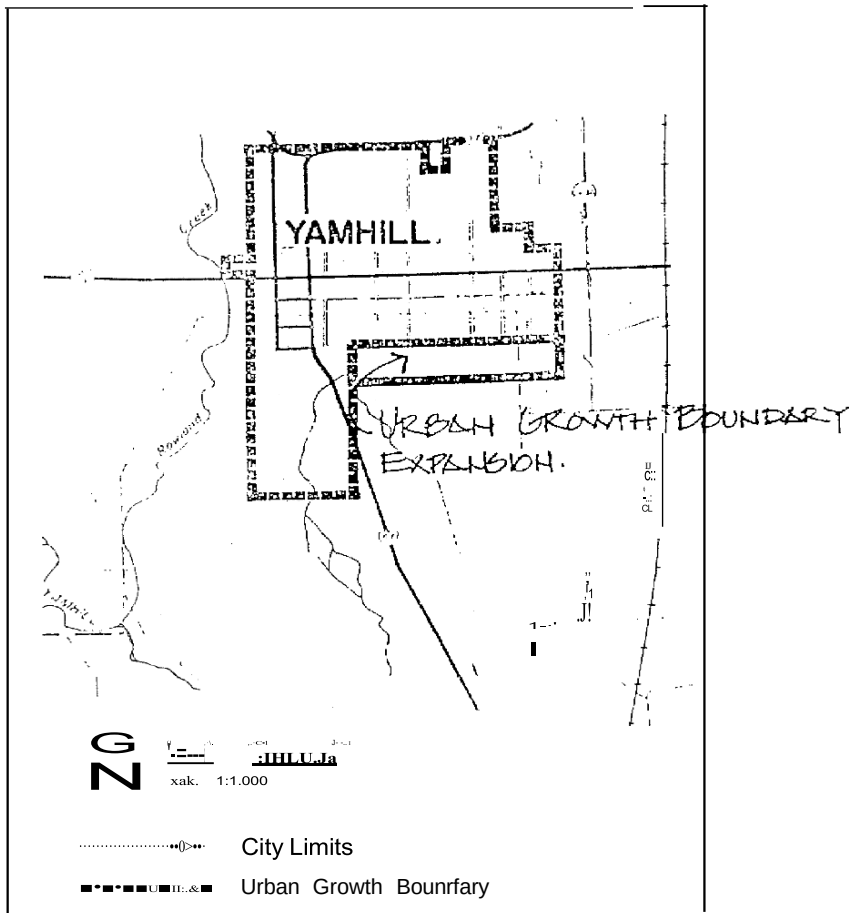
March 2025

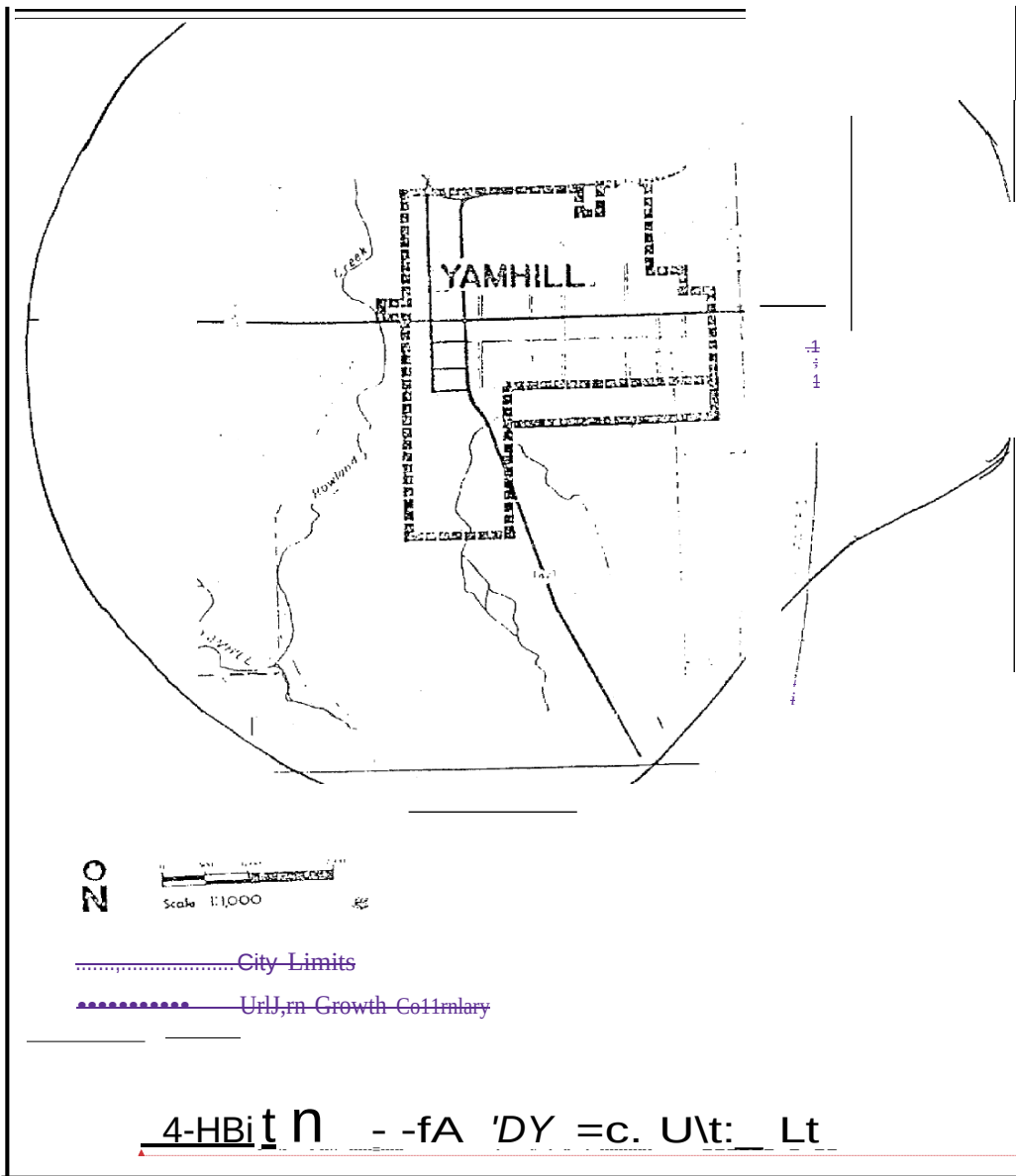
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- Streams
- UGB
- City Limits
- Tax Lots



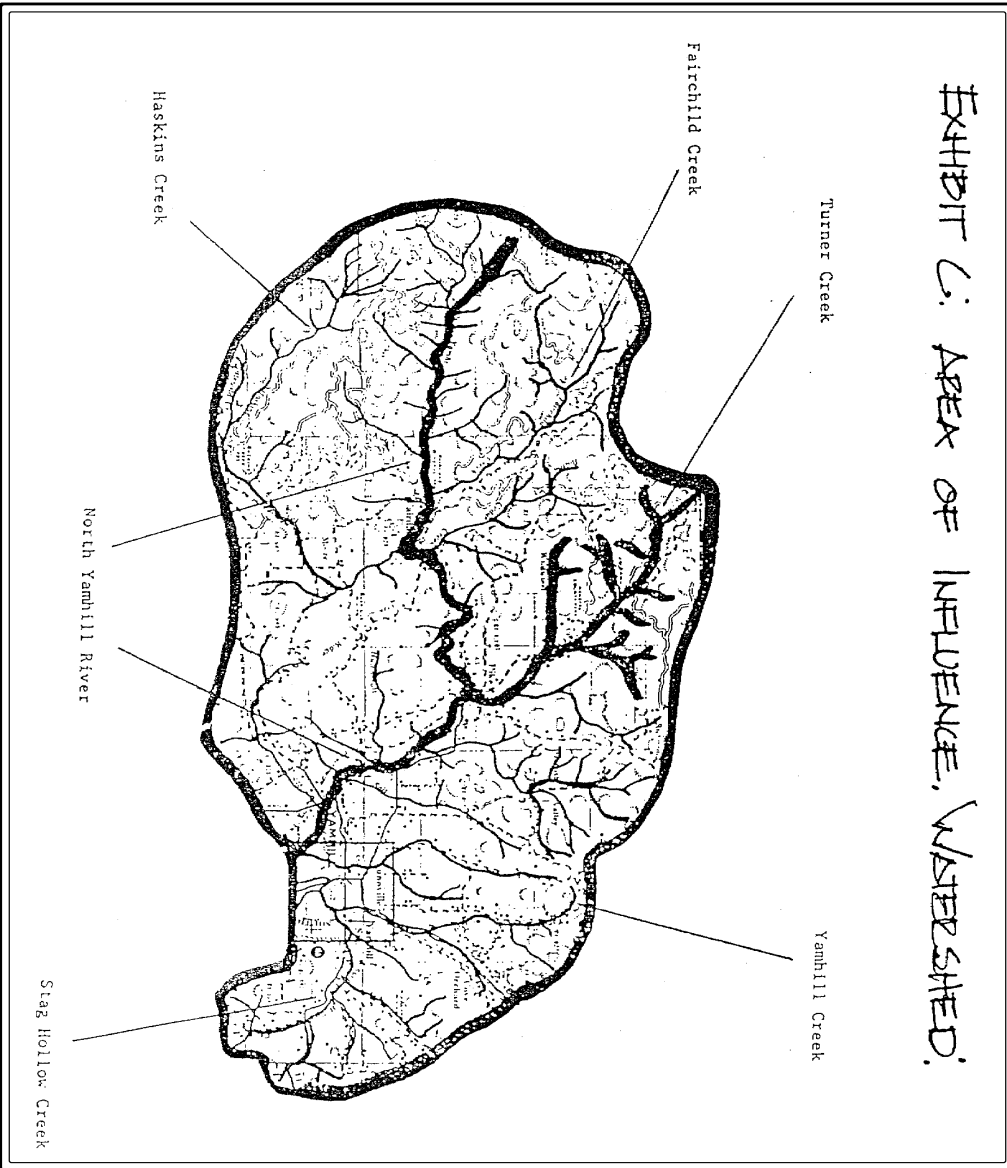
~~Yamhill County~~ ~~City Limits~~ ~~AND~~ ~~Urban Growth Boundary~~
~~Expansion~~





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EXHIBIT C: AREA OF INFLUENCE, WATERSHED



ANNEXATION PROVISIONS AND PROCEDURES

Purpose

The City recognizes the need to establish standards and procedures for the future orderly annexation of lands into the City. Therefore all future annexations to the City shall occur consistent with the provisions of this ordinance.

Introductory Provisions

1. Annexation to the City may be permitted only if:
 - (a) The site abuts the city limits of Yamhill;
 - (b) The site is within the Urban Growth Boundary;
 - (c) The site is with the immediate urban area;
 - (d) The proposed use for the site complies with the Yamhill Comprehensive Plan;
 - (e) The capacity exists to provide the site with urban services that will not unduly tax the public facility and services resources of the City and;
 - (f) The site contains land which is physically suitable for urban use, and
 - (g) The proposed annexation will have a positive fiscal impact on the City.

Section 1. AUTHORITY OF CITY TO ANNEX

The boundary of the City may be extended by the annexation of territory not then within the City and which territory is contiguous to the City or separated from it by a stream only [and within the Urban Growth Boundary](#).

Section 2. GENERAL ANNEXATION PROCEDURE

- 2.1 Following submission of [an](#) annexation proposal or initiation, the ~~City Recorder-Planning Official~~ shall set a date for hearing with the Planning Commission. Notice shall be pursuant to the proposed method of annexation.
- 2.2 The Planning Commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the [City eCouncil](#) within 10 days of the hearing. The Planning Commission's decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's Comprehensive Plan. For all annexations the decision shall state how the proposed annexation will:

- (a) Promote an orderly, timely, and economical transition of rural and agricultural lands into urbanizable lands;
- (b) Avoid promoting development in areas of natural hazard;
- (c) Affect the natural resources of the area including: air resources, water quality, natural vegetation and fish and wildlife resource;
- (d) Effectively utilize energy resources and promote conservation of energy use;
- (e) Provide for recreation and open space opportunities;
- (f) Affect and provide for an orderly and efficient arrangement of public facilities and services;
- (g) Improve and enhance the economy of the City;
- (h) Provide the opportunity for a variety of quality, safe, housing;
- (i) Affect and provide for an orderly and efficient arrangement of transportation needs in an orderly, safe and economic manner.

2.3 The ~~City Recorder-Planning Official~~ shall set a date for a public hearing with the council upon receipt of the Planning Commission's recommendation. Notice shall be pursuant to the proposed method of annexation. After considering all testimony the Council shall sustain or reverse the Planning Commission's recommendation. The ~~City~~ Council shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's Comprehensive Plan.

Section 3. ANNEXATION BY ELECTION

- 3.1 The ~~City~~ Council, upon approval of the annexation proposal, has the authority to submit, except when not required under ORS 222.850 to 222.915, to dispense with submitting the proposal for annexation to the registered voters of the City.
- 3.2 The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. The proposal for annexation may be voted upon by the voters of the City and of the territory simultaneously or at different times not more than twelve months apart.
- 3.3 Two or more proposals for annexation may be voted upon simultaneously; however in the City each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.
- 3.4 The ~~City~~ Council shall give notice of each annexation election by publication prior to such election once each week for four successive weeks in a newspaper of general circulation in the city. Whenever simultaneous elections are held, the same notice

and publication shall fulfill the requirements of publication for the city election and the election held in the territory. Notice shall also be given by posting notices of the election in four public places within the City if votes are to be cast therein and four public places in each territory proposed to be annexed for a like period as provided in this section for publication of notice. The notice shall distinctly state the proposition to be submitted, shall contain a legal description of, and a map indicating, the boundaries of each territory proposed to be annexed and the registered voters shall be invited thereby to vote upon such annexation. The Council, shall also designate and the notice shall state the hours during which the polls will be open within the City and each territory proposed to be annexed. If the election is to be held at the usual precinct polling places designated for a general election held at that time, or if the election is not held at the same time as a general election, but is held at the same polling places used for the last preceding general election, the notice shall so state; if any polling place is to be different than the regular precinct polling places, the notice shall describe the location of the polling places to be used in the area or precincts in which the polling places are different.

Section 4. ANNEXATION PROCEDURE WITHOUT CITY ELECTION

- 4.1 By ordinance, the [City eCouncil](#) may elect to dispense with submitting the annexation proposal to the registered voters of the city, set a date for a public hearing, at which time the registered voters of the city can be heard on the annexation proposal.
- 4.2 Notice of the public hearing shall be published once a week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the City, and posted in four public places in the City for a like period.
- 4.3 Written notice shall be given to all property owners within the boundaries of the proposed annexation and within 500 feet of the external boundaries of the proposed annexation.
- 4.4 After the public hearing the [City eCouncil](#), by ordinance subject to referendum and containing a legal description of the proposed annexation:
 - (1) Declare that the territory is annexed to the City upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - (2) Declare that the territory is annexed to the City where persons with land ownership in the proposed territory consent in writing to such annexation as provided in Section 5, Subsection 1 of this section.

Section 5. ANNEXATION PROCEDURE WITH ELECTION IN PROPOSED TERRITORY

- 5.1 The [City Council](#) need not call or hold an election in any contiguous territory proposed to be annexed, or post notice in the contiguous territory, if more than half the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file the annexation proposal on or before the day:

- (1) The public hearing procedure shall be pursuant to Section 2, Subsection 1 and 2; and Section 4, Subsection 2 and 3. If the council dispenses with submitting the question to the registered voters of the City; or
- (2) The City Council takes the necessary action to call the annexation election in the City under Section 3, Subsection 4, if the Council submits the question to the registered voters of the City.

Section 6. "ISLAND ANNEXATION"

- 6.1 It is within the power and authority of the City by ordinance subject to referendum, to annex land, provided it is not an incorporated City, that is surrounded by the corporate limits or boundaries of the City, with or without consent of any property owner or resident in the territory.
- 6.2 Notice and procedure for public hearing shall be provided pursuant to the provisions of Section 2, Subsection 1, 2, and 3; and Section 4, Subsection 2.
- 6.3 If the City Council elects to submit the questions to the registered voters of the City, procedure shall be pursuant to Section 3.

Section 7. SUBMISSION OF ANNEXATION REPORTS

- 7.1 The City shall report all changes in the boundaries or limits of the City to the County Clerk and County Assessor. The report shall contain a legal description of the new boundaries and shall be filed within 10 days from the effective date of the change of any boundary lines.
- 7.2 With the exception of "island annexation" the City Recorder shall submit to the Secretary of State:
 - (a) A copy of the annexation ordinance,
 - (b) An abstract of the vote within the City if votes were cast therein, which shall show the whole number of registered voters voting therein on the annexation, the number of votes cast against annexing,
 - (c) A copy of the statement of consent of landowners in the territory annexed,
 - (d) A copy of the ordinance of the City declaring that no election is required in the City, and
 - (e) An abstract of the vote upon the referendum if a referendum petition was filed with respect to the deferred ordinance.

Section 8. EFFECTIVE DATE OF ANNEXATION

The annexation shall be complete from the date of filing with the Secretary of State as provided in ORS 222.150, 222.160, 222.170, 111.900 and Section 7, Subsection 2. Thereafter the annexed territory shall be and remain part of the City. The date of such filing shall be the effective date of annexation, provided such filing is not made later than 90 days prior to any general or primary election; otherwise, the effective date of such

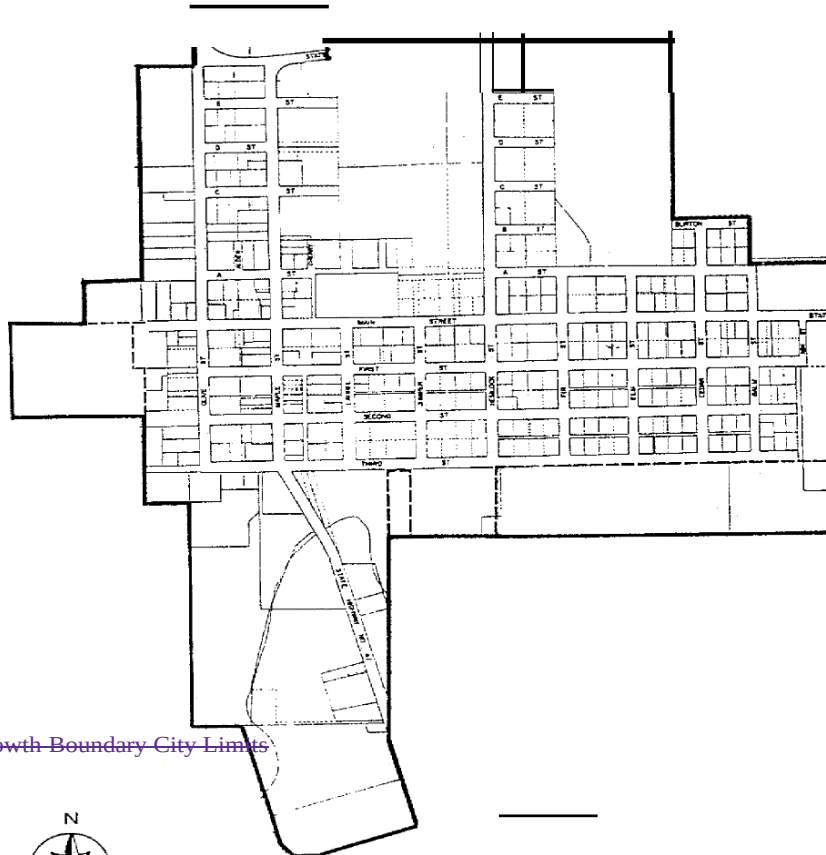
annexation shall be the day after the primary or general election next following the date of filing.

Section 9. ZONE DESIGNATION OF ANNEXED PROPERTY

Territory annexed to the City shall retain the zoning classification of its former jurisdiction, until changed by the City. Zone change proceedings shall be initiated by the City within two months after the effective date of annexation.

Section 10. ANNEXATION FEE

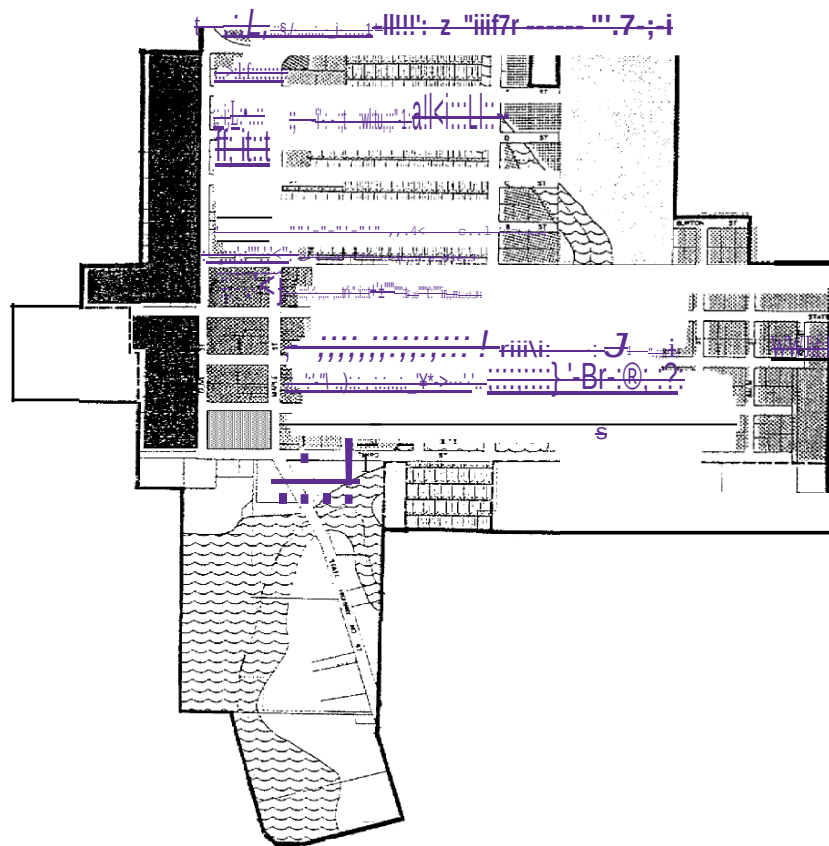
The fee for application for Annexation to the City of Yamhill shall be ~~determined by resolution set forth by the City Council~~ ~~\$200.00-~~
~~payable to the Yamhill City Recorder.~~ ~~If it is determined a public hearing shall be held-~~
~~an additional \$200.00 shall be paid to the City Recorder.~~ ~~All fees paid shall not be refundable.~~



LEGEND

Urban Growth Boundary City Limits





~~Yamhill Comprehensive Plan~~

~~ZONING MAP NOVEMBER, 1999~~

- ~~ R-1 Single Family Residential~~
- ~~ R-2 Single Family Residential~~
- ~~ R-3 Two Family Residential~~
- ~~ C-3 General Commercial~~
- ~~ RLC Residential Light~~
- ~~ PF Public Facility~~
- ~~ FH Flood Hazard~~

RESOLUTION NO. 110

A RESOLUTION AMENDING THE CITY OF YAMHILL COMPREHENSIVE LAND USE PLAN AND THE CITY OF YAMHILL PLANNING ATLAS.

WHEREAS, the City of Yamhill has reviewed the Comprehensive Land Use Plan and Planning Atlas in accordance with Oregon Revised Statutes 197.640; and

WHEREAS, said review finds that certain changes are required to the Comprehensive Plan and Planning Atlas to bring those documents into compliance with the Statewide Goals and State Agency Plans; and

WHEREAS, the City of Yamhill Zone Code 1984, Ordinance No. 350, Section 17 provides for changes to the Comprehensive Plan by resolution; and

WHEREAS, the Planning Commission held a Public Hearing on October 29, 1986, and recommends adoption of attached amendments.

BE IT THEREFORE RESOLVED: That the Comprehensive Land Use Plan be amended as attached and titled "Comprehensive Plan Amendments, 1986", and shall be adopted by this reference.

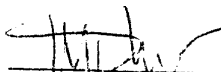
BE IT FURTHER RESOLVED: That the Planning Atlas be amended as attached and titled, "Planning Atlas Amendments, 1986", and shall be adopted by this reference.

Passed by the City Council, the 12th day of November, 1986, by the following vote:

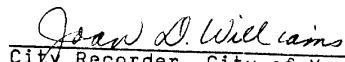
Ayes: 5

Nays: 0

Attest:



Mayor, City of Yamhill



City Recorder, City of Yamhill



THE RUX GROUP, LLC

Douglas R. Rux AICP

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MEMO

Date: February 14, 2024

To: Citizens Advisory Committee Members

CC: Steve Faust, 3 J Consulting
Shelley Reimer, City of Yamhill
Walt Wendolowski, City of Yamhill
Melissa Ahrens, DLCD

From: Doug Rux, TRG, LLC

Subject: Yamhill Housing Code Audit Summary - Final

Summary: This audit reviewed the existing Zoning regulations in Title 10 and Land Divisions in Title 11 of the Yamhill Municipal Code in order to identify opportunities to:

- (1) Identify new housing types to the code;
- (2) Examine standards permitting the development of housing in compliance with applicable statutes and Administrative Rules (OAR Chapter 660) and specifically for HB 3395;
- (3) Incorporate clear and objective standards for review and approval of housing projects into amendments; and
- (4) Streamline the process of development review for housing projects.

The Yamhill Codes are primarily from the year 2000 with selective amendments occurring post 2000. The Codes structure can be viewed as cumbersome to use for the public and

developers based on more modern formats to access information. This audit provides conclusion to enhance the current Code elements to comply with Department of Land Conservation and Development (DLCD) grant requirements and identifies future tasks the City may undertake to modernize its land use regulations.

There were some overarching questions the Citizens Advisory Committee focused on as they reviewed the Housing Code Audit Material:

1. Do you support adding provisions for Duplexes and ADUs in single-family zones as a way to encourage a variety of housing types?
2. Are there any questions about updated definitions and uses for use types required by State Law? (Child Care Facility, Child Care Center, Child Care Home, Residential Facility, Assisted Living facility, Accessory Dwelling Unit, Single Room Occupancy, Affordable Housing, Government Assisted Housing, acceptable to the PAC)
3. Should the City move to a Type I – IV review process, as proposed, for land use applications to ensure compliance with SB 1537?
4. Are there concerns using the Oregon Structural Specialty Code (OSSC) as the methodology for establishing and calculating building height?
5. Are suggested setbacks modifications appropriate?
6. Should lot sizes be adjusted given the variability listed in the Code?
7. Revisiting parking requirements can provide a balance between enhancing development of more and varied housing types, especially infill and managing the overall parking opportunities for residents and neighbors. Are the proposed modifications to parking acceptable?
8. Are there uses that have been identified, such as items listed as Future Tasks, the CAC wants to focus on now? (Note: adding new items requires a discussion of removing items listed by the consultant team to focus on given the grant timeline and funding).

I. INTRODUCTION

The City of Yamhill received a Technical Assistance Grant from the Department of Land Conservation and Development (DLCD) to update the Zoning and Land Division Ordinances related to housing to bring it into compliance with State Law and Administrative Rules.

The project fulfills a grant requirement and housing-related statutory obligation as Yamhill approaches a population size of 2,500, as stated in the grant documents, and new thresholds for middle-housing identified via HB 3395 for duplexes. Introducing new housing types, the project facilitates housing production, affordability, and choice. Identifying where clear and objective standards apply, the project facilitates fair and equitable housing outcomes.

The project examines the policies of the Comprehensive Plan, especially those related to Housing, and Land Use and Urbanization, as well as any existing impediments to development in policies implementing other statewide planning goals. The code audit consolidates insights about how the Code works and opportunities to improve the Code to guide Development Code updates later in 2024 with public engagement and 2025 where code language would be considered for adoption.

Legislative actions, State Statutes, Administrative Rules, and Guidance Documents used in the evaluation include:

- HB3395 (2023)
- HB 2180 (2021)
- HB 2582 (2021)
- HB 2984 (2023)
- SB 1537 (2024)
- SB 458 (2021)
- SB 8 (2021)
- ORS 197
- ORS 197A
- ORS 195
- ORS 92
- ORS 227
- ORS 657
- ORS 329A
- ORS 446
- ORS 455
- OAR Chapter 660, Division 46
- DLCD ADU Guidance Document

The focus of the Housing Code Audit was on Duplexes, ADUs, and applicable Needed Housing as defined in State Statute for the City of Yamhill.

Grant Project Purpose Statement

City of Yamhill Comprehensive Plan and Zoning Code Audit will: (1) Identify new housing types to the code (2) examine standards permitting the development of housing in compliance with applicable statutes and Administrative Rules (OAR Chapter 660) and specifically for HB 3395, (2) incorporate clear and objective standards for review and approval of housing projects into amendments, and (3) streamline the process of development review for housing projects. The project will examine the policies of the Comprehensive Plan, especially those related to Housing, and Land Use and Urbanization, as well as any existing impediments to development in policies implementing other statewide planning goals.

A subsequent buildable lands inventory will identify developable and re-developable property.

The project fulfills a housing-related statutory obligation as Yamhill approaches a population size of 2,500 and new thresholds for middle-housing are identified via HB 3395. Introducing new housing types, the project facilitates housing production, affordability, and choice. Introducing new clear and objective standards, the project facilitates fair and equitable housing outcomes.

Strategic Planning Work Session. The City of Yamhill conducted a Strategic Planning Work Session on March 6, 2024, to identify key issues and opportunities for the community. The summary document from that exercise is included at Attachment 1. Within the document are identified desires of the community related to its housing opportunities which establish an overarching set of Themes. These included (selective list):

Housing

- Need diversity in housing stock
- Need more affordable housing
- Need workforce housing

Land Use

- Department of Land Conservation and Development – Housing Assistance Grant (*Awarded*)
- Need UGB conversations
- Parking downtown and city wide a concern
- Update Comprehensive Plan
- 50 – 75-year strategic plan – map current commercial/future UGB/school locations
- Houses don't convert, keep them commercial
- Return commercial buildings to commercial uses and not current residential uses

Zoning and Land Division Regulations. The Zoning regulations, Title 10 and Land Divisions, Title 11, of the City's Municipal Code, have seen selected updates over the years. The Zoning and Land Division regulations are the primary tools to implement policies and objectives from the Comprehensive Plan. The Code sets the standards and review procedures for proposed new development and is perhaps the most important set of City regulations shaping development outcomes within the community. The City is currently working on Exterior Lighting regulations but the regulations have not been adopted at the time of this audit. The Title 10 standards interact with Title 11 Land Divisions also interact with other sections of the Municipal Code that must be considered, notably the Transportation System Plan.

II. METHODOLOGY

This Code Audit analyzed both what is and is not addressed throughout the Code related to the R-1 (Single Family), R-2 (Single Family), R-3 (Two-Family), RM (Multi-family), RLC (Residential Limited Commercial), C-3 (General Commercial Zone), and CBD (Central Business District) Overlay in order to identify update opportunities that would improve residential housing development opportunities as listed in the grant DLCD Purpose Statement. An updated Code related to housing from this audit, and subsequent updates, would add efficiency in administration for applicants, city staff, Planning Commission and City Council consistent with the City's Comprehensive Plan goals, and in compliance with applicable state regulations.

This audit focuses on those sections and issues that merit attention. It generally does not itemize the many sections that are working and do not need updating.

The audit was developed through review of the existing Zoning and Land Division regulations in relationship to the existing Comprehensive Plan and applicable state

planning regulations, and informed by the consultant's expertise implementing and analyzing zoning across the state for over thirty years. The final audit incorporates review and input from city staff, the Citizens Advisory Committee at their November 4, 2024, January 22, 2025, and January 22, 2025 meetings, and a Community Meeting on November 21, 2024, which influence the policy direction, timing and content of potential code updates for housing throughout the community. The Audit has been color coded to identify each of the categories in Attachment 2. The categories include: Housekeeping, Compliance items with State Law or Oregon Administrative Rules, Policy Opportunities, and Future Tasks.

III. KEY FINDINGS

- *Land Use Review Process*

The City of Yamhill Zoning and Land Division regulations identify the Planning Commission as the entity to review applications for development in Yamhill. This process adds time and expense to both applicants and for the City. The code audit has identified streamlining the process to create a Type I – IV review process. Type I and II reviews would be conducted by the City Administrator or their designee. Type III and IV applications would require Planning Commission and City Council public hearings. Examples of application types include:

Type I – Sign permits, Home Occupations, Single Family, Middle Housing Reviews, Legal Lot Determinations, Partition Final Plats, Property Line Adjustments, Subdivision Final Plats, Code Interpretations.

Type II – Site Development Reviews, Partition Preliminary Plats, Subdivision Preliminary Plats.

Type III – Conditional Use Permits, Variances, Planned Unit Development, Subdivisions with riparian corridors.

Type IV – Development Code Amendments, Zone Map Amendments, Comprehensive Plan and Map Amendments, Annexation, ROW Vacation.

Appeals – Appeals of staff decisions and appeals of Planning Commission decisions.

Moving to a Type I – IV land use review process would accelerate the review timeframes for residential development. Establishing this type of review process

would bring the City into alignment with SB 1537 adopted in 2024 by the Oregon Legislature.

Attachment 2, Rows 146, 271, 278, 282, 286, 333, - 339, 386 – 392, 400 – 417.

Recommendation: Update the land use review process in the Code to reflect a Type I – IV review process. This aligns with the recommendation in the Downtown Code Audit.

- *Definitions*

There are existing terms that are defined such as Boardinghouse, Boarding, lodging or roominghouse, Day nursery (kindergarten), Group care home, that are outdated and identified to be deleted. There are definitions of other Code elements such as Apartment, Basement, Dwelling, Two-Family (Duplex), Dwelling unit, Family, Height of building, Manufactured or prefabricated home, Mobile home, Mobile home park, Residential home, Story, Story, Half, as examples that are out of date with Oregon Revised Statutes and need to be updated. Finally, there are new definitions proposed to align with Needed Housing Requirements and other statutory requirements such as Child Care Facility, Child Care Center, Child Care Home, Residential Facility, Assisted Living facility, Accessory Dwelling Unit, Single Room Occupancy, Affordable Housing, Government Assisted Housing. Attachment 2, Rows 10 – 48.

Recommendation: Delete, modify and add appropriate definitions for terms as shown in Attachment 2. Add the new uses to the appropriate residential zones.

- *Duplexes*

One of the focuses of the grant was to evaluate HB 3395 and duplex requirements. The consultant team took the approach to look at all relevant code sections related to duplex (two-family) and identify necessary changes to permit the units anywhere where a detached single-family dwelling was allowed. This would apply in all R-1, R-2, R-3, RM, and RLC zones where duplexes (two-family) residential is identified. Attachment 2. The consultant team also noted that there could be a reduction in the type of residential zones as a future task.

Fix reference to be Duplex and delete “Two-family”. duplex reference. Delete requirement for Duplex in R-2 to need a Development Permit or Specific Development Permit as a permitted use the same as single-family. Attachment 2, Row 106.

Recommendation:

1. *Modify all code language that references or relates to duplex development.*
2. *Delete requirements that duplexes need a development permit. Treat the same as detached single-family.*
3. *Future task to consider reducing the number of residential zones.*

- *Accessory Dwelling Units (ADUs)*

Identifies allowing an ADU wherever a detached single-family dwelling is permitted based on the zone. This would apply in all R-1, R-2, R-3, RM, and RLC zones where detached single-family dwellings are permitted. Attachment 2.

Consider amending to clarify a separate entrance is required and the unit cannot have access into the primary dwelling. Attachment 2, Rows 363 and 362.

Consider increasing unit size to 50% of the primary unit size with a maximum of 1,000 square feet. Attachment 2, Row 366.

Delete design compatibility requirement. Attachment 2, Row 367.

Consider allowing either separate service connection or connections to the existing primary residence services. Attachment 2, Row 368.

Update requirement that owner residency is not required. Attachment 2, Row 369.

Add a new standard of zero required parking space and a reference back to 10.52.050. Attachment 2, Row 370.

Consider adding a new standard a ADU cannot be partitioned or subdivided from the parcel or lot of the primary unit if there are shared water and wastewater lines. Attachment 2, Row 371.

Recommendation:

1. *Revise and adopt standards that ADUs are allowed without a development permit in any zone where a detached single-family dwelling unit is permitted.*
2. *Update the ADU sections of the Code listed above for development standards.*

- *Building Height*

The Yamhill Code establishes a maximum building height of 35 feet to the highest point. The standard does not align with the Oregon Structural Specialty Code (OSSC) on the calculation methodology. The OSSC measures the height for pitched roof as $\frac{1}{2}$ of the distance from the eave to the ridgeline. This would allow a slight increase to the appearance of residential structures. If a residential structure has a flat roof the measurement is to the highest parapet wall. It is suggested to follow the measurement method within the OSSC. This would apply in all R-1, R-2, R-3, RM, and RLC zones where residential uses are allowed. Attachment 2, Rows 109, 129, 150, 196, 234, 348.

Recommendation: Follow OSSC methodology on determining building height. This aligns with the recommendation in the Downtown Code Audit on how to measure building height.

- *Yard requirements (Setbacks)*

Remove setback requirements based or tied to corner lots, and height (story) of a building. Attachment 2, Rows 80, 112, 153, 199, 237.

Consider reducing side yard setbacks to 5 feet in the R-1 zone. Attachment 2, Row 81.

Consider modifying Front Yards to allow 15 feet to living space and 20 feet to garage in R-1 and R-2. Attachment 2, Rows 82, 113, 155, 201, 239.

Consider adjusting side yard setbacks in R-3. Attachment 2, Row 154.

Consider adjusting yard width between two buildings based on development type in R-3. Attachment 2, Row 156.

Consider adjusting side yard setbacks in RM. Attachment 2, Row 200.

Consider adjusting yard width between two buildings based on development type in RM zone. Attachment 2, Row 202.

Consider adjusting side yard setbacks based on type of development in RLC zone. Attachment 2, Row 238.

Consider if this section needs to be modified if new setback standards are established for residential uses for Exceptions to Yard Requirements. Attachment 2, Rows 318 and 319.

Recommendation: Consider the suggested changes and implement the identified adjustments in the Code listed above.

- *Lot Size*

Consider a reduction in lot size in R-1: Possible lot sizes to consider are:

- a. 6,500
- b. 6,000
- c. 5,500
- d. 5,000

Attachment 2, Row 85.

Modify minimum lot width and depth requirements in R-1. Attachment 2, Rows 85, 115, 161, 204, 241, 445.

Consider revising code language so that Duplexes are treated the same as detached single-family in R-1. Attachment 2, Rows 86, 116, 163.

Tie Duplex land divisions to a new proposed section in Title 11 Land Divisions. Attachment 2, Rows 86, 116, 163.

Consider establishing Middle Housing Land Division provisions to create detached duplex units. Attachment 2, Rows 86, 163.

Consider a reduction in lot size in R-2. Possible lot sizes to consider are:

- a. 5,500
- b. 5,000
- c. 4,500

Attachment 2, Row 85.

Modify minimum lot width and depth requirements in R-2. Attachment 2, Row 115.

Modify minimum lot width and depth requirements in R-3. Attachment 2, Row 161.

Modify minimum lot width and depth requirements in RM. Attachment 2, Row 205.

Consider modifying to define mixed use, duplex, multi-family and lot width in RLC zone. Attachment 2, Row 241.

- *Parking/Bike Parking*

Update standards for ADUs and duplex in Chapter 10.52 so that no off-street parking is required for an ADU and a duplex requires one off street space per dwelling unit. Attachment 2, Rows 89, 119, 166, 208, 243.

Update bike parking standards in Chapter 10.56 based on type of use. Attachment 2, Rows 246, 302, 303.

Consider updating parking requirements related to residential uses in the Parking Requirements table for uses. Attachment 2, Rows 271, 272, 273.

HB 2180 requires that all commercial, industrial, and multifamily development provide Electric Vehicle charging infrastructure. There are two options to address this requirement. First is to follow State Law, second it to incorporate requirements into the Code. Add Electrical Vehicle charging infrastructure as requirement for

commercial, industrial, multi-family development per HB 2180. Also identified in Downtown Code Audit. Attachment 2, Row 290.

Review of parking stall sizes are larger than typically seen for communities. The sizes listed are 10 wide by 20 feet in length for full size and compact space at 8 feet by 16 feet. Could the size be reduced to 9 feet by 18.5 feet for full size and 8 feet by 16 feet for compact? Compact spaces allowed would be a percentage of total required parking. Consider a parking maximum as percentage of minimum parking requirement. Aligns with recommendation in Downtown Code Audit. Attachment 2, Row 292.

ADA/Handicapped parking needs to be updated in the Code. The numbers listed are not in alignment with the Oregon Structural Specialty Code. Aligns with recommendation in Downtown Code Audit. An alternative is to reference the OSSC requirements. Attachment 2, Rows 294 – 296.

Consider a standard for establishing lighting and security for bicycle parking. Aligns with recommendation in Downtown Code Audit. Attachment 2, Row 305.

Consider clarification on what residential uses the standard applies to for parking in a front yard. Attachment 2, Row 313.

Recommendation: Consider the suggested changes and implement the identified adjustments in the Code listed above.

- *Multi-family*

Need clear and objective standards for multi-family development as a needed housing type. Attachment 2, Row 148.

Recommendation: Future Task.

- *General Provisions*

Update to reflect ODOT and County Public Works Department. Attachment 2, Row 251.

Consider updating text to address Duplex Dwellings, and manufactured homes and manufactured dwellings for underground utility installation. Attachment 2, Rows 256 and 257.

Change references from City Recorder to City Administrator per Charter authority. Attachment 2, Rows 263, 265, 300, 441, 463.

Recommendation: Consider the suggested changes and implement the identified adjustments in the Code listed above.

- *Manufactured/Mobile Homes*

Consider fixing purpose statement to include Manufactured/Mobile and prefabricated to be consistent throughout Code. Attachment 2, Rows 321 and 322.

Recommendation: Consider the suggested change and implement the identified adjustment in the Code listed above.

- *Land Use and Building Permit Procedures*

Consider Change references to Plat to Site Plan. Attachment2, Rows 327 and 329..

Recommendation: Consider the suggested change and implement the identified adjustment in the Code listed above.

- *Specific Development Permits*

Update lot size for duplex to be 7,000 square feet in R-1. Attachment 2, Row 342.

Remove duplex limitation to corner lots in R-2. Attachment 2, Row 344.

Update lot size for duplex to be 6,000 square feet in R-2. Attachment 2, Row 345.

Recommendation: Consider the suggested changes and implement the identified adjustments in the Code listed above.

- *Development Standards*

Make sure density listed is also in the Comprehensive Plan for R-1, R-2, R-3, RM, RLC. Attachment 2, Rows 383 – 385.

Recommendation: Consider the suggested change and implement the identified adjustment in the Code listed above.

- *Land Divisions*

Revise definition to align with Title 10 definition for “Dwelling unit”, “Family”, “Lot”, “Corner Lot”, “Through Lot”, “Street”. Attachment 2, Rows 420 - 425.

Consider aligning Title 10 and Title 11 for street frontage on a cul-de-sac. Attachment 2, Row 449.

Consider adding a definition for access strip. Attachment 2, Rows 451 and 452.

Consider adding definition to Chapter 11.04 for Private Street and Private driveway. Attachment 2, Row 466.

Recommendation: Consider the suggested changes and implement the identified adjustments in the Code listed above.

IV. Future Tasks

The Code Audit has identified a number of tasks for future action. These include a Housing Capacity Analysis (HCA)/Housing Needs Analysis (HNA), and Middle Housing (Triplexes Quadplexes, Cottage Clusters, Townhouses) standards. The Downtown Code Audit identifies conducting an Economic Opportunity Analysis (EOA). These tasks will assist Yamhill with future work with data to determine if additional land area is needed for residential housing and expand the types of housing that could be constructed in the community.

The City of Yamhill is approaching the 2,500 population number where compliance with Needed Housing provisions in ORS 197A.018 will need to be addressed for all types of housing (residential, multi-family) in addition to housing that already requires compliance (Government assisted housing, Mobile home or manufactured dwelling parks, Housing for agricultural workers, Housing for individuals with a variety of disabilities, Housing for older persons, Housing for college or university students, and Single room occupancies). The Housing Code audit identifies where necessary changes are needed now related to Government assisted housing, Mobile home or manufactured dwelling parks, Housing for agricultural workers, Housing for individuals with a variety of disabilities, Housing for older persons, Housing for college or university students, and Single room occupancies.

Other Future Tasks identified include:

1. Creating a table format for lists of uses in various residential zones.
2. Consider amending language to clarify a private garage is a detached structure.
3. Lot sizes for Triplex, Quadplex, Cottage Clusters and Townhouses.
4. Establishing parking requirements for Triplex, Quadplex, Cottage Clusters and Townhouses.
5. Revising landscape requirements for multi-family.
6. Creating clear and objective development requirements for multi-family development.
7. Clarify bike parking only applies to multi-family development.
8. Creating clear and objective standards for Tiny House development.
9. Establishing a minimum and maximum number of dwelling units in a multi-family building.
10. Revising fencing requirements.
11. Clarify what public facilities are allowed in residential zones with referencing the entirety of the Public Facility Zone.
12. Allow right-of-way as a permitted in all residential zones.
13. Clarify that parking dimension sizes do not apply to single family, duplex, triplex, quadplex, cottage cluster and townhouse, unless a parking lot is provided.
14. Establishing lighting standards for multi-family development.
15. Clarifying vision clearance requirements as driveway accesses.
16. Adjusting setback requirements for accessory structures (excluding ADUs).
17. Modify Home Occupation requirements to be less onerous. Create a staff process.

18. Adjusting setback requirements for multi-family development.
19. Updating Land Divisions on final plat process.
20. Establish a Master Plan process as part of partitions.
21. Standards for lot creation for townhouses.
22. Create lighting standards for subdivisions with pathways.

V. CITIZENS ADVISORY COMMITTEE MEETING #3

The Citizens Advisory Committee held its final meeting on the Code Audit on January 22, 2025. The Committee concluded the following should be included in drafting proposed Code language.

- *Land Use Review Process*
 1. *Land use permitting application procedures for a Type I – IV process should be implemented.*
- *Definitions*
 1. *Delete, modify and add appropriate definitions for terms as shown in Attachment 2. Add the new uses to the appropriate residential zones.*
- *Duplexes*
 1. *Modify all code language that references or relates to duplex development.*
 2. *Delete requirements that duplexes need a development permit. Treat the same as detached single-family.*
- *Accessory Dwelling Units (ADUs)*
 1. *Modify all code language that references or relates to ADU development including no development permit, requires separate entrance, size maximum 50% of primary unit with 1,000 square foot maximum, remove design compatibility, no owner residency requirement, no off-street parking, consider separate service connections or connections to primary residence, cannot be partitioned off.*
- *Building Height*

1. *Follow OSSC methodology on determining building height. This aligns with the recommendation in the Downtown Code Audit on how to measure building height.*
- *Yard requirements (Setbacks)*
 1. *Update residential zones for uses allowing Duplex in R-1 and R-2, allow ADU in R-1.*
 2. *Development Permits not required for Duplexes and ADUs in R-1, R-2, R-3, RLC.*
 3. *Modify setback: front setbacks, separation between two main buildings, rear setback, rear setback corner lots, side setback, side setback corner lots as represented in Tables presented on January 22, 2025.*
 - *Lot Size*
 1. *Keep lot sizes currently in the Code, add duplex lot size for divided lot in RLC, Duplex lot size to match single-family lot size.*
 2. *Retain lot width requirement, establish lot width the same as single-family for duplexes, delete lot depth requirement single-family and duplex.*
 3. *Follow OSSC methodology on determining building height.*
 - *Parking/Bike Parking*
 1. *No off-street parking required for ADUs.*
 2. *One off-street parking space required for a duplex.*
 3. *Require electrical vehicle charging for multifamily per HB 2180.*
 4. *Adjust parking space sizes to 9 feet by 18.5 feet for full size and 8 feet by 16 feet for compact.*
 5. *Update bike parking standards in Chapter 10.56 based on type of use.*
 6. *updating parking requirements related to residential uses in the Parking Requirements table for uses.*
 7. *Update ADA/Handicapped parking requirements in the Code.*
 - *Multi-family*
 1. *Future Task.*
 - *General Provisions*
 1. *Update to reflect ODOT and County Public Works Department.*

- *Manufactured/Mobile Homes*
 1. *Fix purpose statement to include Manufactured/Mobile and prefabricated to be consistent throughout Code.*
- *Land Use and Building Permit Procedures*
 1. *Fix references to Plat to Site Plan in Code.*
- *Specific Development Permits*
 1. *See changes to use and lot sizes above for duplexes.*
- *Development Standards*
 1. *Make sure density listed is also in the Comprehensive Plan for R-1, R-2, R-3, RM, RLC.*
- *Land Divisions*
 1. *Update Title 11 to reflect changes to Title 10.*
- *General Housekeeping*
 1. *Clean up the Code references and citations.*

VI. CONCLUSION

The Code Audit identifies opportunities for updates that will be further refined through the code development and review process to create more specific code update recommendations over the course of 2025. Further conversation with City staff and the Citizens Advisory Committee will help refine the policy direction of desired updates. Code updates will also be informed by policy direction from Planning Commission and City Council. The Zoning and Land Division regulations should balance consistency and flexibility over time, in the form of periodic updates, to best reflect and implement the city's development priorities.

Attachments: 1. Strategic Planning Session Summary
2. Housing Code Audit Matrix

**THE RUX GROUP, LLC****Douglas R. Rux AICP**

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MEMO

Date: February 14, 2025

To: Citizens Advisory Committee Members

cc: Steve Faust, 3 J Consulting
Shelley Reimer, City of Yamhill
Walt Wendolowski, City of Yamhill
Melissa Ahrens, DLCD

From: Doug Rux, TRG, LLC

Subject: Yamhill Downtown Code Audit Summary - Final

SUMMARY: This audit reviewed the existing Zoning regulations in Title 10 of the Yamhill Municipal Code in order to identify opportunities to improve and update the code related to the downtown area encompassed by the C-3 Zone and Central Business District (CBD) Overlay, along with related sections of the Municipal Code and Charter. The existing Zoning regulations have been amended in in the past but have not been comprehensively updated in many years leading to usability and compliance issues.

There were some overarching questions the Citizens Advisory Committee focused on as they reviewed the Downtown Code Audit Material:

1. Should the City replace its current process of land use application to be reviewed by the Planning Commission and instead establish a Type I – IV process where

- more authority is given to staff to review and issues decisions on applications to be more efficient with review timelines?
2. Does the community want to encourage mixed-use development options for future development projects with ground floor commercial and upper floor residential development?
 3. Should building heights in the C-3/CBD Overlay be increased to 45 feet to accommodate mixed-use development and follow the Oregon Structural Specialty Code on the methodology in calculating building height?
 4. Should drive-up/drive-in uses be allowed in the CBD Overlay? Should drive-up/drive-in uses be allowed in C-3?
 5. Are vision clearance triangle requirements at street intersections and driveways appropriate to be implemented in the C-3/CBD Overlay?
 6. Should parking requirements and stall size be updated to accommodate mixed-use development. Should parking not be required for residential uses in the CBD Overlay or possibly create a public parking lot? If parking is provided should it be required at the side or at the rear of a building?
 7. Should parking lot landscape design standards be created for the C-3/CBD Overlay?
 8. Should there be lighting standards for parking lots and bicycle parking in the C-3/CBD Overlay?

I. INTRODUCTION

The City of Yamhill received a Technical Assistance Grant from the Department of Land Conservation and Development (DLCD) to update the Zoning Ordinance to respond to community desires to further activate Central Business District and the future of the downtown area. This code audit consolidates insights about how the code works and opportunities to improve the code to guide Development Code updates later in 2024 and 2025.

Legislative actions, State Statutes, Administrative Rules, and Guidance Documents used in the evaluation include:

- HB3395 (2023)
- HB 2180 (2021)
- SB 1537 (2024)

- SB 458 (2021)
- ORS 197
- ORS 197A

There are several reference documents that the City may find beneficial related to downtown development. These include:

Smart Development Code Handbook, August 1997,
https://www.oregon.gov/lcd/Publications/SmartDevelopmentCodeHandbook_1997.pdf

Commercial and Mixed Use Development Code Handbook,
https://www.oregon.gov/LCD/Publications/Commercial_MixedUse_CodeHandbook.pdf

Climate Friendly and Equitable Communities, Walkable Design Standards Guidebook (DRAFT), <https://qr.me-qr.com/link-list/XN8HrOho/show>

Grant Project Purpose Statement

The project will address such matters as the boundaries of the City's Central Business District (CBD), types of uses allowed and encouraged, design requirements, and parking requirements, with the primary goals of eliminating conflicting language and creating clear and objective guidelines for the development within the CBD, thereby reducing subjectivity and streamlining the review process. The project will also ensure any proposed amendments to acknowledged City Planning documents provide potential for new housing opportunities, through expanding opportunities for mixed use development and create symbiotic commercial and residential developments that enhance the livability and walkability of the Community's downtown core.

Specifically, an audit of the City's existing CBD land use regulations will determine what changes are necessary to meet the current and future needs of the community. Given the current lack of an industrial base within the City, ensuring a successful downtown is key to the City's economy and compliance with Goal 9 provisions. The City notes that the last look at the CBD, and associated C3 zone, was in 2004 when the City first adopted the District Overlay (DLCD File 002-04). The economic world has changed in the last 19 years,

especially retail sales and the role of the downtown. The City saw little progress downtown since then, and believes it is time to re-examine the effectiveness of the current regulations. The purpose of this project will be to ensure that the City's land use regulations align with the City's current economic vision for the CBD, as well as applicable State laws and Statewide Planning Goals.

Grant Audit Elements to Consider

Task 2: Commercial Uses/Development Comprehensive Plan and Code Audit Comprehensive Plan Audit and Policy matrix: Consultant will review the City's acknowledged Comprehensive Plan (specifically the Plan Map, land use planning section, housing, and economy of the city section) and background documents/Planning Atlas (specifically the land use and urbanization section) to identify legal or policy issues related to commercial development. This will include, but is not limited to, the Consultant determining whether the comprehensive plan contains:

- Sufficient commercially designated land to accommodate the City's anticipated needs and local commercial interests.
- Criteria or procedures related to commercial development that may stymie production.
- Deficiencies in background studies or inventories that are necessary to update plan policies for streamlined commercial development.
- Incorporation the City's economic/community vision for the CBD

Development Code Audit and Code Concepts: After completion of the Comprehensive Plan policy matrix, the consultant will perform an audit of the development code and will prepare a code concepts document summarizing proposed changes to the Development Code. This will include, but is not limited to, the Consultant demonstrating that the Comprehensive Plan and proposed Development Code amendments collectively and consistently ensure:

- A streamlined and, where feasible, clear, and objective path for approval of commercial and mixed-use developments
- Standards, conditions, or procedures that have the effect, either in themselves or cumulatively, of discouraging commercial developments through unreasonable cost or delay

- Internal consistency between the Comprehensive Plan and the Zoning Code policies, land use designations, and zoning districts, that could apply to Commercial development projects

The development code audit and recommended amendments will specifically consider the following:

- a. Architectural design standards, including design elements, and signage.
- b. Building setbacks and conflicts with clear vision requirements.
- c. Maple Street design standards including regulation of formula-based business.
- d. The current boundary of the CBD overlay.
- e. Parking standards.
- f. Lighting standards.
- g. Allowable uses in the underlying C3 zone vs. allowable uses in the CBD overlay.
- h. Parking standards.
- i. Potential for housing.
- j. Land use permitting application procedures.

Strategic Planning Work Session. The City of Yamhill conducted a Strategic Planning Work Session on March 6, 2024 to identify key issues and opportunities for the community. The summary document from that exercise is included at Attachment 1. Within the document are identified desires of the community related to its downtown area which establish an overarching set of themes. These included (selective list):

Downtown

- Department of Land Conservation and Development - Yamhill Central Business District Development Code Audit Grant (*Awarded*)
- Preserve Downtown Overlay, declare historic area.
- Keep it Yamhill – Town with own flavor – Rural Community.
- Maintain community flavor.
- Revitalization of downtown.
- Expansion of Central Business district.
- More control over uses in Central Business district and commercial districts.
- Historic District preservation.
- Pressure from communities to the north – how to capture people to frequent the downtown area.

Economic Development

- How to create economic stability and opportunities
- Need for Industrial land
- Employee challenges with high turnover
- Commuter centric city

Land Use

- Need UGB conversations
- Parking downtown and city wide a concern
- Update Comprehensive Plan
- Houses don't convert, keep them commercial
- Return commercial buildings to commercial uses and not current residential uses

Zoning Regulations. The Zoning regulations, Title 10 of the City's Municipal Code, have seen selected updates over the years. The last review of the Central Business District (CBD) Overlay occurred in 2004 when the CBD Overlay was created. More recently the City adopted Formula Business Regulations to the CBD Overlay in June 2024. The City is currently working on Exterior Lighting regulations but the regulations have not been adopted at the time of this audit. The Zoning regulations are one of the primary tools to implement policies and objectives from the Comprehensive Plan. The code sets the standards and review procedures for proposed new development and is perhaps the most important set of City regulations shaping development outcomes within the downtown area. The Title 10 standards also interact with other sections of the Municipal Code that must be considered, notably Land Divisions Title 11, and the Transportation System Plan.

II. METHODOLOGY

This Code Audit analyzed both what is and is not addressed through the code related to the C-3 (General Commercial Zone), CBD (Central Business District) Overlay and the downtown area, in order to identify update opportunities that would improve code usability. A better code resulting from this audit and subsequent strategic updates would be efficient to administer for City staff and applicants, consistent with the City's Comprehensive Plan goals, and in compliance with applicable state regulations.

This audit focuses on those sections and issues that merit attention: it generally does not itemize the sections that are working and do not need updating.

The audit was developed through review of the existing Zoning regulations in relationship to the existing Comprehensive Plan and applicable state planning regulations and informed by the consultant's expertise implementing and analyzing zoning across the state. The final audit incorporates review and input from City staff, the Citizens Advisory Committee at their November 4, 2024, January 22, 2025, and January 22, 2025 meetings, and a Community Meeting on November 21, 2024, which influence the policy direction, timing, and content of potential code updates for the downtown area.

The audit was based on requirements in the DLCD grant that stated:

- A streamlined and, where feasible, clear, and objective path for approval of commercial and mixed-use developments.
- Standards, conditions, or procedures that have the effect, either in themselves or cumulatively, of discouraging commercial developments through unreasonable cost or delay.
- Internal consistency between the Comprehensive Plan and the Zoning Code policies, land use designations, and zoning districts, that could apply to Commercial development projects.

III. KEY FINDINGS

Review of the Yamhill Zoning Code is based on the items required to be reviewed in the grant:

- a. Architectural design standards, including design elements, and signage.
- b. Building setbacks and conflicts with clear vision requirements.
- c. Maple Street design standards including regulation of formula-based business.
- d. The current boundary of the CBD overlay.
- e. Parking standards.
- f. Lighting standards.
- g. Allowable uses in the underlying C3 zone vs. allowable uses in the CBD overlay.
- h. Parking standards.
- i. Potential for housing.

j. Land use permitting application procedures.

The audit has revealed interesting information. The funding limitations of the grant do not allow for all elements evaluated to be addressed with new or modified code language. The consultant team took the approach to identify the most critical aspects as either Housekeeping, Compliance items with State Law or Oregon Administrative Rules, Policy Opportunities, and Future Tasks. The Audit has been color coded to identify each of the categories in Attachment 2. Key areas the consultant team focused on include the following.

- *Architectural Design Standards and Signage*

The Yamhill Code establishes a maximum building height of 35 feet to the highest point. The standard does not align with the Oregon Structural Specialty Code (OSSC) on the calculation methodology. To accommodate mixed use development, it is suggested that a height of 45 feet be allowed in the C-3/CBD and the method of building height align with the OSSC. Attachment 2, Row 52.

Redevelopment is not defined. Attachment 2, Rows 28 and, 72.

Remove the requirement for new buildings be within 25% of the average height of existing buildings located on the same street side within the CBD Overlay. Consider a 45 maximum height and let the development market determine the height of a building based on its uses. Attachment 2, Row 79.

Remove the perpendicular provision for a building entrance facing a parking lot. The intent should be to have building entrances off of a public street to create a pattern of accessibility to customers. Attachment 2, Row 80.

The Code provides for the use of masonry, brick, or wood for building facades. A future task could look at other design elements such as window coverage percentage on fronting streets, window coverage percentage on upper floors, wall articulation based on wall length, awnings, roof types (parapet/mansard/gable), and other exterior building materials. There is a separate requirement for buildings along Maple Street to be similar in character and design to existing structures. There is already a design requirements for exterior materials. This would be a more involved process to determine acceptable design features. Future standards need to

be clear and objective with a possible two track system of Type II (Clear and Objective) and Type III (Subjective) if clear and objective are not followed. Attachment 2, Rows 81 and 85.

Remove the requirement in the CBD Overlay that buildings shall be within 10% of the average height of existing buildings within the block along Maple Street. Consider a 45 maximum height and let the development market determine the height of a building based on its uses. Attachment 2, Row 84.

Are drive-up and drive-in window uses the type of uses desired in the CBD Overlay? Consider removing the Drive-Up and Drive-In Windows provision, or re-write the criteria so that it is clear and objective. Attachment 2, Row 86.

Move the sign standards in the 10.46.060 CBD Central Business District Overlay Zone into 10.64 Sign Regulations and cross reference 10.46 to 10.64. Attachment 2, Rows 87 – 89, 150.

Recommendation:

- 1. Establish a 45-foot height maximum and follow OSSC methodology on determining building height.*
 - 2. Define Redevelopment.*
 - 3. Remove the perpendicular provision for a building entrance facing a parking lot.*
 - 4. Delete requirement that buildings shall be within 10% of the average height of existing buildings within the block along Maple Street.*
 - 5. Delete drive-up and driven uses in CBD, relocate sign standards in 10.46 to 10.64.*
 - 6. Move sign regulations in 10.46.060 to 10.64.*
 - 7. Future Task – Specific design standards for buildings in CBD Overlay and along Maple Street with clear and objective track and subjective track.*
- *Building setbacks and conflicts with clear vision requirements.*

There is a perception of mixed signals on setbacks in the C-3/CBD given the different sections of the Code. Examples include in the C-3 zone there is required side or rear yard setback, unless one is provided it then needs to be 3 feet. It is

unclear why 3 feet is required. There is no front yard setback in the C-3 zone, but in the CBD Overlay there is a maximum setback to a street of 20 feet, and along Maple Street in the CBD Overlay the setback is maximum is zero feet. A separate section of the Code indicates exceptions to setbacks for dwellings which states a 20-foot setback. If mixed-use development is allowed with upper floors being dwellings there are conflicts in the Code. A clean up and/or cross-references need to be established. Attachments 2, Rows 53 – 56, 78, 83, 163.

There could be additional clarity on the issue of setback in the C-3 and CBD Overlay on vision clearance requirements. The overarching question is should vision clearance requirements apply in the C-3/CBD Overlay? The requirement affects building design and street intersections or streets and railroad intersections. There is no reference to a vision clearance area at driveway connections with a street or alleys and a street. Could a stop bar location in a street provide adequate sight distance for vehicles. Attachment 2, Rows 56, 64, 78, 83, 151 – 159.

Vision Clearance Area requirements for driveways and alleys are not included in the Vision Clearance Chapter 10.68 of the Code and instead are located Parking and Loading Area Development requirements in 10.52.070. Should requirements in Chapter 10.52.070 be moved to 10.68?

Recommendation:

- 1. Clean up the setback inconsistencies within the Code and where necessary re-write, clarify, or provide exemptions.*
 - 2. Remove vision clearance requirements for development within the C-3/CBD Overlay and utilize the stop bar as the tool to create safe intersection sight distance.*
 - 3. Relocate vision clearance requirements in 10.52.070 into 10.68 if they are to be applied in the C-3/CBD Overlay.*
- *Maple Street design standards including regulation of formula-based business.*

The requirement along Maple Street that buildings shall be similar in character and design with existing structures is subjective. A future task could look at other design elements such as window coverage percentage on fronting streets, window coverage percentage on upper floors, wall articulation based on wall length,

awnings, roof types (parapet/mansard/gable), and other exterior building materials. This would be a more involved process to determine acceptable design features. Attachment 2, Row 85.

The formula business criteria adopted by Resolution No. R-820 are subjective in nature and fall under a Specific conditional Use process. If updates are provided in the future to building design standards in the C-3/CBD Overlay the formula based business criterion would need to be revisited to determine if they are still applicable or need revisions and to be clear and objective. Attachment 2, Rows 171 – 173.

Recommendation:

1. *Updated design standards should be a Future Task.*
 2. *Updates to the formula business should be revisited as a Future Task.*
- *The current boundary of the CBD overlay.*

This has been identified as a Future Task. An Economic Opportunities Analysis (EOA) needs to be conducted to determine if there is a need for additional commercial land to be designated CBD. Analysis indicates if there is a need it could be to the southwest into the RLC zone. At the first CAC meeting it was raised expanding the area to the north along Maple Street (Hwy 47) another possible options. Attachment 2, Rows 29 and 69.

To expand the C-3/CBD would require a Comprehensive Plan and Zone Change process.

Recommendation: Expansion of the C-3/CBD Overlay should be evaluated after an EOA is prepared - Future Task.

- *Parking standards.*

The parking standards in 10.52 Off-Street Parking and Loading were reviewed. The parking numbers per type of use are in alignment with other comparable sized communities. The CBD is exempt from providing parking and that has not been identified to be changed by the consultant team. The consultant team identified if parking for residential uses in the CDB should be established as 1 space per dwelling

unit to not overwhelm public on street capabilities. The Parking Requirements Table in 10.52.050 is outdated for residential uses in the C-3/CBD Overlay and needs to be updated Attachment 2, Rows 109 – 110.

Loading is required in the C-3/CBD Overlay, while parking is for commercial uses is not required. Could the Code be written that loading could be provided in the right-of-way with time restrictions of when the activity could occur? Attachment 2, Rows 111 – 114.

Review of parking stall sizes are larger than typically seen for communities. The sizes listed are 10 wide by 20 feet in length for full size and compact space at 8 feet by 16 feet. Could the size be reduced to 9 feet by 18.5 feet for full size and 8 feet by 16 feet for compact? Attachment 2, Rows 118 – 120, 131.

HB 2180 requires that all commercial, industrial, and multifamily development provide Electric Vehicle charging infrastructure. There are two options to address this requirement. First is to follow State Law, second it to incorporate requirements into the Code. Compact spaces allowed would be a percentage of total required parking. Consider a parking maximum as percentage of minimum parking requirement. Attachment 2, Row 129.

ADA/Handicapped parking needs to be updated in the Code. The numbers listed are not in alignment with the Oregon Structural Specialty Code. Attachment 2, Rows 132 – 135.

There are no parking lot landscaping standards when parking is provided or required. To address the visual character of the C-3/CBD Overlay when parking is provided either for commercial development or for mixed-use development landscaping standards in parking lots be established. Attachment 2, Row 129.

Bicycle parking standards in the Bicycle Parking Table are outdated for multi-family dwelling development and should be updated. Attachment 2, Rows 144 – 145.

Recommendation:

1. *Update the Parking Requirements Table for residential uses in the C-3/CBD Overlay.*
2. *Consider allowing commercial loading to occur within the public right-of-way during established times rather than requiring to be on the development site.*
3. *Reduce full size parking stall size to 9 feet by 18.5 feet and compact spaces to 8 feet by 16 feet. Compact spaces allowed would be a percentage of total required parking. Consider a parking maximum as percentage of minimum parking requirement.*
4. *Require HB2180 compliance on EV charging infrastructure.*
5. *Create landscape standards withing parking lots within the C-3/CBD Overlay.*
6. *Update the Bicycle Parking Table for multi-family dwelling uses in the C-3/CBD Overlay.*

- *Lighting standards.*

There is limited code requirements and no clear and objective standards for lighting. At a minimum a standard of .5-foot candles should be established at a property line to reduce glare on adjoining properties and limit light pollution. The city is working on new lighting standards that are going through the Planning Commission and City Council for review. These new standards would address creating clear and objective standards. Attachment 2, Row 123.

The Code requires lighting for bicycle parking with a requirement that it be well-lit. There is no clear and objective standard for what well-lit means. Lighting standards should be established. Attachment 2, Row 147.

Recommendation:

1. *Establish a minimum standard of illumination at a property line as outlined in the Exterior Lighting Regulations proposed before the Planning Commission and City Council.*
2. *Establish lighting standards for bicycle parking areas.*

- *Allowable uses in the underlying C3 zone vs. allowable uses in the CBD overlay.*

With the limited C-3/CBD area should drive-in uses be allowed in the overlay. If attempting to create a walkable downtown are drive-in restaurants an appropriate use? Attachment 2, Rows 34 and, 86.

Are Motels and acceptable use in the C-3/CBD zone? Hotels or overnight accommodations may be a more appropriate development type than an outdated motel concept. Attachment 2, Row 33.

Residential uses (single family) should not be allowed in the C-3/CBD. Language should be modified to make it clear that detached single-family uses are not allowed. Attachment 2, Rows 35-42.

Uses allowed in the C-3 Zone are the same uses allowed in the CBD Overlay. Review of the Code raised the question as to why industrial uses are allowed in the C-3/CBD given the limited geographic area as a conditional use. Attachment 2, Rows 32, 44 – 45.

As similar issue was identified for Public Facility Zone uses in the C-3-CBD. The zone allows an extensive list of uses such as schools, stadiums, and athletic fields which are land intensive uses. Municipal Service use are reasonable activities within a C-3/CBD zone with exceptions for sewage treatment facilities, water treatment facilities, and public works shops. Public service facilities listed appear appropriate in the C-3/CBD zone. Attachment 2, Row 47.

Adding mixed use development opportunities with ground floor commercial with upper floor residential (multi-family and Single Room Occupancy) should clearly be listed as permitted uses. Residential on the ground floor should not be allowed. Attachment 2, Row 27.

Home Occupations are not clearly identified to be allowed in the C-3/CBD zone where multi-family housing would be allowed. Attachment 2, Row 170.

Recommendation:

- 1. In the C-3/CBD zone remove drive-in uses.*
- 2. Remove motels as a permitted use or consider rephrasing the category to overnight accommodations.*

3. *Revise so detached single-family is not a permitted.*
4. *Consider not allowing industrial uses.*
5. *Limit the Public Facility Zone uses to a shorter list that is compatible with downtown activities.*
6. *Clarify that Home Occupation activities are permitted in residential dwellings.*
7. *Add that mixed use development with ground floor retail and upper floor residential is a permitted use.*

- *Parking standards. (see above)*
- *Potential for housing.*

The audit identifies establishing standards for mixed-use development options in the CBD making it clear that ground floor commercial uses with upper floor residential uses would be allowed. Attachment 2, Row 28, 37 -41, 144.

The Housing Grant project has identified Single Room Occupancy (SRO) as a residential use to allow in the C-3/CBD. Add the use to the list of uses in the C-3/CBD Overlay.

Mixed use development with ground floor commercial with upper floor residential (multi-family and Single Room Occupancy) should clearly be listed as permitted uses. Residential on the ground floor should not be allowed. Attachment 2, Row 28, 37 -41, 144.

Recommendation:

1. *Add mixed use development as a development type as a permitted use in the C-3/CBD Overlay. All development does not need to be mixed use.*
2. *Add Single Room Occupancy as a permitted use in the C-3/CBD Overlay.*
3. *Make revisions that residential uses are not allowed on a ground floor within the C-3/CBD Overlay.*

- *Land use permitting application procedures.*

The City of Yamhill Zoning regulations identify the Planning Commission as the entity to review applications for development in the CBD. This process adds time and expense to both applicants and for the City. The code audit has identified streamlining the process to create a Type I – IV review process. Type I and II reviews would be conducted by the City Administrator or their designee. Type III and IV applications would require Planning Commission and/or City Council public hearings. Examples of application types include:

Type I – Sign permits, Home Occupations, single family, Middle Housing Reviews, Legal Lot Determinations, Partition Final Plats, Property Line Adjustments, Subdivision Final Plats, Code Interpretations.

Type II – Site Development Reviews, Partition Preliminary Plats, Subdivision Preliminary Plats.

Type III – Conditional Use Permits, Variances, Planned Unit Developments.

Type IV – Development Code Amendments, Zone Map Amendments, Comprehensive Plan and Map Amendments, Annexation, ROW Vacation.

Appeals – Appeals of staff decisions and appeals of Planning Commission decisions.

Moving to a Type I – IV land use review process would accelerate the review timeframe within the CBD. Establishing this type of review process would bring the City into alignment with SB 1537 adopted in 2024 by the Oregon Legislature. Attachment 2, Rows 50, 92, 96, 97, 110, 112, 117, 121, 125, 175 – 187, 196, 200 – 202, and 214.

Recommendation: Update the land use review process in the Code to reflect a Type I – IV review process. This aligns with the recommendation in the Housing Code Audit.

- Miscellaneous

10.04.010 Zones Established does not include all zones listed in the Code. The missing zones need to be added to the list. Attachment 2, Rows 3 – 8.

Recommendation: Update the list of applicable zones missing from the list.

The Definition, Chapter 10.08 has uses that need to be defined related to types of Dwellings and what constitutes a Family. There are also policy choices for updating existing definitions and deleting definitions. There are new definitions suggested to be added. Attachment 2, Rows 9 – 28.

Recommendation: Update, delete, and add definitions as noted in Attachment 2.

Clean up Code references to City Recorder to be City Administrator. There are inconsistent references that are not in alignment with the City Charter. Attachment 2, Rows 106, 137 – 138, 167.

Recommendation: Clean up Code references to City Recorder to be City Administrator.

IV. FUTURE TASKS

The Code Audit has identified tasks for future action. These include an Economic Opportunity Analysis (EOA) and Housing Needs Analysis (HNA)/Housing Capacity Analysis (HCA). Both of these documents would assist in providing data to determine if additional land area is needed to be designated C-3/CBD Overlay and what the residential housing land need is and what percentage of that need might be accommodated on the CBD Overlay. Attachment 2, Row 1.

Other future tasks have been identified in Attachment 2. The CAC may consider to elevate a future task to become a current task and remove a recommended task to become a future task.

V. CITIZENS ADVISORY COMMITTEE MEETING #3

The Citizens Advisory Committee held its final meeting on the Code Audit on January 22, 2025. The Committee concluded the following should be included in drafting proposed Code language.

- *Architectural Design Standards and Signage*

1. *Establish a 45-foot height maximum and follow OSSC methodology on determining building height.*
 2. *Define Redevelopment.*
 3. *Remove the perpendicular provision for a building entrance facing a parking lot.*
 4. *Delete requirement that buildings shall be within 10% of the average height of existing buildings within the block along Maple Street.*
 5. *Delete drive-up and driven uses in CBD, relocate sign standards in 10.46 to 10.64.*
 6. *Move sign regulations in 10.46.060 to 10.64.*
- *Building setbacks and conflicts with clear vision requirements.*
 1. *Clean up the setback inconsistencies within the Code and where necessary re-write, clarify, or provide exemptions.*
 2. *Vision clearance standards should remain as written in the Code.*
 - *Maple Street design standards including regulation of formula-based business.*
 1. *Updated design standards should be a Future Task.*
 2. *Updates to the formula business should be revisited as a Future Task.*
 - *The current boundary of the CBD overlay.*
 1. *Expansion of the C-3/CBD Overlay should be a Future Task.*
 - *Parking standards.*
 1. *Update the Parking Requirements Table for residential uses in the C-3/CBD Overlay.*
 2. *Consider allowing commercial loading to occur within the public right-of-way during established times rather than requiring to be on the development site.*
 3. *Reduce full size parking stall size to 9 feet by 18.5 feet and compact spaces to 8 feet by 16 feet. Compact spaces allowed would be a percentage of total required parking. Consider a parking maximum as percentage of minimum parking requirement.*
 4. *Require HB2180 compliance on EV charging infrastructure.*
 5. *Update the Bicycle Parking Table for multi-family dwelling uses in the C-3/CBD Overlay.*

- *Lighting standards.*
 1. *The City is currently working to update Exterior Lighting regulations.*
- *Allowable uses in the underlying C3 zone vs. allowable uses in the CBD overlay.*
 1. *In the C-3/CBD zone remove drive-in uses.*
 2. *Remove motels as a permitted use or consider rephrasing the category to overnight accommodations.*
 3. *Revise so detached single-family is not a permitted.*
 4. *Consider not allowing industrial uses except for breweries, wineries, and distilleries with retail components.*
 5. *Limit the Public Facility Zone uses to a shorter list that is compatible with downtown activities.*
 6. *Clarify that Home Occupation activities are permitted in residential dwellings.*
 7. *Add that mixed use development with ground floor retail and upper floor residential is a permitted use.*
 8. *Permit Single Room Occupancy in the C-3/CBD Overlay.*
 9. *Do not permit residential on ground floor within the C-3/CBD Overlay*
- *Land use permitting application procedures.*
 1. *Land use permitting application procedures for a Type I – IV process should be implemented.*
- *General Housekeeping*
 1. *Clean up the Code references and citations.*

VI. CONCLUSION

The code audit identifies opportunities for updates that will be further refined through the code development and review process to create more specific code update recommendations over the course of 2025. Further conversation with City staff and the Citizens Advisory Committee will help refine the policy direction of desired updates. Examples are parking in the CBD, should the CBD be a mixed use zone, the amount of industrial or not in the CBD, land use review process (Type I – IV). Code updates will also be informed by policy direction from City Council. Code updates will also be informed by policy direction from Planning Commission and City Council. The zoning regulations should

balance consistency and flexibility over time, in the form of periodic updates, to best reflect and implement the city's development priorities.

Attachments: 1. Strategic Planning Session Summary

2. Downtown Code Audit Matrix

TECHNICAL MEMORANDUM

To: City of Yamhill

From: Julia Reisemann and Steve Faust, 3J Consulting

Date: October 28th, 2024

Project: Yamhill Code Updates

Project No: 24944 Yamhill Code Updates

RE: Methodology for the Yamhill Buildable Lands Inventory (DRAFT)

Introduction

This memorandum describes the methodology and draft results of the residential Buildable Lands Inventory (BLI) for the City of Yamhill. This analysis supports the currently undergoing code updates being prepared by 3J Consulting and The Rux Group. The BLI analysis uses the most current Geographic Information Systems (GIS) data as well as digital documents available for the City of Yamhill. This project is funded by Oregon general fund dollars through the Department of Land Conservation and Development. The contents of this document do not necessarily reflect the views or policies of the State of Oregon.

Regulatory Basis

This inventory is consistent with Oregon's statewide requirements for Goal 10 and its administrative rule (OAR 660-008). In accordance with OAR 660-008-0005 (2), an estimate of residential buildable lands within Yamhill's Urban Growth Boundary (UGB) has been conducted to determine the supply of land available to meet housing needs.

Buildable Lands Inventory Methodology

The objective of the BLI is to determine the amount of developable land available for future residential housing within the UGB. The steps taken to perform this analysis are as follows:

1. Generate a residential land base using zoning and comprehensive plan designations.
2. Classify land into categories identifying their development status. Separate lands if they can be developed ("Vacant" and "Partially Vacant") or not ("Developed" and "Other").
3. Identify and calculate constraints that reduce the gross buildable acres of future development.
4. Inventory results in various ways and account for land needed for future public facilities such as roads, schools, and parks from gross buildable acres.



This step entails “clipping” all of the tax lots that are bisected by the UGB to eliminate land outside of the UGB from consideration for development at this time, as well separating tax lots where multiple zones cover one lot. The “pieces” are then considered under their individual plan designation. City staff and stakeholder input was provided for a level of quality assurance.

Step1: Generate Residential Land Base

The residential land base is a mix of Yamhill’s current Zoning and Comprehensive Plan designations. The designations were reviewed by City staff. Because the inventory is part of a code update, more detailed zoning categories are being used rather than general comprehensive land use plan categories of “Residential” and “Commercial”.

Properties within the residential land base include the following base zone classifications (see Figure 1):

Residential Zoning Categories

- Single Family Residential (R1)
- Single Family Residential (R2)
- Two Family Residential Zone (R3)
- Residential Limited Commercial (RLC)
- General Commercial (C3)

Residential Comprehensive Plan Land Use Classifications

- Comprehensive Plan - Future Residential

Residential Classifications via City Guidance

- Future Residential

Residential Zoning Categories identified by Yamhill County

- CITY - Urban

These classifications have been kept consistent throughout the analysis. The city does have multiple overlay zones that are not considered for this analysis as there is no GIS data available. The overlays according to the city’s municipal code include:

- PFO – Public Facility Overlay Zone
- FHO – Flood Hazard Overlay Zone
- LUO – Limited Use Overlay Zone

Nearly 90% of the city is zoned for residential use. However, 39 of the total residential acres are occupied by the Yamhill Carlton High School campus. The high school is included in the residential acres shown in Table 1. About a quarter acre of the school is zoned General Commercial and the other 38 acres are zoned R2.



Figure 1: Yamhill Zoning and Comprehensive Plan Designations

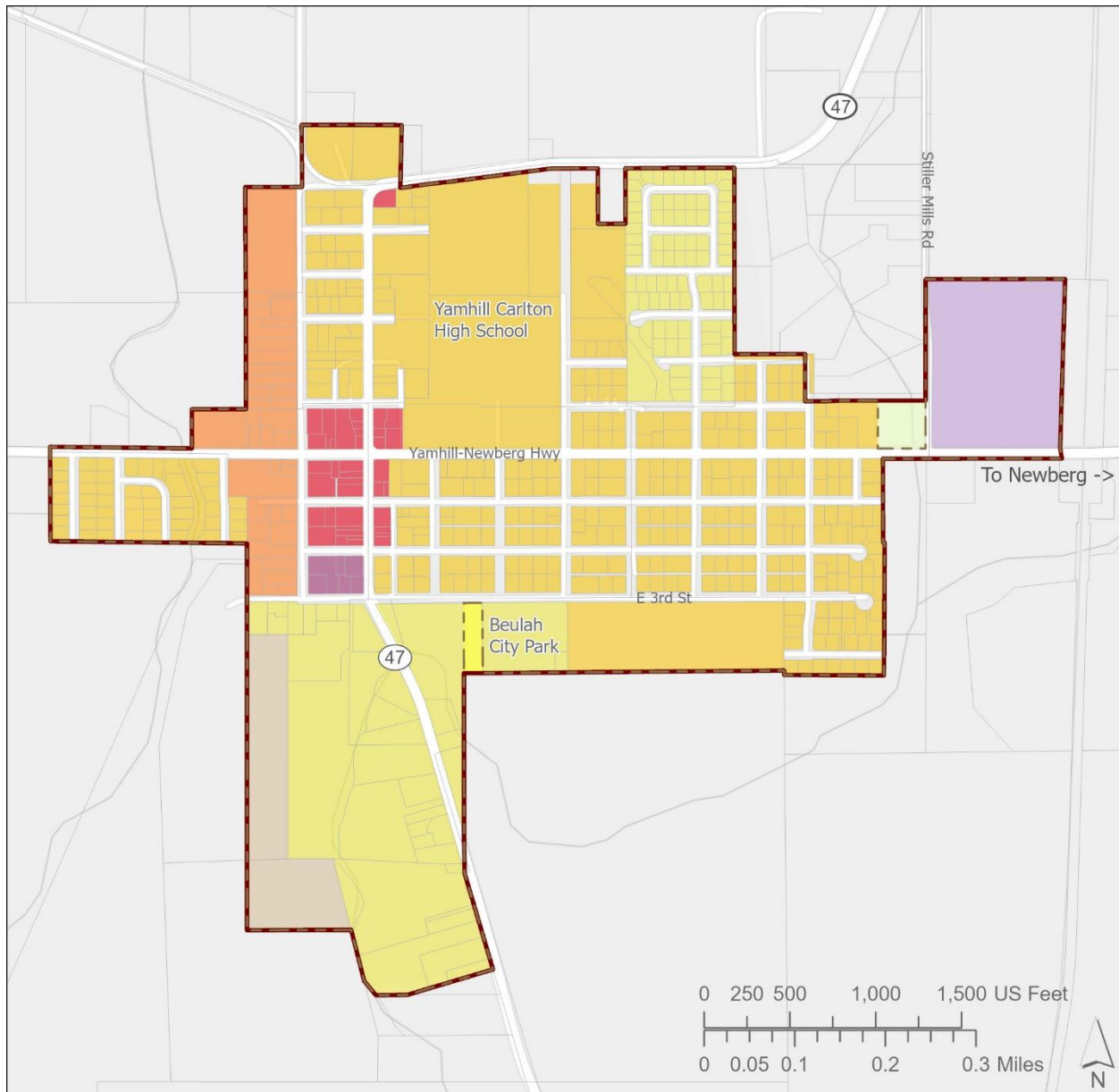


Table 1 Gross Acreage by Designated Plan Category

Plan Designation	Number of Tax Lots	Gross Acres ¹	Percent of Acres
C3 - General Commercial	38	7	2.82%
RLC - Residential Limited Commercial	6	2	0.64%
LI - Light Industrial	1	17	6.78%
R3 - Two Family Residential Zone	37	18	7.10%
R2 - Single Family Residential	367	129	50.61%
R1 - Single Family Residential	121	66	26.01%
CompPlan - Future Residential	1	1	0.40%
Future Residential	1	2	0.70%
CITY - Urban	2	13	4.93%
Total	574	255	100%

Step 2: Classify Lands

The next step in the BLI analysis includes classifying each tax lot (parcel) into one of the following categories:

Vacant land: Properties with no structures or have buildings with very little value. For purpose of the BLI, residential lands with improvement value less than \$10,000 and at least 3,000 square feet (sf) large are considered vacant. These lands were also subjected to review using aerial imagery and Google Streetview. If the land is in a committed use such as a parking lot, home, shed or new/under construction, an assessment has been made to determine if it is to be classified as vacant, part vacant or developed.

Partially vacant land: Properties that are occupied by a use (e.g., a home or building structure with value over \$10,000) but have enough land to be subdivided without the need for rezoning. This determination is made using tax assessor records, aerial imagery and Google Streetview. For Single Family lots, it is assumed that ¼ acre (10,890 sf) is retained by each existing home, and the remainder is included in the part vacant land inventory. For non-single family uses (e.g. churches) aerial imagery was used to determine the size of the unused portion.

Note: There are two church properties with land available for infill housing.

Developed: Properties unlikely to yield additional residential development for one of two reasons: 1) They possess existing structures at densities that are unlikely to redevelop over the planning period; or 2) They include parcels with Zoning or Comprehensive Plan designations that do not permit housing development.

Note: A 12-acre residentially-zoned site in the southeast of the city is assumed developed as permits have been assigned and construction is ongoing.

Other: Properties which are regarded as unlikely to be developed because they are restricted by existing uses such as:

¹ Gross acres refer to the acreage occupied by tax lots and excludes public roads



- Public land, parks, schools, roads and right-of-way (ROW), and utilities
- Property cannot be served with public facilities
- Property is constrained on more than 85% of its area
- Property zoning does not allow residential development

In some cases, tax lots had to be split to accompany different plan classifications. Split tax lots are treated as individual and might go into any of the categories described below. These classifications were validated using satellite imagery, street view, and assessor records. Preliminary results were refined based on City staff, stakeholders, and public input received during the planning process (see Figure 2).

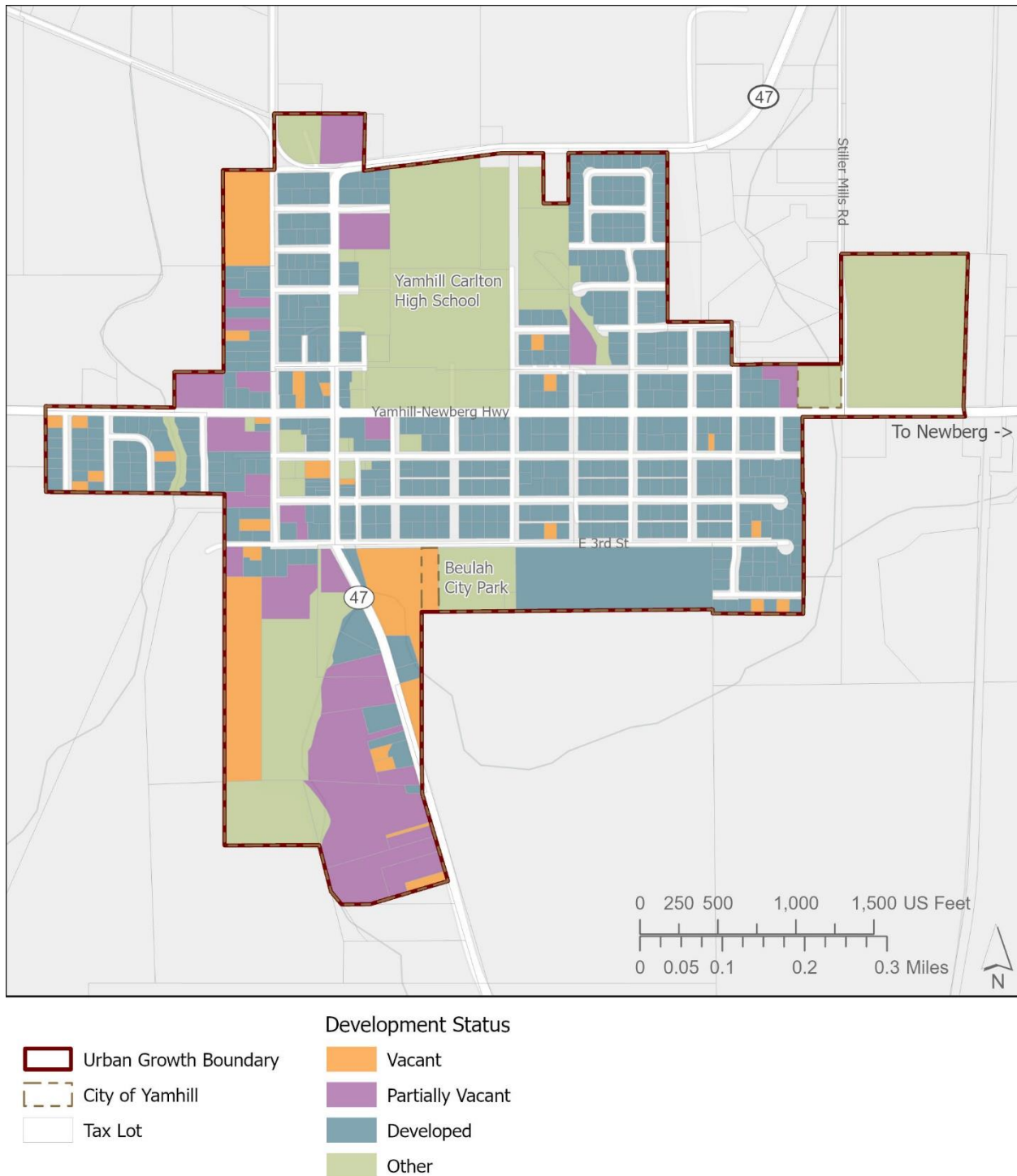
Table 2 presents the land classifications and the gross acreage of each by designated planning category. There are two centrally located sites under 'Other' that are currently vacant within the General Commercial zoning district. The larger of the two with 11,000 sf is owned by the Fire District. The smaller site with 5,000 sf is owned by Yamhill County.

Table 2 Unconstrained Residential Land by Development Status

Plan Designation	Vacant Acres	Partially Vacant Acres	Developed Acres	Other Acres	Total
C3 - General Commercial	1	0	4	2	7
RLC - Residential Limited Commercial	0	1	1	0	2
LI - Light Industrial	0	0	0	17	17
R3 - Two Family Residential Zone	5	6	7	0	18
R2 - Single Family Residential	2	5	80	42	129
R1 - Single Family Residential	7	24	19	17	66
CompPlan - Future Residential	1	0	0	0	1
Future Residential	0	0	0	2	2
CITY - Urban	7	0	0	5	13
Total	23	36	111	85	255



Figure 2: Development Status



Step 3: Identify Constraints

The methodology for identifying and removing development constraints is consistent with state guidance on BLIs per OAR 660-008-0005(2)) and 660-038-0070. The BLI is intended to include land that is “suitable, available, and necessary for residential uses.” “Buildable Land” includes residential designated land within the UGB, including vacant and part vacant land that is suitable, available, and necessary for residential uses.

Public-owned land is generally not considered to be available for new growth unless the underlying zoning permits housing or the land is being made available by the jurisdiction for housing. It should be noted that “available” in this context does not mean that the land is presently on the market or development ready. It is assumed in this analysis that such land is expected to come on the market within the 20-year timeframe of this study.

Based on state guidelines and information provided by the City of Yamhill, the following constraints have been deducted from the residential lands inventory.

- Open water of at least one-half acre in size.
- Land within the 100-year floodplains. This does not include lands in flood-hazard areas as identified by the City’s Flood Hazard Overlay Zone.
- Wetlands as identified by Oregon’s Wetland Database. This does not represent a local wetland inventory as required by the Comprehensive Plan. None such inventory exist.
- Park Land as identified by the County.
- Land in public ownership with no development potential.

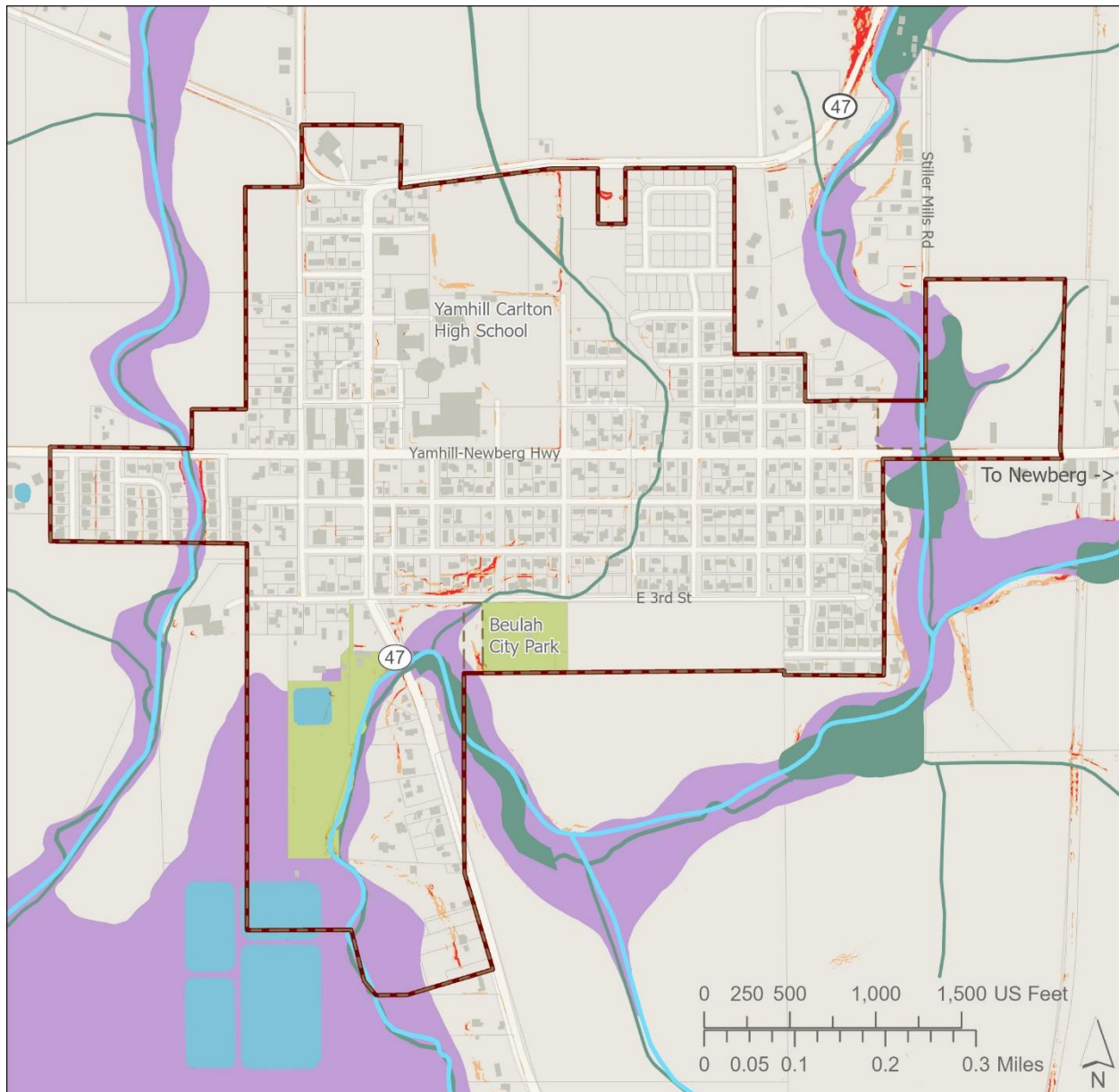
Note: The City’s Comprehensive Plan does mention a local wetland inventory, the protection of riparian corridors, or historical sites.

The City of Yamhill’s online zoning map depicts a Flood Hazard Overlay Zone that reaches further into the city than the Federal Emergency Management Act’s (FEMA) current 100-year floodplain. This discrepancy will require further conversations with City staff and the creator of the online map.

Steep slopes do not constrain development within the City of Yamhill. The city has very few slopes and none expand over a significant area. Table 3 provides a summary of constrained land by designated plan category. Much of the city is unconstrained. The City should consider initiating an effort to map locally significant wetlands, riparian corridors and historic sites to accurately reflect topographic developmental barriers. Figure 3 shows environmental GIS data available for the City.



Figure 3 Available Environmental Data for the City of



- Urban Growth Boundary
- City of Yamhill
- Tax Lot

- ~ Stream (County)
- Open Water (County)
- Parks (County)
- Oregon Wetland Database (USGS, FWS)
- 100 Year Floodplain (FEMA)

Slopes (DOGAMI)

- Up to 15%
- Up to 25%
- More than 25%



Table 3 Constrained Acres by Assigned Plan Categories within Yamhill's UGB

Planning Designations	Gross Acreage	Constrained Acres	Percent Constrained
C3 - General Commercial	7	0	0%
RLC - Residential Limited Commercial	2	0	0%
LI - Light Industrial	17	4	25%
R3 - Two Family Residential Zone	18	0	0%
R2 - Single Family Residential	129	2	2%
R1 - Single Family Residential	66	22	33%
CompPlan - Future Residential	1	0	24%
Future Residential	2	2	88%
CITY - Urban	13	11	88%
Total	255	42	16%

Step 4: Inventory

BLI findings indicate there is a total of 238 acres of land designated for residential use in the City of Yamhill, as shown in Table 4. This includes mixed-use designations that allow housing. The current residential land area includes 193 developed acres and approximately 35 acres of buildable residential land. More than one-third of buildable land is vacant (37%) and the other two-thirds on land that allows for additional development (63%). Most of the unbuildable vacant land is within a 100-year floodplain (Figure 4).

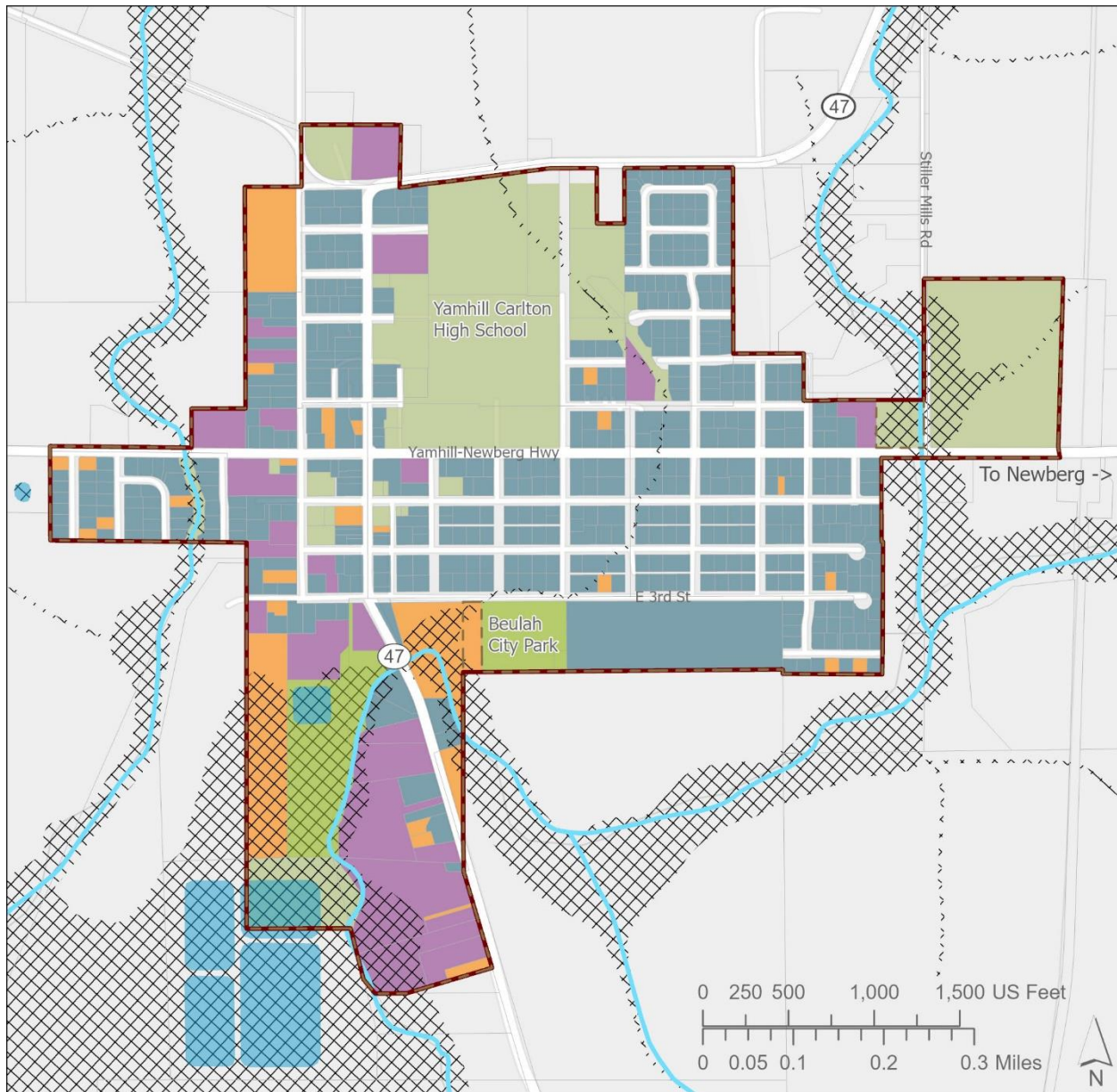
Table 4 Residential Acres by Planning Designation

Plan Designation	Developed Land ²	Buildable Vacant	Constrained Vacant	Buildable Part Vacant	Total Buildable	Total
C3 - General Commercial	6	1	0	0	1	7
RLC - Residential Limited Commercial	1	0	0	0	0	2
R3 - Two Family Residential Zone	10	5	0	3	8	18
R2 - Single Family Residential	123	2	0	4	6	129
R1 - Single Family Residential	45	3	4	14	17	66
CompPlan - Future Residential	0	1	0	0	1	1
Future Residential	2	0	0	0	0	2
CITY - Urban	5	1	6	0	1	13
Total	193	13	10	22	35	238

² Developed acreage excluding acreage that falls into part vacant



Figure 4 Development Status with Constraints



- Urban Growth Boundary
- City of Yamhill
- Tax Lot

- Stream (County)
- Open Water (County)
- Parks (County)
- Constraints (used in Analysis)

Development Status

- Vacant
- Partially Vacant
- Developed
- Other



With development having been initiated on the last large residential lot in the city, only smaller lots are currently available for development (Table 5). There are only two lots that are larger than five acres with some development potential. One is partially vacant and approximately half the lot is within the 100-year floodplain. The other is vacant and three quarters of the land is within the 100-year floodplain. Both lots are located in the southern portion of the city. Most buildable parcels are between one and five acres in size. Figure 5 shows all lots by planning designation with constraints.

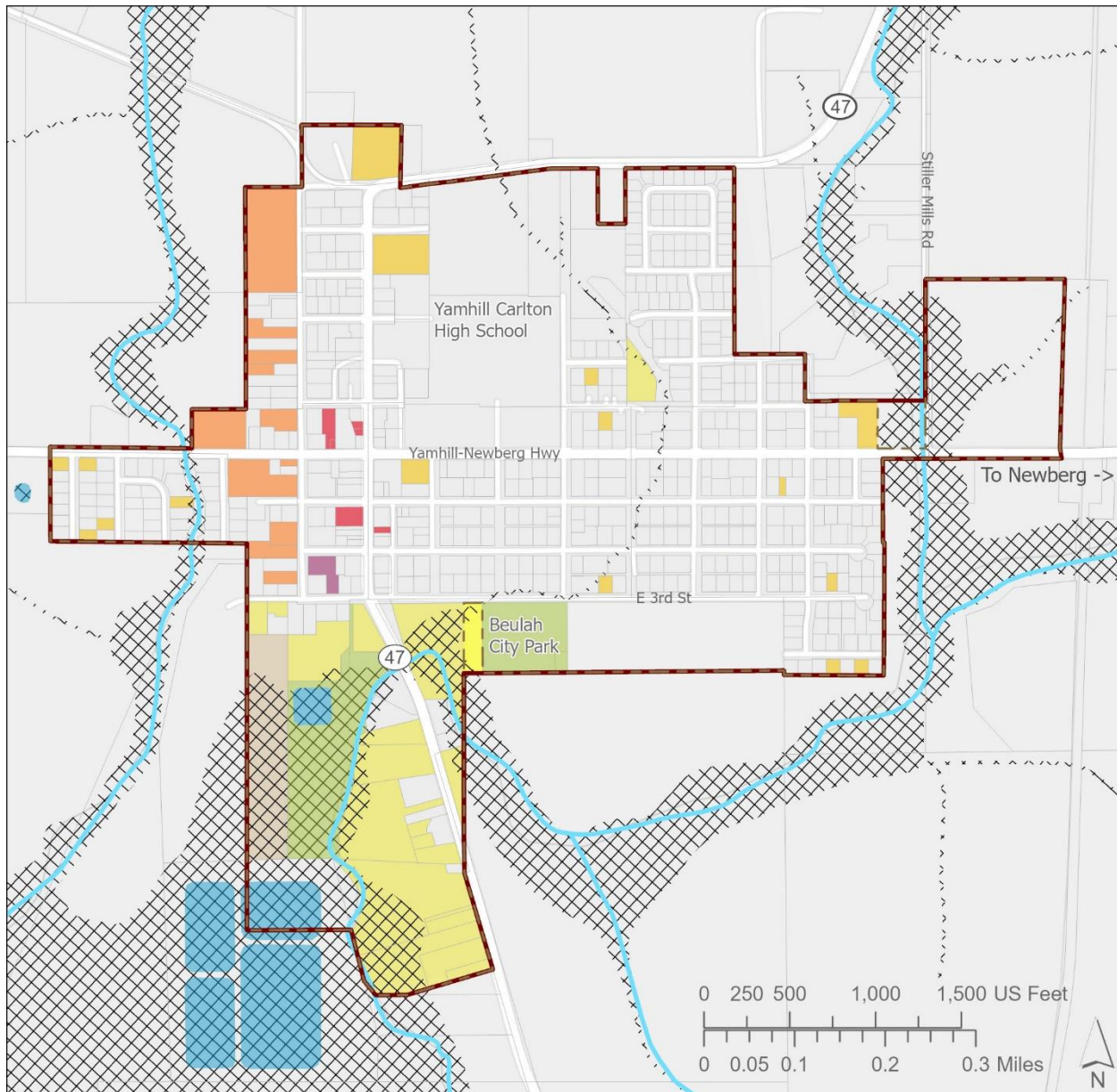


Table 5 Developable Residential Acres by Planning Designation and Lot Size

Planning Designations	Number of Lots	Buildable Acres	Percent of Area
Mixed- Use			
C3 - General Commercial			
0-1 acres	6	1.0	11.1%
1-5 acres	0	0.0	0.0%
>5 acres	0	0.0	0.0%
RLC - Residential Limited Commercial			
0-1 acres	1	0.3	1.9%
1-5 acres	0	0.0	0.0%
>5 acres	0	0.0	0.0%
Mixed-Use Subtotal	7	1.3	13.0%
Residential Only			
R3 - Two Family Residential Zone			
0-1 acres	8	2.2	14.8%
1-5 acres	3	6.1	5.6%
>5 acres	0	0.0	0.0%
R2 - Single Family Residential			
0-1 acres	13	2.3	24.1%
1-5 acres	3	3.3	5.6%
>5 acres	0	0.0	0.0%
R1 - Single Family Residential			
0-1 acres	11	3.9	20.4%
1-5 acres	6	10.3	11.1%
>5 acres	1	3.1	1.9%
CompPlan - Future Residential			
0-1 acres	0	0.0	0.0%
1-5 acres	1	0.8	1.9%
>5 acres	0	0.0	0.0%
Future Residential			
0-1 acres	0	0.0	0.0%
1-5 acres	0	0.0	0.0%
>5 acres	0	0.0	0.0%
Residential Only Subtotal	46	32.0	85.2%
County Zoning			
CITY - Urban			
0-1 acres	0	0.0	0.0%
1-5 acres	0	0.0	0.0%
>5 acres	1	1.5	1.9%
County Zoning Subtotal	1	1.5	1.9%
0-1 acres	39	9.7	28.0%
1-5 acres	13	20.5	59.0%
>5 acres	2	4.5	13.1%
Total	54	34.8	100.0%



Figure 5 Developable Residential Lands by Planning Designation with Constraints



If the City decides to conduct a Housing Capacity Analysis, state regulations allow a reduction of 25% of buildable land to account for public facility needs that come with residential development. This reduction can be for rights-of-ways, parks, stormwater treatment or other public needs. As the City has only smaller partially vacant lots the deduction of 25% is only applied to unconstrained vacant land. This would reduce the buildable land by approximately four acres, resulting in total net buildable land of 31 acres (Table 6).

Table 6 Net Buildable Acreage by Planning Designation

Plan Designation	Net Buildable Vacant	Constrained Vacant	Net Vacant Reduction	Buildable Part Vacant	Total Net Buildable
C3 - General Commercial	1	0	0	0	1
RLC - Residential Limited Commercial	0	0	0	0	0
R3 - Two Family Residential Zone	4	0	1	3	7
R2 - Single Family Residential	2	0	1	4	5
R1 - Single Family Residential	2	4	1	14	16
CompPlan - Future Residential	1	0	0	0	1
Future Residential	0	0	0	0	0
CITY - Urban	1	6	0	0	1
Total	10	10	3	22	31

Data Sources

The following data sets were used for this analysis:

- Boundaries³
 - City – originally sourced from Yamhill County, updated to reflect online zoning map
 - UGB – originally sourced from Yamhill County, updated to reflect online zoning map
- Planning
 - Tax lots
 - via assessor website
 - development status based on 2023-24 tax roll
 - Zoning (3 sources)
 - via DLCD⁴ – updated to reflect online zoning map
 - via County
 - via City Planner
 - Comprehensive Plan
 - Via online copy of City’s 1999 Comprehensive Plan map on page 2⁵
- Environmental
 - FEMA⁶ Floodplain – via Oregon Spatial Library

³ Online zoning map - <https://cityofyamhill.org/wp-content/uploads/City-of-Yamhill-Zoning-Map.pdf>

⁴ DLCD – Oregon’s Department of Land Conservation and Development

⁵ <https://cityofyamhill.org/wp-content/uploads/Comprehensive-Plan.pdf>

⁶ FEMA – Federal Emergency Management Agency publishes floodplain data sets



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- Wetlands – via Oregon GeoHub⁷, originates from USGS and FWS data⁸
 - Slopes derived from DOGAMI⁹ lidar
 - Parks – via County
 - Open Water – via County
 - Streams – via County

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⁷ Oregon GeoHub (formerly Oregon Spatial Library) is a statewide GIS data repository

⁸ USGS – United States Geological Survey, FWS – United States Fish & Wildlife Services

⁹ DOGAMI (Oregon Department of Geology and Mining Industries) offers a 3foot statewide lidar data set



Planning Commission Modifications 5/27/25

Exhibit "A"

Section:

10.08.010 Definitions.

"Lot" means a parcel or tract of land occupied, or to be occupied, by a building or unit group of buildings, and its accessory buildings, together with such yards or open spaces as are required by this title and having a frontage upon a street. means a unit of land that is created by a subdivision of land or tract of land having a frontage upon a street and is occupied or to be occupied, by a building or unit group of buildings and its accessory structures buildings, together with such yards or open spaces as required by this Title.

"Manufactured home", except as provided in paragraph (b) of this subsection, means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction, and constructed after June 15, 1976.

10.20.010 Purpose.

The purpose of the R-3 zone is to permit single-family dwellings and their accessory structures, duplex dwellings and their accessory structures, Accessory Dwelling Units and permit the integration of multi-family dwellings through the conditional use process, within and adjacent to single family and two-family residential areas. The target net density is 5.4 -20 dwelling units per acre and for multi-family 3.3 -20 dwelling units per acre. (Ord. 454 §2, 2000)

10.128.030 Review Procedure Type I - IV.

(B) Type II procedure (Administrative/Staff Review with Notice).

The Planning Official or his or her designee performs administrative staff reviews through the Type II procedure. Type II decisions are made by the Planning Official with public notice and an opportunity for appeal to the Planning Commission.

(1) Application Requirements.

(a) Applications for projects requiring administrative review shall be made on forms provided by the city.

(b) The Planning Official shall advise the applicant of the application submittal requirements. At a minimum, the application shall include all of the following information:

(i) The information requested on the application form;
(ii) Plans and exhibits required for the specific approval(s) being sought (for example, requirements for partition in Title 11, Chapter 11.12);

(iii) A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;

(iv) Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;

(v) Draft public notice and public mailing list; and

(vi) The required fee.

(2) Procedure.

(a) Posted Notice. The Planning Official shall post public notice(s) of the application on the subject site not less than 14 days prior to a decision. Notice posters shall be posted in conspicuous locations, with at least one poster on each street frontage adjacent to the subject site. Notices shall be posted at least once every 600 feet of street frontage along the perimeter of the property. The Planning Official shall prepare a signed affidavit of posting, which shall be made a part of the file. The affidavit shall state the date and location(s) where the notice was posted.

(ab) The Planning Official shall mail public notice of applications subject to administrative review not less than 14 days prior to a decision. The Planning Official shall prepare an affidavit of notice stating the date the notice was mailed, which shall be made a part of the file.

(bc) The purpose of the administrative review notice is to give nearby property owners and other interested people and agencies the opportunity to submit written comments on the application before the Planning Official issues the decision. The intent is to invite people to participate early in the decision-making process. Therefore all of the following individuals and agencies shall be notified:

(i) All owners of record of real property within a minimum of 300 feet of the subject site;
(ii) Any person who submits a written request to receive a notice; and
(iii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city and any other affected agencies. At a minimum, the Planning Official shall notify the road authority if different than the city of Yamhill. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the city under this code.

(ed) The notice shall contain all of the following information:

(i) The deadline for submitting written comments;
(ii) A summary of the proposal and the relevant approval criteria. The notice must have sufficient detail to help the public identify and locate applicable code requirements;
(iii) The address and city contact person for submitting written comments;
(iv) The street address or other easily understandable reference to the location of the proposed use or development;
(v) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or circuit court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;
(vi) Statement that all evidence relied upon by the Planning Official to make its decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the city; and
(vii) Statement that after the comment period closes the city will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

(de) At the conclusion of the comment period, the Planning Official shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable code criteria.

(ef) The Planning Official shall prepare a notice of decision and mail it to the applicant, property owner (if different), those who provided written comments on the proposal, and those who requested a copy of the decision. The administrative notice of decision shall contain all of the following information:

(i) A description of the applicant's proposal and the city's decision on the proposal. The notice may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

(ii) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (i.e., copy of assessor's map may be used);

(iii) A statement of where the city's decision can be obtained;

- (iv) The date the decision shall become final, unless appealed; and
- (v) A statement that all persons entitled to notice may appeal the decision to the Planning Commission pursuant to 10.128.040(B).
- (fg) Effective Date of Decision. Unless the conditions of approval specify otherwise, an administrative decision becomes effective 14 calendar days after the city mails the decision notice unless the decision is appealed pursuant to 10.128.040(B).

Exhibit “B”

11.04.020 Definitions.

“**Lot**” means a unit of land that is created by a subdivision of land or tract of land having a frontage upon a street and is occupied or to be occupied, by a building or unit group of buildings and its accessory buildings, together with such yards or open spaces as required by this ~~chapter~~ Title.

Exhibit “C”

10.46.0570 Building Standards.

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

(1) Setbacks. The maximum building setback from a street-side property line shall be zero feet.

(2) Building Height. No building or structure shall exceed 45 feet in height as measured using the Oregon Structural Specialty Code. Buildings shall be within 10% of the average height of existing buildings within the block.

(3) Building Design. Buildings shall be similar in character and design with existing structures.