



AGENDA
CITY OF YAMHILL, CITY PLANNING COMMISSION MEETING
Council Chambers – 155 E 1st Street
Tuesday – April 3, 2018
7:00 PM

Public Hearing – Planning Commission

1. **Call to Order** –Roll Call
2. **Flag Salute:**
3. **Oath of Office:**
 - A. Swearing in of Planning Commissioner: Trisha Player, Term expires December 31, 2019.
4. **Public Hearing:**
 - A. Public Hearing on Proposed Code Amendments to the Yamhill Development Code addressing the Property Line Adjustment process, Code update on process for Change of Zone Comprehensive Plan Amendment, Chapter 10.132, and Code Amendments updating the Correction from City Building Official or Inspector to County Official.

Regular Meeting – Planning Commission

5. **Public Comment:** (This time is provided for persons in the audience on ANY item of Planning Commission business, except those items which appear on this agenda or refer to land use requests, however, the Planning Commission reserves the right to defer any request for action from any persons addressing the Planning Commission who have not been placed on the agenda. Comments shall be limited to two to five minutes, at the Chair's discretion.)
6. **New Business:**
 - A. None Scheduled.
7. **Unfinished Business:**
 - A. None Scheduled.
8.
 - A. Approval of Planning Commission Minutes from February 6, 2018.
 - B. Next Planning Commission meeting/ Public Hearing is scheduled for Tuesday, May 1, 2018.

9. **Information/Announcements:**

A. City Council meeting – Wednesday, April 11, 2018

10. **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 *******

4.A.

STAFF REPORT

DATE: April 3, 2018

TO: City of Yamhill Planning Commission & City Council

FROM: John N. Morgan, City Planner

SUBJECT: Proposed Code amendments –
Building Official definition/Partition Process/Code Amendment Process
Public Hearing and Recommendation

Earlier this year, the Planning Commission initiated the process to consider amendments to the Yamhill Development Code to clean up several provisions needing correction and updating.

The Planning Commission will hold a hearing and consider the proposed amendments on April 3rd and the Council will hold a hearing and decide on the proposed amendments on April 11th. As these two dates are so close in proximity, this staff report is prepared for the use of both bodies. A supplemental Council staff report will be prepared after the Planning Commission action reporting the Planning Commission's recommendations to the Council.

The three proposed amendments are presented in Exhibit A, B, and C to this report and are summarized below:

Adoption Process Revision –

Section 10.132 of the Development Code establishes the process for adopting an amendment to the Code. It specifically says Code amendments are to be adopted by Resolution. It has long been the City's practice to adopt Code amendments by ordinance, but it has been realized this actually is not the process specified in the Code language.

The proposed changes substitute the word "Ordinance" for "Resolution." As the Code is originally adopted by Ordinance, it can only be amended by Ordinance. This is consistent with the City Charter and applicable state law.

Building Official Definition –

In many places in the Development Code reference is made to the "City Building Official." The City no longer has a Building Official, instead being served by the County Building Official for all relevant services.

Rather than substituting "County Building Official" for "City Building Official" throughout the Code, a more flexible approach is proposed. A definition of Building Official is included in the Definition Section of the Code. That definition says "'Building Official' means a City or County employee designated to enforce the Building Code." Then, all references to the Official in the Code are shortened to just read "Building Official."

This approach give the flexibility for the Council to move back to a City Building Official at some point the future without having to amend the code to reflect that action.

Property Boundary Adjustments –

A property boundary adjustment is a planning process covering two specific, relatively minor, boundary issues. The most common property boundary adjustment involves moving the property line between two properties. One property gets larger, one get smaller, and no new lot is created. The City's review assures the resultant lots meet the size and dimension standards and no setbacks for existing structures are violated.

A recent change in State Law requires another type of property boundary adjustment process. This is the elimination of a line between two properties consolidating them into one property. This type of action used to take place without any city involvement in most communities. But, Yamhill's Development Code has long had language requiring city review of lot consolidation.

However, the process outlined in the Code is cumbersome at best. While a property boundary adjustment to move a lot line between two properties is a simple ministerial review by staff with no public process, the existing Code language requires a lot consolidation to go to the Planning Commission for a hearing and decision.

Obviously, this process involves substantially more time, monetary expense, and uncertainty than moving a property line. Staff believes there is no compelling public purpose to having this hearing and decision requirement, especially as there are virtually no impacts from a lot consolidation. The proposed language eliminates this requirement.

The Commission's role is to make recommendations to the City Council. The City Council will hold its own hearing and make a final decision on the proposed text amendments. If approved, the text amendments will be adopted by ordinance.

Attached to this report are proposed Findings of Fact which analyze the proposed text amendments and show conformance to the applicable criteria for approval of a text amendment. These findings of fact are to be included as an exhibit to the ordinance to be adopted by the City Council.

CONCLUSIONS

There are no impacts from these text amendments. The changes clarify and streamline processes without changing any substantive elements of the Development Code.

The criteria for a text amendment are met and the amendments should be approved.

RECOMMENDATION

Staff recommends the Planning Commission:

1. Open and conduct the hearing on the proposed text amendments
2. Close the hearing and deliberate
3. Move to approve the proposed text amendments and recommend their adoption to the City Council
4. Direct the staff to prepare a Planning Commission order incorporating this decision with the findings-of-fact for the Planning Commission Chair's signature.

Staff recommends the City Council:

1. Open and conduct the hearing on the proposed text amendments
2. Close the hearing and deliberate
3. Move to approve the proposed changes by adopting the attached Ordinance and Findings of Fact

Attachments:

- Exhibit A - Proposed text amendments concerning the Adoption Process
- Exhibit B - Proposed text amendments concerning the definition of Building Official
- Exhibit C - Proposed text amendments concerning the Property Boundary Adjustment Process
- Exhibit D – Proposed Finding of Fact

Exhibit A
City of Yamhill Development Code
Proposed Amendments – Adoption Process

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 ~~resolution~~ordinance. (Ord. 454 §2, 2000)

10.132.050 Effective Date of Approval.

The zone change shall be effective upon the passage of the ~~resolution~~ordinance by the City Council changing the zone.

10.132.100 Effective Date of Approval.

The Comprehensive Plan amendment shall be effective upon the passage of the ~~resolution~~ordinance by the City Council changing the Plan.

Exhibit A
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Proposed Amendments – Adoption Process

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)

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.

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.

Exhibit B
City of Yamhill Development Code
Proposed Amendments – City vs County Building Official

7.08.010 Fire Hazard Declared.

(A) It is hereby declared to be a nuisance for any person in the possession or control of any land in the City of Yamhill, Oregon, to place or cause to be placed upon said land, or to knowingly permit or suffer to remain thereon, any weeds, grass, shrubs, rubbish, buildings or parts thereof, or other substance which constitutes a fire hazard to remain upon said land. The City Recorder, or Chief of Police, shall notify the City Council in writing of any nuisance as defined by this chapter. The written report of the City Recorder and/or Chief of Police shall contain the following:

- (1) A description of the real property on which such nuisance exists, by street address, or otherwise; and
- (2) A description of the nuisance.

(B) It is hereby declared to be a nuisance for any person in the possession or control of any land in the City of Yamhill, Oregon, to place or cause to be placed upon said land, or to knowingly permit or suffer to remain thereon any weeds, grass, shrubs, rubbish, buildings, or parts thereof, or other substance which constitutes a hazard or a danger to children who may be playing upon said land. The City Recorder, or ~~City~~ Building Official shall notify the City Council in writing of any nuisance as defined by this chapter. The written report of the City Recorder and/or ~~City~~ Building Official shall contain the following:

- (1) A description of the real property on which such nuisance exists, by street address, or otherwise; and
- (2) A description of the nuisance.

9.04.040 Definitions.

Except where the context clearly indicates a different meaning, the general definitions appearing in all chapters of this title shall be applicable throughout this title. Additional definitions follow:

“Building Official” means a City or County employee designated to enforce the Building Code.

9.04.130 ~~City~~ Building Inspector’s Report to the City.

The ~~City~~ Building Inspector/City Recorder shall, on a quarterly basis, furnish to the City a report on the number of permits issued during the quarter.

9.08.030 Initial Action.

Whenever the City Police Chief, City Recorder, or ~~City~~ Building Inspector shall find, or be of the opinion that there is a dangerous building in the City, it shall be his/her duty to report the same to the Council. The report shall be made in writing and shall contain the following:

- (A) A description of the real property on which such nuisance exists, by street address, or otherwise; and

Exhibit B
City of Yamhill Development Code
Proposed Amendments – City vs County Building Official

(B) A description of the nuisance.

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 to 30 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 State Highway Department for standards regarding access onto any State highway. The property owner shall contact the Yamhill County Road Department for standards regarding access onto any county road. The property owner shall contact the City Building Inspector 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.

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 City 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 Commission.

Exhibit B
City of Yamhill Development Code
Proposed Amendments – City vs County Building Official

(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.

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 City-Building Inspector for inspection, approval and for necessary enforcement measures.

10.92.070 City-Building Inspector Approval.

The City-Building Inspector shall approve building permits only when the City Recorder has reviewed the application and granted approval consistent with Chapter 10.128.

Exhibit B
City of Yamhill Development Code
Proposed Amendments – City vs County Building Official

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Proposed Amendments – City vs County Building Official

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10.92.070 Building Inspector Approval.

The Building Inspector shall approve building permits only when the City Recorder has reviewed the application and granted approval consistent with Chapter 10.128.

Exhibit C
City of Yamhill Development Code
Proposed Amendments – Property Boundary Adjustments

Chapter 11.16 PROPERTY BOUNDARY ADJUSTMENTS

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, ~~or, reduce the number of lots or parcels. (Ord. 467 §1, 2002).~~ A property boundary adjustment is also a change to a property boundary when a lot line is extinguished converting two properties into one.

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 ~~or vacate~~ a parcel. Creation ~~or vacation~~ 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)

11.16.040 Review Process.

A property boundary adjustment is subject to review and decision by City Staff, ~~except that adjustments that result in an alteration exceeding 10% of the total land area of any affected parcel shall be subject to a public hearing before the Planning Commission.~~

Exhibit C
City of Yamhill Development Code
Proposed Amendments – Property Boundary Adjustments

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(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)

11.16.040 Review Process.

A property boundary adjustment is subject to review and decision by City Staff.

EXHIBIT D
FINDINGS OF FACT
ADOPTION OF THE APRIL 2018 DEVELOPMENT CODE AMENDMENTS

FINDING: Yamhill Code section 10.132.090 establishes the criteria for an amendment to the Comprehensive Plan. That section reads:

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.

FINDING: Section 10.132.090 includes many criteria appropriate for consideration of a land use application effective a specific parcel or parcels of property and not appropriate for adoption of a text amendment. In the findings that follow the criteria that are not applicable are so noted.

CRITERIA: *That there is a public need for a comprehensive plan amendment*

FINDING: Yamhill Municipal Code Title 10 – Zoning (aka Yamhill Development Code) does not include a specific zone designed to be utilized for land used for public includes many provisions establishing process and authority for managing land use cases and the building and development processes. Several of these provisions need to be amended to reflect updated situations relative to the Building Official, correct structural errors so as to conform to the City Charter and applicable state law when adoption Code amendments, and streamline planning processes eliminating onerous application requirements for lot consolidation property boundary adjustments. There is a public need to make these minor amendments to the Code in order to create needed clarity, flexibility, and reasonable processes. The criterion is met.

**EXHIBIT D
FINDINGS OF FACT
ADOPTION OF THE APRIL 2018 DEVELOPMENT CODE AMENDMENTS**

CRITERIA: That there was an error in the original comprehensive plan

FINDING: This criterion is not applicable as it relates to an error on the land use map.

CRITERIA: That there is a need to change the currently adopted comprehensive plan

FINDING: This criterion is not applicable as it relates to an amendment of the Comprehensive Plan text or map. The proposed changes are to the Zoning chapter of the Municipal Code. However, there is a need to change those standards as they are inconsistent with good planning, design, and development processes. The criterion is met.

CRITERIA: That there is an inadequacy of other comparatively planned and/or zoned land currently available to satisfy the public need

FINDING: This criterion is not applicable as it relates to property, not a text amendment.

CRITERIA: That the property proposed to be changed is the best property available for the comprehensive plan amendment

FINDING: This criterion is not applicable as it relates to property, not a text amendment.

CRITERIA: 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

FINDING: The proposed amendment helps to implement Statewide Planning Goal 2 – Land Use Planning, which calls for efficient and clear planning processes. No other Statewide Planning Goals are relevant to the proposed amendments. The criterion is met.

CRITERIA: 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

FINDING: This criterion is not applicable as it relates to property, not a text amendment.

CRITERIA: 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

EXHIBIT D
FINDINGS OF FACT
ADOPTION OF THE APRIL 2018 DEVELOPMENT CODE AMENDMENTS

FINDING: This criterion is not applicable as it relates to property, not a text amendment.

***CRITERIA:** That the proposed comprehensive plan amendment will have no adverse affect on abutting property or the permitted uses thereof*

FINDING: This criterion is not applicable as it relates to property, not a text amendment.



8. A.

**CITY OF YAMHILL
CITY PLANNING COMMISSION MEETING
Tuesday – February 6, 2018 @ 7:00 PM
Minutes
Regular Meeting – Planning Commission**

1. Call to Order –Roll Call

The Yamhill Planning Commission meeting was called to order at 7:05pm by Chair Mitchell.

ROLL CALL:

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

2. Flag Salute:

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

3. Public Comment:

None received.

4. New Business:

A. Potential Code update on Property Line Adjustment process.

John Morgan reported that the current language does not allow the property line adjustment process to be used to reduce the number of lots. This is a very unusual provision compared to other cities, but more importantly, it is the very process required by state law for a "lot combination" when two lots are consolidated into one. By the current standards, a partition process is required to combine two lots. That requires a much more expensive application fee and a public hearing by the Planning Commission. This obviously adds a great deal of time to what should be a very simple application process. The proposed language eliminates this provision and clears up these concerns.

Motion by Mitchell, seconded by Prendergast, to initiate proposed code amendments on the property line adjustment process.

Roll Call: Ayes: Fox, Prendergast and Mitchell
Nays: None

Motion Carried.

- B. Potential Code update on process for Change of Zone, Comprehensive Plan Amendment, Chapter 10.132.**

John Morgan stated that the current language calls for adoption of a zone change or comprehensive plan amendment by resolution. This is legally incorrect. Only an ordinance can approve a zone change or comprehensive plan amendment as those documents and maps were adopted by ordinance in the first place. The proposed amendment clears up this issue.

Motion by Mitchell, seconded by Prendergast, to initiate proposed code amendments on process for Change of Zone and Comprehensive Plan amendments.

Roll Call: Ayes: Fox, Prendergast and Mitchell
Nays: None

Motion Carried.

- C. Potential Code update on correcting City Building Official or Inspector to County.**

John Morgan stated that in many of the City's Building and Zoning Code's there is reference to the "City Building Official" or "City Building Inspector". Yamhill no longer has an inhouse Building Official and contracts with Yamhill County for all building services. The proposal is to update all the codes to remove City Building Official and replace with County Building Official or County Building Inspector.

Motion by Mitchell, seconded by Prendergast, to initiate proposed code amendments on correcting City Building Official or Inspector to County.

Roll Call: Ayes: Fox, Prendergast and Mitchell
Nays: None

Motion Carried.

- 5. Unfinished Business:**
A. None Scheduled.

- 6. A. Approval of Planning Commission Minutes from December 5, 2017.**

There were no members in opposition to the minutes.

Mitchell made motion, seconded by Fox to approve minutes.

Roll Call: Ayes: Fox, Prendergast and Mitchell
Nays: None

The Motion Carried.

- B. Schedule next Planning Commission meeting.

The next Planning Meeting is scheduled for Tuesday, April 3, 2018 at 7:00pm.

7. **Information/Announcements:**

- A. City Council meeting – Wednesday, February 14, 2018
- B. Vacancies: City Council – 1 member
Planning Commission – 1 member
Budget Committee - 3 members - Applications are available at City Hall

8. **Adjournment: 7:15PM**

Chair Mitchell made motion to adjourn,

All in favor, meeting adjourned at 7:15pm

Respectfully Submitted:
Lori Gilmore
City Recorder/Treasurer