



City of Yamhill

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AGENDA

CITY OF YAMHILL, CITY PLANNING COMMISSION MEETING **City of Yamhill Council Chambers, 205 S Maple St., Yamhill, OR 97119 & Zoom** **Wednesday, April 5, 2023** **7:00 PM**

Please use the link below to join the webinar:

<https://us02web.zoom.us/j/83463759234?pwd=SkhwVGY0MEc4Q1FXMIRBazUOMmZFZz09>

Passcode: 636006

Please use the following phone number link:

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

Webinar ID: 834 6375 9234

Passcode: 636006

1. **Call to Order** – Roll Call
2. **Public Comment:** Anyone wishing to comment during this Teleconference Meeting, please send an email with the topic and a brief overview at least 2 days prior to the meeting date to k.steele@cityofyamhill.org or call 503-662-3511
3. **New Business:**
 - A. DR 23-01 - Application for a Design Review to construct a service station and convenience store on property located at 210 South Main Street, Yamhill.
4. **Old Business.**
5.
 - A. Next Planning Commission Meeting on April 19, 2023
 - B. Commissioner Comments/Discussion
6. **Adjournment**

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

NOTICE OF PLANNING COMMISSION PUBLIC HEARING

April 5, 2023, 7:00 p.m.

City Council Chambers
205 South Maple Street
Yamhill, Oregon 97148

The City of YAMHILL PLANNING COMMISSION will hold a special meeting on Wednesday, April 5, 2023 at 7:00 PM in the Council Chambers and via **Zoom**. Go to www.cityofyamhill.org for log in information. This meeting includes a public hearing to consider the following application:

APPLICANT: Melissa Poland.
LOCATION: 210 South Maple Street.
TAX LOT: Township 3 South; Range 4 West; Section 04BD; Tax Lot 2900.
PARCEL SIZE: Approximately 0.42 acres.
ZONING: General Commercial Zone (C-3).
REQUEST: The applicant is requesting approval of a Development Plan Review to establish a service station and convenience store on the subject property.
CRITERIA: Yamhill Municipal Code; Chapter 10.28 (General Commercial Zone).
FILE No.: DR 23-01

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

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

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

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

STAFF REPORT

TO: Yamhill Planning Commission

FROM: Walt Wendolowski, Contract Planner

SUBJECT: Planning File – Gas Station/Convenience Store (DR 23-01)

DATE: March 28, 2023

I. BACKGROUND

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

II. APPLICATION SUMMARY

- A. The applicant wishes to construct a combination gas station and convenience store on the subject property. The proposed layout includes the following:
 - 1. A 5,000 square foot store will be located on the northeast corner of the property. The exterior finish includes a mix of brick veneer and split-faced concrete (CMU) with pre-finished sheet metal cornices and metal awnings. The building is approximately 20-feet in height with a small portion above the main entrance at approximately 24-feet.

2. The site includes nine parking spaces, five spaces (including a disabled space) located on the west side of the building and four additional spaces in the southwest corner. A covered dumpster enclosure is located on the west side, to the north of the four spaces.
 3. The four gas pump islands will be located on the south side of the site, running parallel with the building. An approximate 2500 square foot canopy will cover the pumps. The closest pump island is 200-feet from the Maple Street property line.
 4. There are two points of access, one on Maple Street and one along First Street. The Maple Street entrance is centered on the property and is located between the pump islands and the convenience store. The First Street access is in the northwest corner of the site. Traffic flow directions were not indicated; however, it appears both points of access can serve as ingress and egress.
 5. There is a single landscaping area in the northwest corner containing 842 square feet of area. A chain link fence will be located along the west property line and approximately western one-half of the south property line.
 6. There appears to be a drive-in/walk-in window included on the east side of the building, facing Maple Street. The applicant did not request consideration to establish the use.
- B. Per Section 10.28.020(A)(14)(a), an automobile service station is allowed in the C-3 zone. Further, Section 10.28.020(A)(11) permits retail uses. Based on these two subsections, the C-3 zone allows the proposed development. In addition, per Section 10.28.050 (A) in a C-3 zone, a development plan shall be submitted to the Planning Commission for expansion of existing buildings and for new construction. This provision applies to the request.
- C. The applicant submitted a similar proposal in 2022. At their October 2022 meeting the Planning Commission voted to deny the request. The applicant did not appeal. While like the previously proposed use, this application before the Commission is a new request with significant modifications to the previous layout.
- D. The City mailed out notice of the hearing to area property owners and affected agencies. Previously submitted comments (October 2022) remain relevant to this request and are included in this report. Oregon Department of Transportation noted the following:

Normally ODOT defers frontage improvement requirements to the local jurisdiction including the frontage along state highways. I believe ODOT has curb-to-curb jurisdiction through Yamhill which means that ODOT

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

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

1. Sanitary Sewer. There is an 8-inch gravity sanitary sewer main exists in South Maple Street along the frontage of the proposed development. A sanitary sewer plan is not shown in the applicant's material. Design drawings showing the sanitary sewer connection shall be submitted and approved by the City of Yamhill (City) prior to development. Oregon Department of Transportation (ODOT) permits will be required for work in the ODOT right-of-way.
2. Water. An 8-inch water main exists within the West First Street right-of-way near the northwest corner of the proposed development. Design drawings showing the water service connection shall be submitted and approved by the City prior to development.
3. Stormwater. Stormwater infrastructure exists in West First Street and South Maple Street. The City does not require stormwater quality treatment; therefore, the applicant may provide water quality treatment at the applicant's discretion. However, the fueling station is required to meet all state and federal standards. The City requires stormwater quantity management as necessary to ensure developments do not create or exacerbate downstream deficiencies. Design drawings showing the stormwater design shall be submitted and approved by the City prior to development. A stormwater report to document that the project will not create or exacerbate any downstream deficiency shall be submitted and approved by the City prior to development.
4. Streets. The applicant is proposing to use the existing accesses on S Maple Street and W First Street.
 - a. West First Street - City standard width of sidewalk along West First Street is 8 feet. No sidewalk or curb currently exists along West First Street. The applicant shall install standard curb and gutter and 8-foot-wide sidewalk along the West First Street frontage. The West First Street access driveway shall be placed so that the nearest edge

of the driveway is a minimum of 60 feet from the western edge of South Maple Street curb, aligning with the drive aisle west of the fuel pumps. West First Street has recently been repaved. Any street cuts into the new pavement on West First Street will require a minimum half-street 2-inch mill and inlay extending 25 feet on each side of the transverse cut.

- b. South Maple Street - City standard width of sidewalk along South Maple Street is 8 feet. An ± 8 -foot-wide sidewalk currently exists along South Maple. An existing ± 36 -foot-wide driveway apron exists along South Maple Street, which the applicant is proposing to use for this development. Submit documentation of ODOT access permit for the driveway access to South Maple Street. A ± 38 -foot-long section of existing curb north of the driveway on South Maple Street is a mountable curb. The applicant shall replace the mountable curb along South Maple Street, south of West First Street, with standard curb to meet ODOT standards.
- c. Curb Return/Ramps - The curb ramp at the southwest corner of the intersection of West First Street and South Maple Street does not meet Americans with Disabilities Act (ADA) or ODOT standards. The applicant shall replace the curb ramp at the southwest corner of the West First/South Maple intersection to meet 2011 Public Right-of-Way Accessibility Guidelines (PROWAG) guidelines and ODOT standards. Design drawings showing the street design shall be submitted and approved by the City prior to development.

F. No other comments were received at the time of this current report.

G. As noted, the property is in the C-3 zone and subject to provisions of the Central Business District. Compliance with the underlying zone (C-3) will be reviewed first followed by compliance with the Central Business District provisions.

III. CRITERIA AND FINDINGS

GENERAL COMMERCIAL ZONE (C-3) DESIGN REVIEW

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

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

(7) Drainage and utility service.

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

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

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

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

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

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

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

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

FINDINGS: The layout includes both a retail store and a service area (gas pump islands). Per Section 10.52.050(J), the retail store requires one space per 400-square feet plus one space per two employees. This would require 12.5 spaces based on area, and possibly no more than two for employees, for a total of 15 spaces (rounded). There are no specific parking requirements for the gas station islands. The site plan identifies nine parking spaces on the west side of the building and southwest corner.

This is not a “straight forward” retail operation as it includes the servicing component with the gas pumps. In other words, not all the traffic is destined for the convenience store – a certain percentage of customers will only be buying gas, not using the convenience store parking spaces, but effectively “parking” adjacent to the pumps. Also, it is common for customers to park at the pumps while simultaneously conducting business inside the convenience store.

Section 10.52.080 (B) states “Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission.” With the four pumps providing eight spaces to “park” a vehicle (one car per each side of the pump) and the proposed nine spaces identified, the layout could meet the parking requirements in this Section. However, this is a matter of interpretation by the Commission.

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

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

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

- B. Section 10.28.060 - Height. No building in the C-3 zone shall exceed a height of two and one-half stories from natural ground level or 35 feet from natural ground level.

FINDINGS: Based on the submitted information, the store is approximately 20-feet in height while about one-third of the frontage increases to 24-feet in height. Height dimensions on the canopy were not provided. However, based on the submitted sign plan, the canopy height is approximately 20-feet. The applicant can verify this at the meeting and height is further regulated through the building permit process.

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

FINDINGS: Setbacks to the south and west are approximately 60-feet, exceeding the 3-foot standard.

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

FINDINGS: The layout complies with this provision.

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

FINDINGS: The 0.42 parcel complies with this provision.

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

FINDINGS: This report previously addressed parking and will be further reviewed in Section IV.

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

FINDINGS: Provisions in this Chapter require 1 space per 10 parking spaces. Since the parking calculation requires 15 spaces, 2 bicycle spaces are required (1.5 spaces rounded up). The site plan did not identify any bicycle parking; however, this may be placed as a condition of approval and reviewed when building plans are submitted. Improvements must comply with Chapter requirements.

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

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

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

FINDINGS: Based on the site plan, the layout does not comply with clear-vision requirements. However, being located within the CBD, the Commission has flexibility on such matters as setbacks and orientation. Staff notes four of the street corners along Maple (and within the CBD) are occupied by commercial structures that do not meet this requirement. Section IV reviews this issue further.

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

FINDINGS: As the site is in the Central Business District, specific sign requirements in Section 10.46.60 will be reviewed in Section IV.

- K. Section 10.28.150 - Conditions Imposed Where C-3 Zone Abuts Residential Zone. In any C-3 zone where the property abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed C-3 zone and the residential zone, conditions to preserve neighborhood qualities may be imposed by the governing body relating to:

- i. Size and location of signs;
- ii. Size, type and location of outdoor lighting;
- iii. Landscaped areas;
- iv. Screening;
- v. Building setbacks;
- vi. Ingress, parking, vehicle storage, and egress for commercial uses;
- vii. Drainage and utility service.

FINDINGS: This subsection does not apply as the subject property does not abut any residentially zoned property. Please note, staff previously provided recommendations regarding lighting impacts.

- L. As noted, the site includes a walk-up window on the east side. The applicant did not provide information on its operation. As access is on public property (adjacent sidewalk) coordination with the Department of Public Works will be required. Staff suggests the Commission prohibit use of such a facility unless the applicant makes a specific request, and the City has an opportunity to review the facility.

IV. CRITERIA AND FINDINGS CENTRAL BUSINESS DISTRICT DESIGN REVIEW

- A. Chapter 10.46 contains specific requirements for development within the Central Business District Overlay (CBD). The purpose of the Central Business District Overlay Zone is to establish development requirements which are specifically designed to address the unique challenges of the City's downtown. This area includes all C-3 zone land south of Azalea Street, which includes the subject property. Permitted uses in the C-3 zone, including the proposed gas station and convenience store, are also allowed in the CBD (Section 10.46.030).

- B. Land within the CBD is subject to additional requirements beyond those contained in Chapter 10.28 (C-3 Zone), which were previously reviewed. These are listed here:

1. Section 10.46.040 Landscaping. - Those areas not containing building or parking improvements, including access driveways, and loading areas, shall be landscaped.

FINDINGS: Nearly the entire site is devoted to structures, parking, and driveways. The only portion not physically developed contains 842 square feet of lawn.

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

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

FINDINGS: This provision allows 0-foot setbacks. The building is in the northeast corner of the site. However, as previously reviewed, the structure does not comply with the clear vision provisions in Chapter 10.68.

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

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

- c. Section 10.46.050(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.

FINDINGS: The primary entrance is located on the south side of the building, facing the pump islands. This location is perpendicular to the street and within 50-feet of the adjacent Maple Street sidewalk.

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

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

- e. Section 10.46.050(E) Special Design Requirements. For property located on either side of Maple Street, the following additional design standards shall apply:
- (1) Setbacks. The maximum building setback from a street-side property line shall be zero feet.
 - (2) Building Height. Buildings shall be within 10% of the average height of existing buildings within the block.
 - (3) Building Design. Buildings shall be similar in character and design with existing structures.

FINDINGS: The building complies with the 0-foot setback requirement on Maple Street. Within the block, the “Front Elevation Plans” show the roof line is approximately equal to the structures to the south.

The submitted “Front Elevation Plans” also shows the adjacent four buildings having their main entrance facing the street. In contrast, the proposed building’s Maple Street frontage is a brick wall without an entrance or windows. This is in stark contrast to the existing structures.

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

FINDINGS: This subsection does not apply as the subject property does not include drive-up/drive-in window. There appears to be an option for a walk-up window, the application narrative did not discuss its use.

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

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

FINDINGS: The submitted site plan includes two signs on the canopy and one sign above the entrance to the convenience store. Unusual for a service station operation, the applicant did not identify fuel pricing information.

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

FINDINGS: The structure fronts on two streets, Maple and West First. The longest of the two frontages is 100-feet along West First. Therefore, the maximum allowable sign area is 100 square feet. Staff estimates the proposed signs total approximately 72-square feet, which is well below the 100-square foot limitation. This can be verified as part of the building permit process.

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

FINDINGS: The site plan shows three signs, that when combined, do not exceed the sign area limitation.

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

FINDINGS: Staff previously provided recommendations regarding lighting impacts.

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

FINDINGS: The proposed signage does not include prohibited signs.

- f. Section 10.46.060(F) Exempt Signs. Window signs shall be exempt from the maximum allowable sign area requirements. Portable signs shall also be exempt provided they do not exceed 16 square feet in

area (all sides).

FINDINGS: This Section applies to any additional signage the developer may install.

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

FINDINGS: The site does not include an electronic message sign.

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

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

V. SUMMARY COMMENTS

- A. As noted above, there are situations which require interpretation as well as flexibility in applying the Code language. This put staff is somewhat of a conundrum when assessing the application. Any interpretation rests with the Commission as the decision maker. Further, beyond the Code interpretation is the design flexibility in the Central Business District granted to the Commission by Section 10.46.07. It is important to note staff can neither presume nor predict the Commission's interpretation of such matters. Prior to making a decision, the Commission must review and consider interpretations - or responses - to the following matters:

- 1. Parking/Loading – Previous findings noted there are no specific parking standards for a convenience store/service station combination. The store itself would require fifteen spaces. However, this type of business often sees customers parking at the pumps to conduct business either for gas only, or, for a combination of gas and items from the store. Including parking adjacent to the pumps, there are 17 spaces where vehicles can park without interfering with traffic flow on the site.

In a similar vein, a loading space is required for the business, although the Commission [per Section 10.52.060 (A)] appears to have some flexibility on this matter. As stated, experience with these types of operations indicate: (a) "loading" is basically limited to small delivery vehicles; (b) the vehicles use vacant parking spaces or driveways; and (c) scheduled deliveries are often during non-peak business hours. Provisions for a separate loading

space is a rare commodity. Overall, based on the type of business, dedicating a separate loading space - or spaces - seems unnecessary.

2. Setbacks/Clear Vision – Being located along Maple Street, Section 10.46.050(E) requires a 0-setback. The structure complies with this provision. However, being located on a corner lot, the building also fronts directly onto West First thereby violating clear-vision requirements. An option might be to flip the building, placing it along the south property line. This moves the Maple Street driveway entrance closer to the intersection, potentially reducing traffic safety due to turning movements.

Within downtown, placement of structures along the property line – including corner lots - is common practice. The commercial structures along Maple follow that pattern, including the four buildings located on corner lots. Adjacent sidewalks also provide some leeway. Granting design flexibility could be considered appropriate given the existing pattern as well as the stated intent of the CBD.

3. Design/Façade – The submitted plan comparing building elevations along the block showed the main building entrances fronting Maple Street. Not so with the proposed structure. Although allowed, this raises the question as to whether the design is “. . . similar in character and design with existing structures.” Further, it is not just the doors facing the street, but the frontage includes significant window features, again something that is lacking in the proposal.

- B. Interpretation provisions in Chapter 10.52 can address the matter of the parking and loading requirements. Modification of the design elements: location, setbacks, frontage design, is subject to provisions in Section 10.46.070. This Section states the Commission may allow modifications to the site design requirements in the Central Business District when both of the following criteria are satisfied:

1. 10.46.070(A). The modification is necessary to provide design flexibility where:
 - (1) Conditions unique to the site require such modification; or
 - (2) Parcel shape or configuration precludes compliance with provisions; or
 - (3) A modification is necessary to preserve trees, other natural features, or visual amenities determined by the Planning Commission to be significant to the aesthetic character of the area.
2. 10.46.070 (B). Modification of the standards in this chapter shall only be approved if the Planning Commission finds that the specific design proposed is substantially in compliance with the intent and purpose of the Central Business District design provisions.

FINDINGS: Regarding subsection (A), staff cannot identify unique conditions at the site [(A)(1)] and there are no trees, natural features or visual amenities

requiring preservation [(A)(3)]. The only potential circumstance may be the shape, size (or location) of the lot [(A)(2)]. This gets into dangerous territory. The use may be appropriate for the applicant's goals but inappropriate for the size and location of the parcel. An alternative plan with fewer pumps and a smaller building may provide a better "fit" on the site to address locational issues.

Regarding subsection (B), judging design is, at best, subjective. Staff previously noted the effective blank wall of the convenience store building in comparison to commercial building frontages that included the main entrance and windows. Running the building perpendicular to the street negates what is otherwise an attractive building entrance that would fit into the downtown design objectives.

VI. RECOMMENDATION AND CONDITIONS OF APPROVAL

Generally, the proposal complies with a significant number of development requirements, such as building height, signage, use, and so forth. Unfortunately, there are areas that require interpretation – parking and loading – as well as subjective design decisions as it relates to the CBD. Staff cannot make these interpretations and subjective judgements; this is left to the Commission to discuss as part of their deliberations.

If the Planning Commission finds the proposal complies with the applicable criteria and approves the application, staff recommends placement of the following Conditions:

- A. The applicant shall submit an engineering plan for the entire development to the Yamhill Department of Public Works for review and approval. The engineering plan shall include information concerning water, sanitary sewer, storm water, street improvements along West 1st Street, easements, and other information as necessary to indicate conformance with City standards. Engineering plans shall comply provisions in Condition "F.", below.
- B. The applicant shall contact the Oregon Department of Transportation (ODOT) to determine what improvements are required along Maple Street. If required, the applicant shall submit the necessary engineering plans for improvements to ODOT for their review and approval.
- C. The developer shall submit a building permit for construction of the building and improvements, conforming to the applicable building code requirements. Building cannot proceed until engineering plans are approved. The plans shall substantially conform to the submitted layout and include the following improvements:
 - 1. The building exterior shall conform to the submitted architectural plans.
 - 2. The site shall contain a minimum of nine vehicle parking spaces conforming to requirements in Chapter 10.52.
 - 3. The site shall contain a minimum of two bicycle parking spaces conforming to provisions in Chapter 10.60.
 - 4. The building plan shall include a lighting plan ensuring lighting for the facility

shall be directed entirely onto the subject property and may not extend beyond the property boundaries; and shall not cast a glare or reflection onto the public rights-of-way.

D. The following additional requirements shall apply:

1. Installation of a walk-up window shall be prohibited unless otherwise approved in a subsequent land use decision.
2. All signs must comply with provisions in Section 10.46.060.
3. Prior to installation of any signs, the developer shall submit evidence of approval from the Oregon Department of Transportation.
4. The applicant shall comply, and continually comply, with any State or Federal regulations regarding the operations of a gas station.

E. Prior to building occupancy, the developer shall complete the following:

1. Install on-site parking improvements, consistent with approved building and engineering plans.
2. Improve West 1st Street, and if applicable Maple Street, consistent with approved engineering plans.

F. Engineering and Public Works improvements shall conform with the following:

1. All public improvements shall be constructed in accordance with the City of Yamhill Municipal Code. Where the City Municipal Code is silent, improvements shall meet the 2021 Oregon Standard Specifications for Construction and ODOT design standards.
2. Design drawings showing the sanitary sewer connection shall be submitted and approved by the City prior to development. ODOT permits will be required for working in the ODOT right-of-way.
3. Design drawings showing the water service connection shall be submitted and approved by the City prior to development.
4. Design drawings showing the stormwater design shall be submitted and approved by the City prior to development.
5. A stormwater report to document that the project will not create or exacerbate any downstream deficiency shall be submitted and approved by the City prior to development.
6. The applicant shall install standard curb and gutter and 8-foot-wide sidewalk along the West First Street frontage.
7. The West First Street access driveway shall be placed so that the nearest edge of the driveway is a minimum of 60 feet from the western edge of South Maple Street curb, aligning with the drive aisle west of the fuel pumps.
8. Any street cuts into the new pavement on West First Street will require a minimum half-street 2-inch mill and inlay extending 25 feet on each side of the transverse cut.
9. Submit documentation of ODOT access permit for the driveway access to South Maple Street.

10. The applicant shall replace the mountable curb along South Maple Street, south of West First Street, with a standard curb to meet ODOT standards.
 11. The applicant shall replace the curb ramp at the southwest corner of the West First/South Maple intersection to meet 2011 PROWAG guidelines and ODOT standards.
 12. Design drawings showing the street design shall be submitted and approved by the City prior to development.
 13. The developer will directly reimburse the City for consulting fees incurred during the review of engineering submittals. Payment will be due upon issuance of the public works permit.
 14. The City will provide inspection of all public infrastructure constructed within public right-of-way. The developer shall pay a deposit equal to 2.5 percent of the engineer's estimate of public improvements.
 15. The developer shall submit a performance bond in the amount of 110 percent of the engineer's estimate for improvements within existing public rights-of-way and improvements to existing City infrastructure. The bond shall be in place prior to breaking ground for the development.
- G. Approval shall be limited to the proposed convenience store and service station. The applicant is advised subsequent modification or a change in use may be subject to additional land use applications and review.
- H. Compliance with the Conditions of Approval, Oregon Department of Transportation, Oregon Department of Environmental Quality, Public Works Standards, Building Code, and applicable Municipal Code provisions shall be the sole responsibility of the applicant.

VII. PLANNING COMMISSION ACTION

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

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

DEVELOPMENT PERMIT APPLICATION

Date Received: _____
Docket Number: _____
Hearing Date: _____
Present Zone: _____

APPLICANT IS

TITLE HOLDER OF THE PROPERTY

Agent

()

Name: Paul J. Chal
503-560-6790

Phone:

Legal Owner

()

Address: 210 Main St William OR 97378

Contract Buyer ()

Option Holder

()

APPLICANT

Melissa Poland

Name: Erm Remodeling

Address:

Phone:

503-949-5195

16498 Brown Rd Dallas OR 97338

LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THIS APPLICATION

Location of Property: 2105 Maple St Yamhill Size: .42 X Tax Lot: 90760

Lot: Block: 3 North Yamhill Sub-Division: no Total Area: .42 acres

Total Area Involved: Current Zoning: R-1 R-2 R-3 RLC

C3 X

INTRODUCTION

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

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

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

WHAT IS BEING REQUESTED?

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


Proposed Use(s) and sequence of construction (Explain in detail): Concrete Store
and 4 pump gas station

APPLICANT'S CERTIFICATION

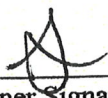
No title search or survey will be made by the City of Yamhill before this application is processed. It is the responsibility of the applicant for any permits to determine whether he has the legal right to use the property in question for the intended purpose. No permission for such use, either expressed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

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

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


Applicants Signature

Date: 11-7-22


Property Owner Signature

Date: 11-7-22

DEVELOPMENT PERMIT INFORMATION:

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

- 1.) What, in detail, are you asking for?
- 2.) Does your request conform to the Comprehensive Plan?
- 3.) What are the present conditions in the neighborhood and how will your request change these?

APPLICATION:

A complete Application includes the following items:

- 1.) The application form filled out as completely as possible. Give as thorough an explanation and justification as possible. If additional explanation or materials would assist or support the request, attach these and include them with the application form. All applications shall have the owner of the properties signature(s) on the application. The owner of the property shall be defined as being the legal owner, contract buyer, agent, or option holder.
- 2.) Fifteen copies of a Detailed Plot Plan of the property for which action is requested illustrating that which is being requested is required for all Development permit applications. Such a plot plan drawn to scale should illustrate the following minimum items:
 - A.) The date, north-point, scale, and a good and sufficient description to define the location and boundaries of the parcel.
 - B.) Approximate acreage of the parcel under a single ownership, or, if more than one ownership is involved.
 - C.) For land adjacent to and within the parcel, show locations, names, and existing widths of all streets and easements; and location and size of sewer and water lines, and drainage ways.
 - D.) Outline and location of existing and proposed structures and improvements including setback dimensions of existing and proposed structures and land features, along with the principal features of terrain and vegetation.
 - E.) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
 - F.) Elevation in relation to mean sea level to which any structure has been flood-proofed.
 - G.) Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Yamhill Municipal Code, Chapter 10.40.
 - H.) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - I.) Such additional information as required by the Planning Commission procedures.
- 3.) A list of names and addresses, from the last preceding County Tax Roll, of all owners of property situated within 300 feet of the subject property, including public rights-of-ways, of the external boundaries of the affected property.
- 4.)

Application Fee	\$ 650.00
Appeal Fee	\$ 250.00
Professional Review Fee	\$ 500.00
Initial City Fee at Application	\$ 1,150.00
- 5.) Make certain the Application is signed by the Legal Owner(s) of the affected property. (Proof of title may be required.)

SUBMISSION OF APPLICATION:

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

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

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

PROFESSIONAL EXPENSES:

10.64.230 Professional Expenses. In addition to any other fees prescribed by the City Council, there is imposed upon an Applicant before the Planning Commission or City Council, an additional fee for the professional review of the application. Said fee shall not exceed \$500.00 unless approved by majority vote of the Planning Commission or City Council. Said fee shall not exceed actual cost to City for professional services of planners, engineers, attorneys, or other professionals whose assistance is sought by the Planning Commission and/or City Council.

The City shall not bill for the first two (2) hours of the professional review performed by City Staff and the first two (2) hours of the professional review performed by the City Planner. Unless specifically included within the application fee, all services by the City Engineer and the City Attorney shall be covered under Professional Expenses. The City shall have the authority to impose the above said fee only in those cases where additional professional review, beyond two (2) hours, engineering review, and/or legal review, is required on the application. Prior to imposing said fee or beginning professional review of such projects, the City Recorder shall notify the Applicant that his application is subject to the Professional Review Fee and that the Applicant shall be liable for said fees. Such notifications may be made by printing said notification on the land use application to come before the Planning Commission and/or City Council. The City, after notification to Applicant of the professional review fee, shall provide the Applicant a period of not less than seven days in which to withdraw his application without being responsible for said fee. The

City, at the request of the applicant may provide to the applicant an estimate of the Professional Review Fee however, such estimates shall not be binding in any way upon the City. An estimated Professional Review Fee may be charged at the time of initial or subsequent hearing if the governmental body has good cause to believe a fee will be required.

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

Application, of collecting additional fees. (Ord. 350, §15.22, 1984)

Yamhill County Parcel Information



TICOR TITLE COMPANY

Parcel Information

Parcel #: 90760
Account: R3404BD02900
Related:
Site Address: 210 S Maple St
 Yamhill OR 97148 - 7601
Owner: Pitfido, John A
Owner2: Pitfido, Joanne M
Owner Address: 1121 W State St
 Coal Township PA 17866
Twn/Range/Section: 03S / 04W / 04 / NW
Parcel Size: 0.42 Acres (18,221 SqFt)
Plat/Subdivision: North Yamhill
Lot: 1
Block: 3
Map Page/Grid:
Census Tract/Block: 030400 / 3030
Waterfront:

Assessment Information

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

Tax Information

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

Legal

Lot 1 - Block 3 in NORTH YAMHILL

Land

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

Cnty Bldg Use: 0
Zoning: C3 - General Commercial
Recreation:
School District: 1 Yamhill-Carlton School District
Middle School: Yamhill Carlton Intermediate School

Improvement

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

Transfer Information

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

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

FIRST ST

60

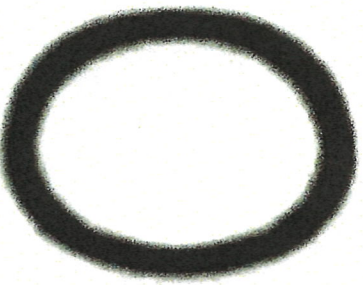
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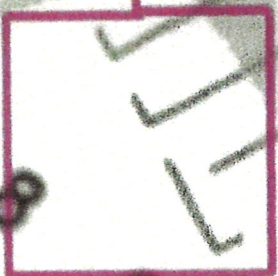
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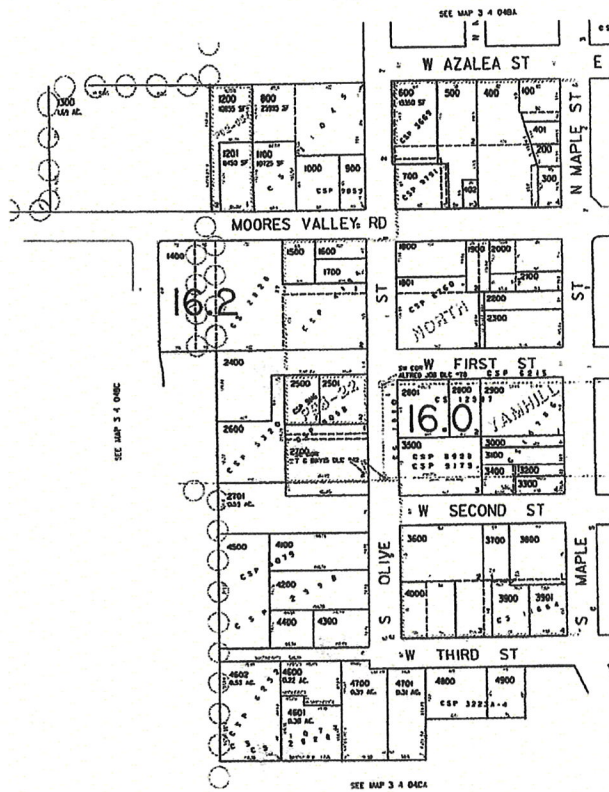
Full Assessor Map

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SE 1/4 NW 1/4 SEC 4 T3S R4W W.M.
YAMHILL COUNTY
1" = 100'

3 4 04BD
YAMHILL

CANCELLED



PLAT 1511 M

SEE MAP 3 4 04C

SEE MAP 3 4 04C

3 4 04BD



TICOR TITLE COMPANY

Parcel ID: 90760

Site Address: 210 S Maple St

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

Contour Map

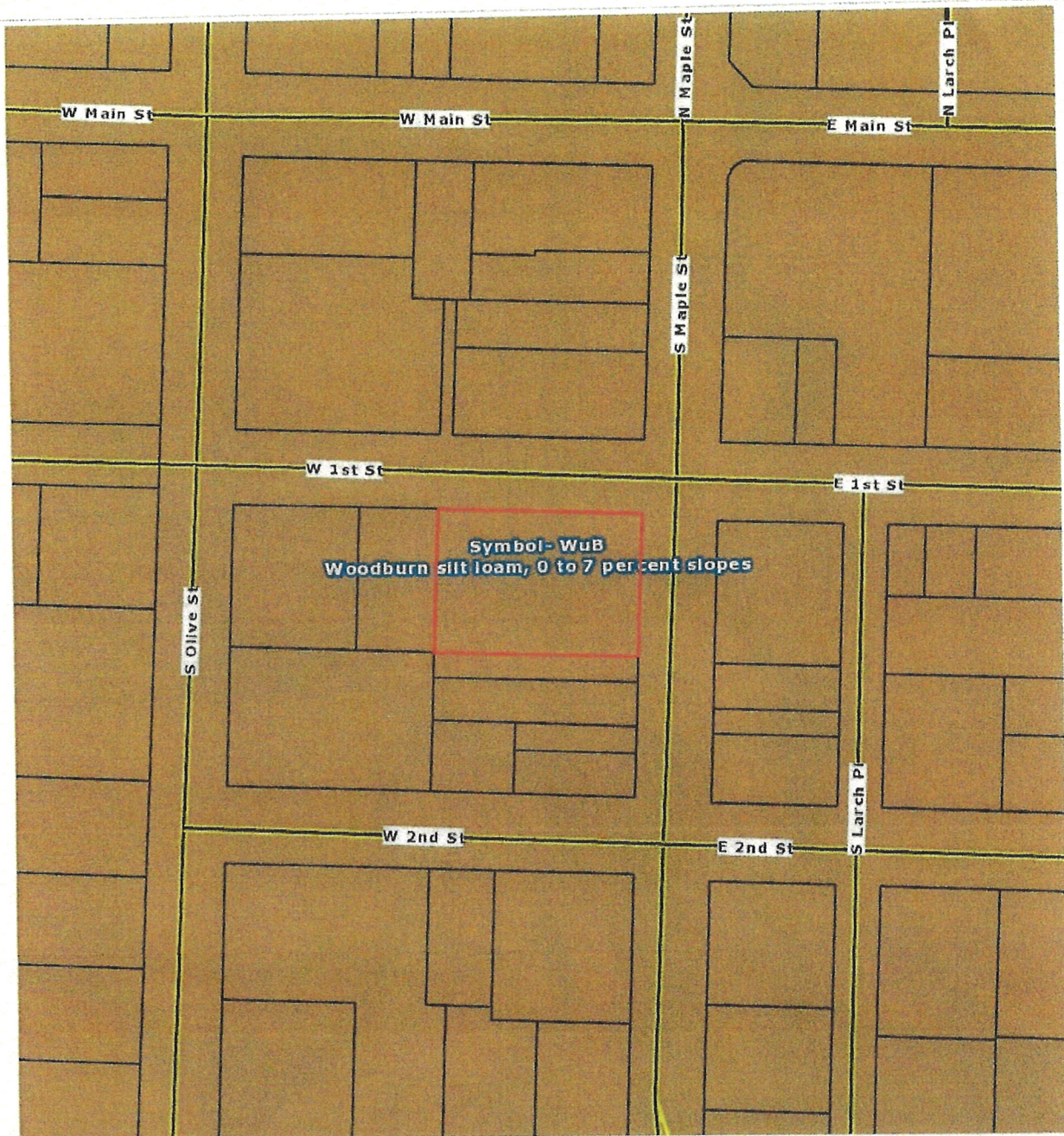


TICOR TITLE COMPANY

Parcel ID: 90760

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Soil Map

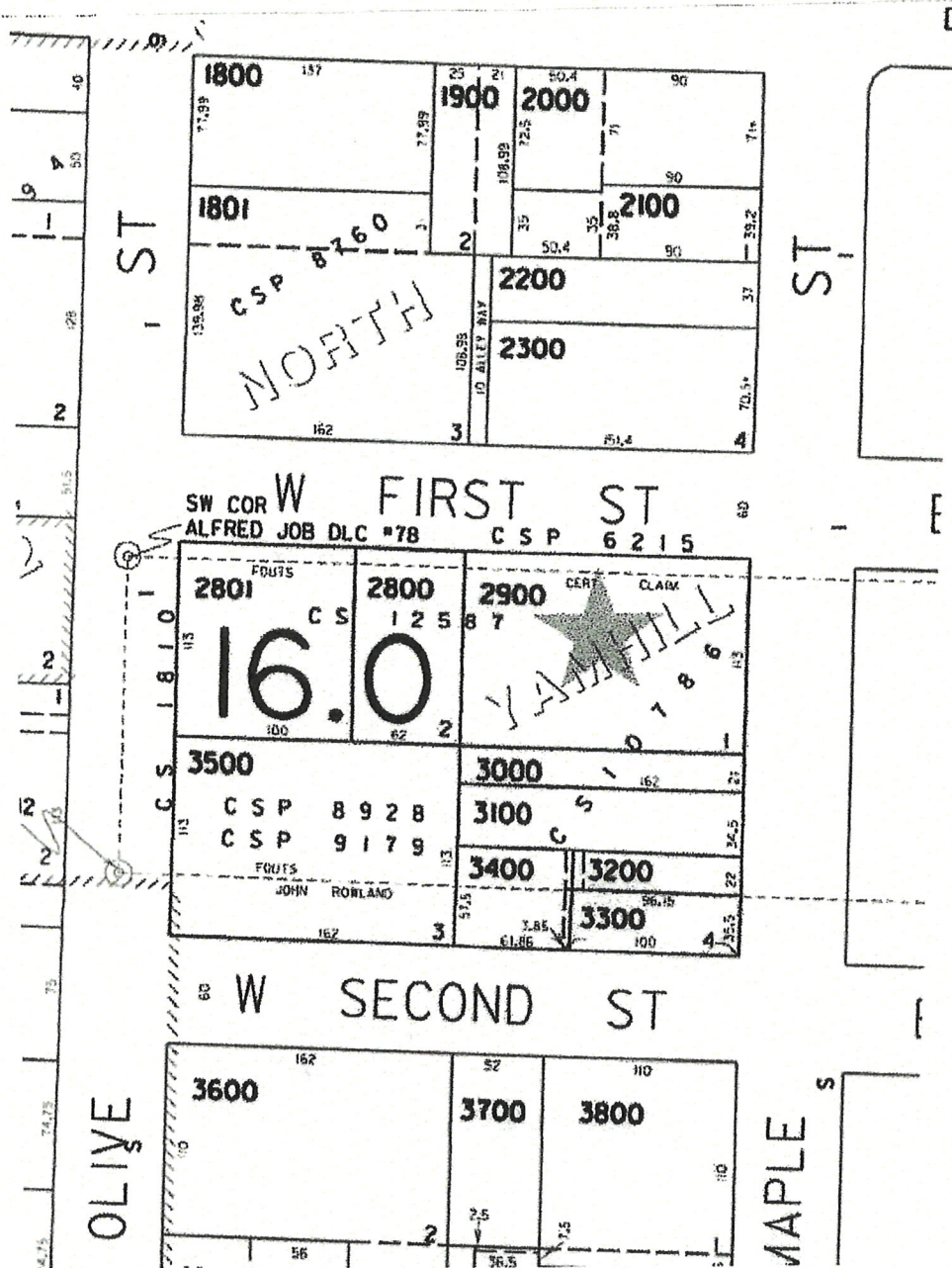


TICOR TITLE COMPANY

Parcel ID: 90760

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Assessor Map



SEE MAP 3 4 04AC



TICOR TITLE COMPANY

Parcel ID: 90760

Site Address: 210 S Maple St

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E&M Remodeling LLC
Site address: 210 S Maple St Yamhill OR

City of Yamhill

We E&M remodeling and the owners are presenting a new 76 gas station and convenience store. We intend to have a full grocery store with fresh meats, fruits, and vegetables, milk and all the necessities to support the local demographic. With all the new housing in Yamhill it is important that the residents have groceries and fuel without having to drive to McMinnville. With fuel and inflation at an all-time high we will give the small town a place to shop Without having to spend more money and time traveling to other towns to get what their families need.

For example, the median home price in Yamhill has jumped up 6.5% to \$490,000, but overall population growth at barely over 1%. Combine that with median household income of only \$67,296 to support, it seems clear that an affordable fueling option is in high demand. Our goal is to attract more residents to this wonderful community and provide them with the support and amenities they need to thrive without leaving the comforts of the community they have grown to love and trust.

Much thought went into choosing the P66 brand for fueling for this community. The average price before taxes last year of P66 branded fuel was 3.39 out of the Portland market making it a much more affordable option and just as trusted of a brand as Shell, Chevron or Mobil. We also really love the long-term plan for sustainability they have with the launch of renewable diesel fuels coming in 2024. This product will take the place of Petroleum diesel and reduce overall carbon emissions by up to 70%. Renewable Diesel is a non-petroleum hydrocarbon fuel produced from renewable feedstocks-fats and vegetable oils. By refining them through a hydrotreater. it's a very high-quality fuel that is physically and chemically is identical to conventional diesel it's an easy drop into any fuel tank. Currently P66 is successfully supplying this fuel in California and will be available in the Oregon market.

With minimal employment options within the City of Yamhill the opening of this business will bring gainful employment opportunities to the community of all types including but not limited to excavation, construction, asphalt, roofing upon the new build. Upon completing you can expect to opportunities of all skill levels, some first-time employment opportunities up to management, fuel attendant positions, cashier positions and much more. Without which we would be denying these employees the opportunity to work locally.

E&M Remodeling is locally owned and operated in Dallas Oregon and the owners are also locals. We are a small-town family business. We love small towns and just want to add more value to this town with the services we offer. In our building plans we will not have the LED downlighter on the outside of on the canopy and will turn off additional lighting at 10pm to minimize disturbance of the local residential housing nearby. We have considered the C1 zoning and business district codes for the new plan.

E&M Remodeling LLC

Site address: 210 S Maple St Yamhill OR

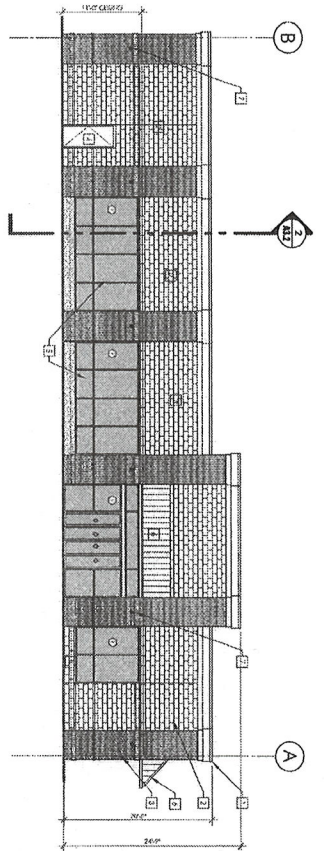
The building will be brick veneer and CMU brick to match the downtown businesses and the theme of the Yamhill business district.

We look forward to building in your town.

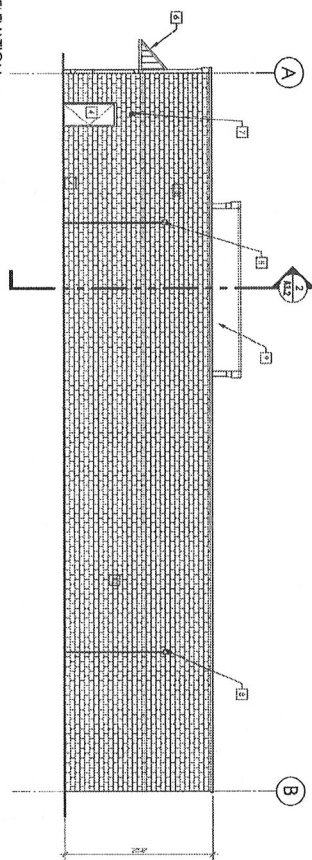
E&M Remodeling

Melissa Poland

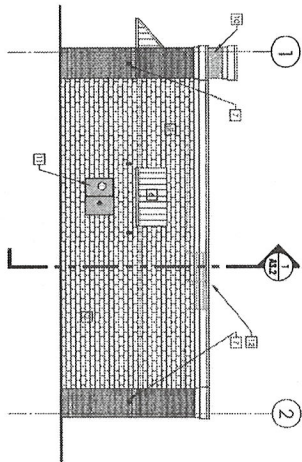
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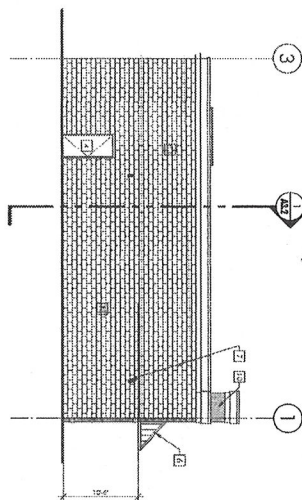
FRONT ELEVATION



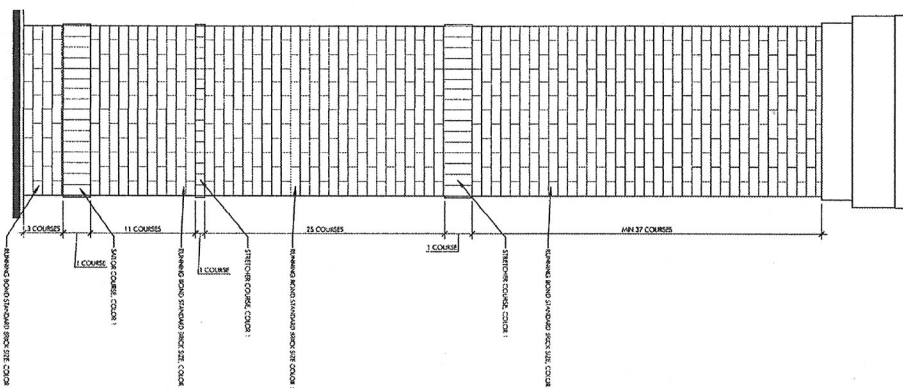
2 REAR ELEVATION



3 SIDE ELEVATION



4 SIDE ELEVATION



5 BRICK PATTERNS

PLAN NOTES.

- [illegible]

STUDIO



ARCHITECTURE
INCORPORATED
275 COURT ST., NE
SALEM, OR 97305
503.390.5500
www.studioarchitecture.com

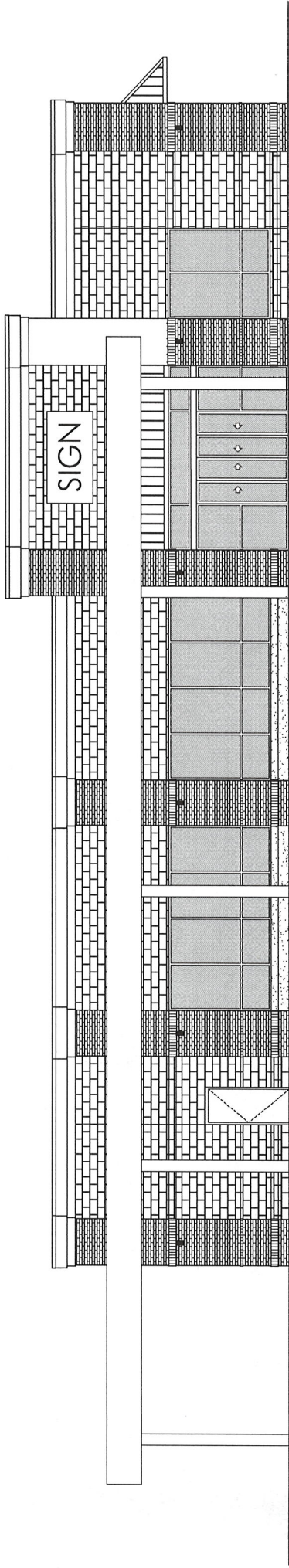
PROJECT # 2022.109
DATE: 25 JULY 2022
REVISIONS

NEW BUILDING FOR: CONVENIENCE STORE

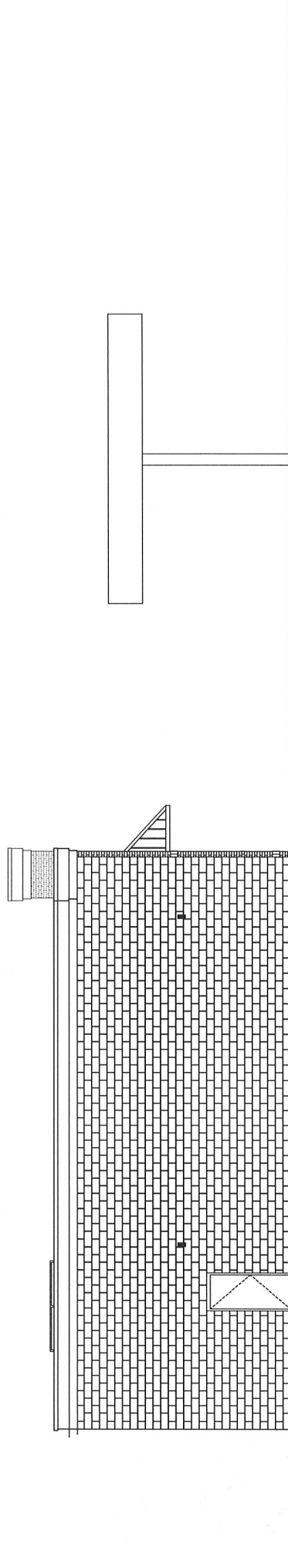
SW CORNER OF WEST 1ST ST AND MAPLE ST YAMHILL, OREGON

SHEET

A3.1

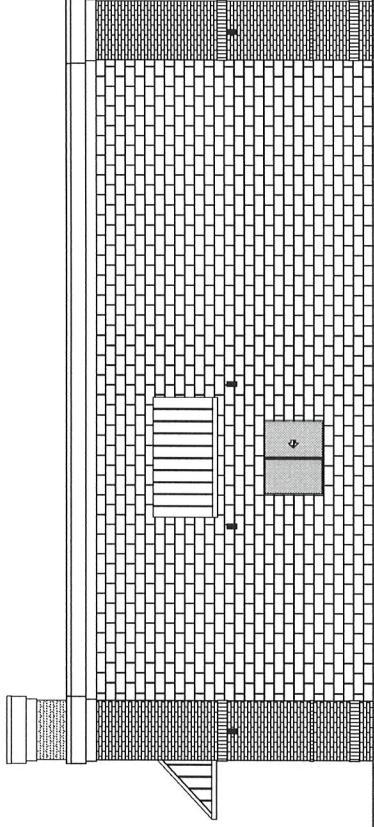


SOUTH FACING ELEVATION



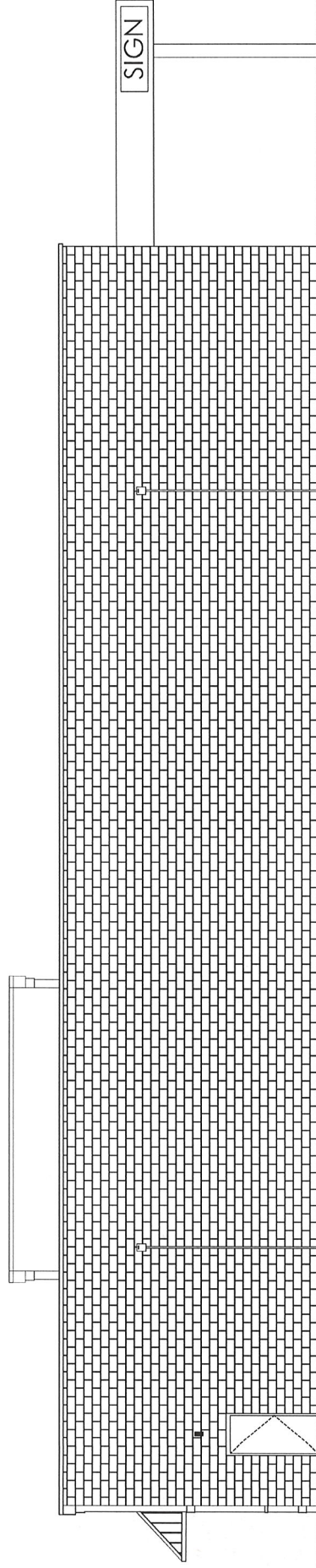
WEST FACING ELEVATION

YAMHILL 02-13-2023 $\frac{1}{8}"$ @ 11 x 17



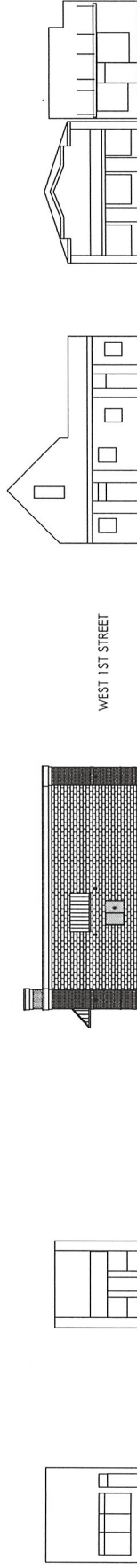
WEST 1ST STREET

EAST FACING ELEVATION



NORTH FACING ELEVATION

YAMHILL 02-13-2023 ¹/₈ @ 11 x 17



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











Sword & Board

5.0 ★★★★★ (15)

Game store · 25 mi

