

## **AGENDA**

### **CITY OF YAMHILL, CITY PLANNING COMMISSION MEETING**

**Council Chambers – 155 E 1<sup>st</sup> Street**

**Tuesday – May 1, 2018**

**7:00 PM**

#### **Public Hearing – Planning Commission**

1. **Call to Order** – Roll Call
2. **Flag Salute:**
3. **Public Hearing:**
  - A. Public Hearing on Partition Application PAR 18-01

#### **Regular Meeting – Planning Commission**

4. **Public Comment:** (This time is provided for persons in the audience on ANY item of Planning Commission business, except those items which appear on this agenda or refer to land use requests, however, the Planning Commission reserves the right to defer any request for action from any persons addressing the Planning Commission who have not been placed on the agenda. Comments shall be limited to two to five minutes, at the Chair's discretion.)
5. **New Business:**
  - A. Discussion of City growth, industrial needs and the availability of land and Infrastructure.
6. **Unfinished Business:**
  - A. None Scheduled.
7.
  - A. Approval of Planning Commission Minutes from April 3, 2018.
  - B. Schedule next Planning Commission meeting for Tuesday, June 5, 2018.
8. **Information/Announcements:**
  - A. City Council meeting/ Town Hall with County Commissioners – Wednesday, May 9, 2018
  - B. Budget Committee meeting, Monday, May 14, 2018, 6:30PM. City Council Chambers, 155 E. 1<sup>st</sup> Street.

#### **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 \*\*\*\*\*

**CITY OF YAMHILL, OREGON  
PLANNING COMMISSION  
STAFF REPORT  
May 1, 2018**

Partition Case 18-01  
Bartlett

**I. BACKGROUND**

- A. **APPLICANT:** Marc and Veronica Bartlett
- B. **REQUEST:** To divide a parcel into two, effectively moving the lot line between two platted lots of 9,040 square feet each resulting in two new lots of 9,944 square feet and 8,136 square feet.
- C. **LOCATION:** Hauswirth's Second Addition Block 1 Lots 2 and 3, Tax Lots 4400, 345 E. 1st Street, Yamhill, Oregon
- D. **APPLICABLE REVIEW CRITERIA:** City of Yamhill Community Development Code Section 11.12.050 (available at [www.cityofyamhill.com/amc/1112.htm](http://www.cityofyamhill.com/amc/1112.htm)).
- E. **PARCEL SIZE:** This existing parcel under single ownership has 18,080 square feet with two underlying platted lots each with 9,040 square feet.
- F. **EXISTING DEVELOPMENT:** Existing Lot 3 is the site of an older single-family home. Existing Lot 2 is the site of a detached single-car garage serving the home on Lot 3. The entire property is effectively one house and yard with the house on the west end and a large yard on the east end. The proposal will allow construction of a new house on the east end. Other homes are located in all directions within the neighborhood. The subject property is served with public sewer and water. 1<sup>st</sup> Street is paved with a gravel shoulder for parking and a property line sidewalk along the entire block frontage.
- G. **ZONING:** The property is zoned Single-Family Residential (R-2). The minimum lot size in the R-2 zone is 6,000 square feet.
- H. **DECISION CRITERIA:** Yamhill Municipal Code, Section 10.16 (R-2 Zone) and Title 11 (Subdivisions and Partitions).

## DISCUSSION:

This is a partitioning of a large parcel into two within an existing developed area. In actuality there are already two platted lots and the eastern lot could be sold and used for a new house, but State law requires a partition process to move the property line between two platted lots, as is the case with this application. The proposed lots are comparable with those already in the neighborhood.

The application is straight forward relative to the moving of the lot line meeting all the requirements of the Development Code.

However, the matter becomes somewhat complicated relative to the existing detached garage.

The house and garage were built long before the requirements of the Development Code were adopted. The Code requires two off-street parking spaces for each single-family home. Those spaces are found in the driveways of newer homes as garages are not counted as parking spaces. In this particular case, there are no legal parking spaces for the existing home creating a legally non-confirming situation, in other words, the situation is grandfathered. This partition process does not change that legally non-confirming situation.

The existing detached garage also is legally non-confirming as it does not meet the front or side setback lines of the R-2 zone relative to the existing lot line. However, with the moving of the lot line, as proposed, the garage will have a side setback of 8 feet where the minimum setback is 7.5 feet, making the garage conforming relative to the side setback.

Any new house constructed on Lot 2 will have to create two off-street parking spaces and the existing garage cannot be counted as one of those spaces.

## II. FINDINGS OF FACT

- A. Title 11 of the Municipal Code provides rules and regulations for dividing land with Chapter 11.12 establishing regulations for partitions. Sections 11.12.010 to 11.12.040 establish the area of application, general provisions, submittal requirements and the hearing process. For the record, the proposal and hearing process comply with provisions in these Sections. The decision criteria are contained in Section 11.12.050. The criteria and findings are reviewed in the following Sections.
- B. Section 11.12.050(A) - Each parcel shall meet the requirements of Section 11.20. The specific design requirements are contained in Section 11.20.020 and

each item is reviewed below:

1. Section 11.12.020(C) - A master plan for development is required for any application that leaves a portion of the subject property capable of replatting.

FINDING: The subject properties, either separately or combined, are not large enough for replatting.

2. Section 11.20.030(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 area; and to provide safe and convenient traffic circulation.

FINDINGS: The subdivision already exists with the lot configurations and street alignments established. The criterion is not relevant to this application.

3. Section 11.20.030 (C) - Connectivity. To achieve the objective in B., above, the Commission may require the following:

1. Stub Streets: Where the potential exists for additional residential development on adjacent property.

FINDINGS: The subdivision already exists with the lot configurations and street alignments established. The criterion is not relevant to this application.

4. Section 11.20.020(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 percent in any direction for more than 60 percent of the buildable area of a lot, the area of a lot shall be increased.

FINDINGS: The minimum parcel size is 6,000 square feet with a minimum width of 60-feet and a minimum average depth of 90-feet. Both proposed lots comply with these minimum dimension requirements.

5. Section 11.20.020(B) - Lot width and depth. The depth of a lot or parcel shall not be more than 3 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.

FINDINGS: The proposed lots comply with these requirements.

6. Section 11.20.020(C) - Access. All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. An exception is permitted for flag lots.

FINDINGS: The proposed lots comply with these provisions.

7. Section 11.20.020(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.

FINDING: No flag lot is proposed.

8. Section 11.20.020(E) - Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation.

FINDINGS: This provision does not apply as the proposal does not create a through lot.

9. Section 11.20.020(G) - 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 1/2 the dimension of the front lot line.

FINDINGS: The lines run at right-angles to the streets.

10. Section 11.20.020(H) - 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.

FINDINGS: All required easements are already in place.

11. Section 11.12.050(B) - Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is approved.

FINDINGS: As noted, the existing parcels meet the dimensional standards and the combined parcel meets the dimensional standard.

12. Section 11.12.050(C) - Adequate public facilities shall be available to serve the existing and newly created parcels.

FINDINGS: All public facilities are already in place to serve the property.

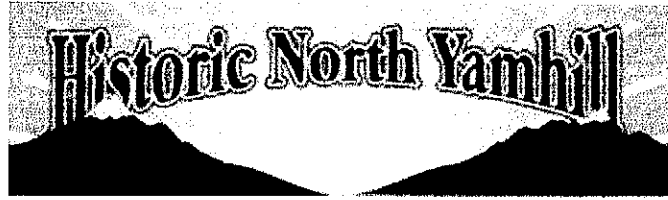
13. Section 11.12.060 establishes the requirements for recording of the final plat. For the record, both the applicant and City must comply with these provisions.

### III. RECOMMENDATION AND CONDITIONS OF APPROVAL

- A. Staff finds the Partition application, with the proposed conditions of approval, complies with the applicable decision criteria and recommends approval subject to the following condition of approval:
  1. A new plat reflecting the partition will be recorded with Yamhill County in the manner proscribed by the County Surveyor.
  2. A copy of the recorded partition plat will be provided to the City.

### IV. PLANNING COMMISSION ACTION

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



## **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Yamhill Planning Commission, at its meeting on May 1, 2018 at 7:00 PM, in the City Council Chambers of the City Hall, City of Yamhill, Oregon, will consider the following application:

**APPLICANT:** Marc and Veronica Bartlett

**REQUEST:** To divide a parcel of 18,080 square feet into two parcels of 9,944 and 8,136 square feet

**LOCATION:** 345 E 1st Street, Yamhill, Oregon

**APPLICABLE REVIEW CRITERIA:** City of Yamhill Community Development Code Section 11.12.050 (available at [www.cityofyamhill.org/municipal-code](http://www.cityofyamhill.org/municipal-code)).

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

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

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

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

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

News-Register-Published April 17, 2018





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

PAR 18.4  
5.1.18-  
R-2

PARTITION APPLICATION

- Docket Number: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Staff Member: \_\_\_\_\_

Present Zone: \_\_\_\_\_

RECEIVED  
MAR 13 2018  
BY: .....

APPLICANT IS

Legal Owner ☒  
Contract Buyer ☐  
Option Holder ☐  
Agent ☐

TITLE HOLDER OF THE PROPERTY

Name: Marc + Veronica BARTLETT  
Address: 345 E. 1st St.  
Yamhill, OR. 97148

LEGAL DESCRIPTION OF THE PROPERTY INVOLVED IN THIS APPLICATION

Location of Property: 345 E. 1st St. Size: 160 X 113 Tax Lot: 4400 MAP # 3404AC  
Lot: 2 + 3 Block: 1 Sub-Division: Hauswirths Addition Total Area: 18080 #  
Total Area Involved: 18080 # Current Zoning: R-1 \_\_\_\_\_; R-2 ☒; R-3 \_\_\_\_\_

INTRODUCTION

This application is provided for the filing and review of all proposed partitions in the City of Yamhill. The application is organized to correspond with the requirements of Yamhill Municipal Code, Title 11, which establishes standards and procedures for the partitioning of land in the City of Yamhill. This Title 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.

NAMES

Surveyor and Address (if applicable): \_\_\_\_\_ Phone: \_\_\_\_\_

Engineer and Address (if applicable): \_\_\_\_\_ Phone: \_\_\_\_\_

Names and addresses of all property owners within 300 feet of the partitioning proposed boundaries, as shown on the last preceding tax roll of the Yamhill County Assessor. Attach to this application as Exhibit "A".

DEVELOPMENT LIMITATIONS

- A) Total number of lots to be created: 2
- B) Size of lots to be created: 88' X 113' 72' X 113'
- C) For what purposes is the property being partitioned:  
To build a new home on the lot without a house on it, and to make lot 2 88' X 113'.
- D) Estimated length of roads or streets to be created (if any):  
NA

- E) Zone description of the property to be partitioned: R-2
- F) How will the land division be served with:  
Sewerage: City of Yamhill Water: City of Yamhill
- G) Is the property proposed for partitioning located within an area of flood or soil hazard or within an area of steep slopes? No
- H) Does the partitioning affect any parcel or building with historical significance?  
No
- I) Will fill or removal be required to develop this site? Yes \_\_\_\_\_ No X  
If yes, how much? \_\_\_\_\_
- J) How will surface water be taken care of?  
We've lived here since 2014 and haven't experienced any standing water on the lot to be built on.
- K) Proposed improvements: Describe all proposed improvements to occur and include (if known) an approximate schedule for initiation and completion of each improvement.  
Build a new house on the lot without the existing house. Build new house on Lot 2

#### APPLICANT'S CERTIFICATION

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

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

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

Marc Buntlett  
Applicant's Signature

MARCH 2, 2018  
Date of Application

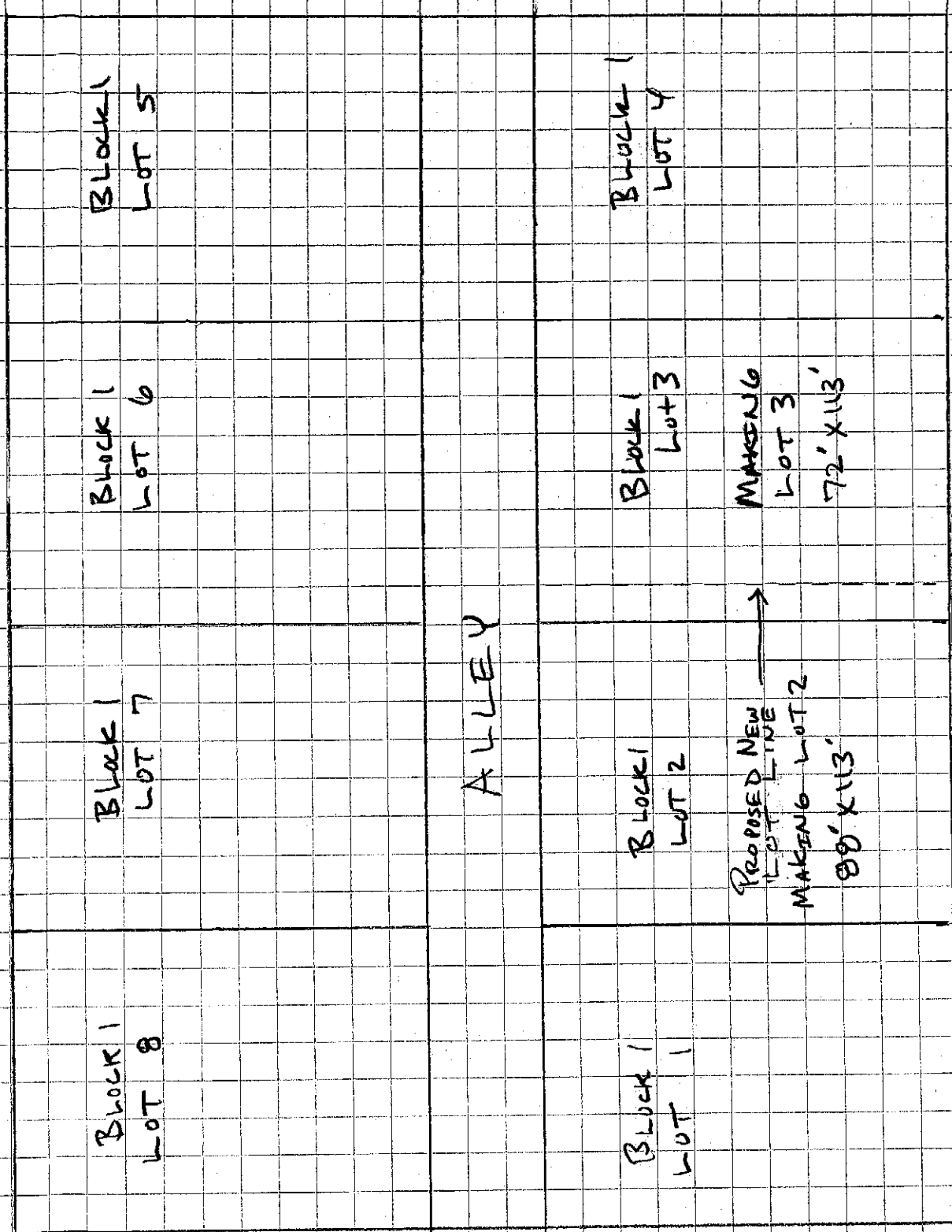
Marc Buntlett  
Owner's Signature

Phone # 971-409-1531

EAST SECOND STREET

UCLIFF STREET

ALLEY STREET

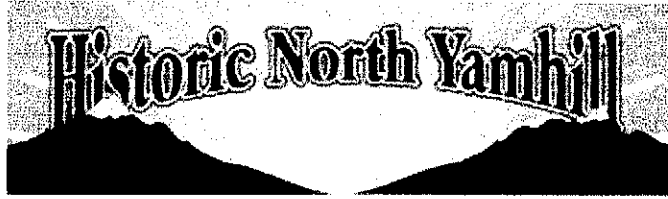


EAST FIRST STREET

OWNERS - MARC + VERONICA BARTLETT

NOT TO SCALE

7.A.



**CITY OF YAMHILL  
CITY PLANNING COMMISSION MEETING  
Tuesday – April 3, 2018 @ 7:00 PM  
Minutes**

**Public Hearing – Planning Commission**

**1. Call to Order –Roll Call**

The Yamhill Planning Commission meeting was called to order at 7:03pm by Vice-Chair Prendergast.

**ROLL CALL:**

Members present: Commissioners Fox, Moore and Prendergast

Unexcused Absence: Chair Mitchell

City staff present: City Recorder Gilmore and Superintendent Howard

**2. Flag Salute:**

Vice-Chair Prendergast led the flag salute with all those present participating.

**3. Oath of Office:**

- A.** Swearing in of Planning Commissioner: Trisha Player, Term expires December 31, 2019.

Trisha Player was appointed as Planning Commission member by City Council on February 14, 2018 and will serve a two-year term expiring December 31, 2019.

City Recorder Lori Gilmore administered the oath of office to Trisha Player and she took her place at the Commission dais.

**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.

Vice-Chair Prendergast opened the Public Hearing at 7:05pm for the proposed amendments to update Building Official definition/Partition Process/Code Amendment Process Public Hearing.

City Planner John Morgan was not in attendance but had provided a staff report for the proposed code amendments, the Findings of Fact addressing the required criteria and the actual proposed code texts. The three proposed amendments are summarized as:

#### 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 gives 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 gets 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 Planning 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. Morgan's staff report concluded that 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.

Vice-Chair Prendergast noted that there were no public in attendance for questions or testimony.

Vice-Chair Prendergast closed the Public Hearing at 7:15 pm.

Motion by Prendergast, seconded by Fox, to approve the proposed text amendments and recommend their adoption to the City Council and direct staff to prepare a Planning Commission order incorporating this decision with the findings-of-fact for the Planning Commission Vice-Chair's signature.

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

Motion Carried.

#### **Regular Meeting – Planning Commission**

Vice-Chair Prendergast opened the Regular meeting at 7:20.

**5.      Public Comment:**

None Received.

**6.      New Business:**

A.      None Scheduled.

**7.      Unfinished Business:**

A.      None Scheduled.

8. A. Approval of Planning Commission Minutes from February 6, 2018.

There were no members in opposition to the minutes.

Moore made motion, seconded by Fox to approve minutes.

Roll Call: Ayes: Fox, Prendergast and Moore  
Abstain: Player

The Motion Carried.

- 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: 7:25 pm**

Vice-Chair Prendergast made motion to adjourn,

All in favor, meeting adjourned at 7:25 pm

Respectfully Submitted:  
Lori Gilmore  
City Recorder/Treasurer

8.A.

# TOWN HALL MEETING

Wednesday, May 9, 2018  
6:30-7:00pm at City Hall, Yamhill

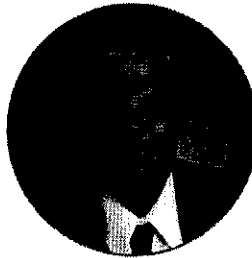


**WE WANT TO HEAR FROM YOU!**

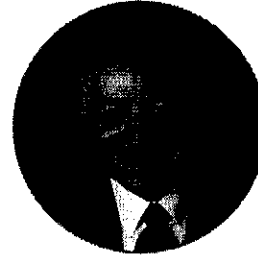
We invite the community join us for a town hall-style discussion prior to the City Council meeting. Yamhill County commissioners will address your questions or concerns about the County.



Mary Starrett



Rick Olson



Stan Primozych

**FREE & OPEN TO THE PUBLIC**

For more information, please call 503-662-3511  
or email: [l.gilmore@cityofyamhill.org](mailto:l.gilmore@cityofyamhill.org)