



# City of Yamhill

A small taste of Oregon

**AGENDA**  
**CITY OF YAMHILL, CITY PLANNING COMMISSION MEETING**  
**Council Chambers – 155 E 1<sup>st</sup> Street**  
**Tuesday September 15, 2020**  
**7:00 PM**  
**Public Hearing – Planning Commission**

1. **Call to Order** –Roll Call
2. **Flag Salute:**
3. **Public Hearing:**
  - A. Public Hearing on amending code text amendment-Side Yard and street side corner lot setbacks.
  - B. Public Hearing on amending code text amendment- Zero lot line for corner lots.

**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. None Received.
6. **Unfinished Business:**

None Received.
7. **Committee Review Discussion:**
  - A. Approval of Planning Commission Minutes from August 4, 2020.
  - B. Schedule next Planning Commission Meeting
  - C. Commissioner Comments/Discussion
8. **Information/Announcements:**
  - A. Candidate Certification for the November 3, 2020 Election.
  - B. Vacancies: Budget Committee - 1 member-  
Planning Commission – 1 member- Applications are available at City Hall.
9. **Adjournment**

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

NOTICE OF PUBLIC HEARINGS  
YAMHILL PLANNING COMMISSION  
YAMHILL CITY COUNCIL

AMENDMENT OF TITLE 10 OF THE YAMHILL MUNICIPAL CODE  
CONCERNING DIVISION OF DUPLEX LOTS TO ALLOW INDIVIDUAL OWNERSHIP  
AND CHANGING THE SIDE YARD SETBACKS IN THE R-2 SINGLE FAMILY ZONE

Notice is hereby given that the Planning Commission will conduct public hearings at 7:00 PM on Tuesday, September 15, 2020 and the City Council will conduct public hearings at 7:00 PM on Wednesday, October 14, 2020 in the City Council Chambers at City Hall, 205 S. Maple Street, Yamhill, Oregon to consider proposed amendments to the language of Yamhill Municipal Code Title 10 - Zoning to allow duplex lots to be divided so each side of a duplex can be sold, and to change the interior side yard setback in the R-2 zone from 7.5 feet to 5.0 feet and the street side yard setback for a corner lot from 20 feet to 10 feet.

The Public Hearings on these matters will be conducted in accordance with the rules contained in the Yamhill Municipal Code, 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 hearings shall be entitled to appeal. Written comments may be submitted in advance by being mailed or delivered to City Hall. Failure to raise an issue, either in person or in writing, or failure to provide statements or evidence sufficient to allow the City Council an opportunity to respond to the issue precludes an affected party's appeal of the decision to the Land Use Board of Appeals on that issue. A copy of the proposed amendments and applicable criteria are available for inspection at no cost, or a copy may be obtained for fifteen cents per page. Questions should be directed to the City Recorder, 503-662-3511.

**CITY OF YAMHILL, OREGON  
PLANNING COMMISSION  
STAFF REPORT  
September 15, 2020**

**Development Code Text Amendment concerning Side-Yard Setbacks in the R-2 Zone**

**Introduction**

On July 7, 2020, the Planning Commission voted to initiate an amendment of the text of the Development Code to consider amending the side yard setback in the R-2 zone from 7.5 feet to 5 feet. On August 4, 2020 the Planning Commission approved draft language to be taken to public hearing.

This amendment proposal comes at the request of Steve Miller of Emerio Design. Mr. Miller is the project manager for the Yamhill Park Estates subdivision currently under development.

The proposed code language is:

**10.16.060 Yard Requirements.**

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

(B) Side Yards. There shall be a side yard on each side of the main building on every lot in an R-2 zone in width of ~~seven and one-half~~ five feet. A side yard on the street side of a corner shall be not less than ~~20~~ 10 feet.

**Discussion**

Mr. Miller will present his detailed reasons for making this request. However, staff gives these two general arguments in support of the proposal:

Five-foot side yards and ten-foot street side yards are the standard found in almost all development codes. This is enough space to meet fire code, to provide access to rear yards, and provide reasonable privacy.

Allowing the proposed side yards gives the opportunity for houses to be up to five feet wider, thereby allowing larger homes which can expand the available housing to meet the housing market demand.

Proposed findings-of-fact are attached.

**Recommendation**

Staff recommends the Planning Commission:

1. Open and conduct the public hearing

**CITY OF YAMHILL, OREGON  
PLANNING COMMISSION  
STAFF REPORT  
September 15, 2020**

**Development Code Text Amendment concerning Side-Yard Setbacks in the R-2 Zone**

2. Close the hearing for the receipt of oral testimony
3. Deliberate on the proposal including making any changes to the language and to the findings of fact
4. Reopen the hearing to oral testimony if there is a need
5. Close the hearing
6. Vote on a motion approving the proposed amendments with any changes and recommending the amendments to Council for adoption.

**EXHIBIT A**  
**FINDINGS OF FACT**  
**ADOPTION OF DEVELOPMENT CODE AMENDMENTS CONCERNING SIDE YARD**  
**SETBACKS IN THE R-2 ZONE**

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) has existing side yard setbacks larger than the norm in surrounding and comparable cities. Reducing side yard setbacks allows homes up to five feet wider on a lot in the R-2 zone giving more room for floorspace and bedrooms perhaps making the more livable and available for larger families. While the City does not have a current Buildable Lands Inventory or Housing Need Analysis, antidotal evidence and the experience of Planning Commissioners supports the desirability of this provision. There is a need in the Yamhill community to accommodate more families and make more efficient use of land. This criterion is met.

**EXHIBIT A**  
**FINDINGS OF FACT**  
**ADOPTION OF DEVELOPMENT CODE AMENDMENTS CONCERNING SIDE YARD**  
**SETBACKS IN THE R-2 ZONE**

*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 10 – Housing. While this cannot be quantified without a Housing Need Analysis, the amendment will increase housing opportunity by creating the ability to develop subdivisions with larger houses and possibly higher number of bedrooms and housing units. 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.

**EXHIBIT A**  
**FINDINGS OF FACT**  
**ADOPTION OF DEVELOPMENT CODE AMENDMENTS CONCERNING SIDE YARD**  
**SETBACKS IN THE R-2 ZONE**

*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*

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 effect on abutting property or the permitted uses thereof*

FINDING: The proposed amendment does not increase density except for the possibility of a large subdivision design incorporating a few additional lots. The number of such circumstances is low as there is little buildable land in the community. Additional traffic generation will be negligible. The criterion is met.



# NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FORM 1

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing.** (See OAR 660-018-0020 for a post-acknowledgment plan amendment and OAR 660-025-0080 for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **City of Yamhill**

Local file no.:

Please check the type of change that best describes the proposal:

- ☐ **Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- ☐ **UGB amendment** over 100 acres by a metropolitan service district
- ☐ **Urban reserve designation**, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- ☐ **Periodic review task** – Task no.:

☒ **Any other change** to a comp plan or land use regulation (e.g., a post-acknowledgement plan amendment)

Local contact person (name and title): **John Morgan, City Planner**

Phone: 503-304-9401 E-mail: **john@morgancps.com**

Street address: **205 S Maple Street** City: **Yamhill** Zip: **97148**

**Briefly summarize the proposal** in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

**In order to expand housing opportunities, consideration is being given to amending Chapter 10.16 to reduce side-yard setback requirements to give more flexibility to housing design. Staff report will be available from City Hall approximately September 8, 2020.**

Date of first evidentiary hearing: **September 15, 2020**

Date of final hearing: **October 13, 2020**

☐ This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

☐ Comprehensive Plan text amendment(s)

☐ Comprehensive Plan map amendment(s) – Change from \_\_\_\_\_ to \_\_\_\_\_  
Change from \_\_\_\_\_ to \_\_\_\_\_

☒ New or amended land use regulation

☐ Zoning map amendment(s) – Change from \_\_\_\_\_ to \_\_\_\_\_  
Change from \_\_\_\_\_ to \_\_\_\_\_

☐ An exception to a statewide planning goal is proposed – goal(s) subject to exception:

☐ Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec., TL):

List affected state or federal agencies, local governments and special districts: **N/A**

**CITY OF YAMHILL, OREGON  
PROPOSED DEVELOPMENT CODE AMENDMENT  
August 2020**

**Development Code Text Amendment concerning Side-Yard Setbacks in the R-2 Zone**

The proposed code language is:

**10.16.060 Yard Requirements.**

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

(B) Side Yards. There shall be a side yard on each side of the main building on every lot in an R-2 zone in width of ~~seven and one-half~~ five feet. A side yard on the street side of a corner shall be not less than ~~20~~ 10 feet.

3. B.

**CITY OF YAMHILL, OREGON  
PLANNING COMMISSION  
STAFF REPORT  
September 15, 2020**

**Development Code Text Amendment concerning Duplexes in the R-1, R-2, R-3,  
and RM Residential Zones**

**Introduction**

On July 7, 2020, the Planning Commission voted to initiate an amendment of the text of the Development Code to consider allowing duplexes on corner lots to be divided so each dwelling unit can be sold independently.

The Planning Commission's role this evening is to conduct a public hearing on the proposal and make a decision on a recommendation to the City Council as the Council considers the matter in October.

This amendment comes at the request of Chuck Mitchell.

The proposed code language is:

**R-1 Zone**

**10.12.070 Lot Size and Width.**

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

(B) In an R-1 zone, a lot on which a legally established two-family dwelling exists or is being built may be divided so as to allow the two-family dwelling to be divided and have separate ownerships of each dwelling and the associated portion of the original lot providing all State of Oregon Residential Structure Building Code requirements are met. The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided two-family dwelling. The width of each lot at the building line shall be not less than 30 feet. The depth of the lot shall not be less than 90 feet.

**R-2 Zone**

**10.16.070 Lot Size and Width.**

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

(B) In an R-2 zone, a lot on which a legally established two-family dwelling exists or is being built may be divided so as to allow the two-family dwelling to be divided and have separate ownerships

of each dwelling and the associated portion of the original lot providing all State of Oregon Residential Structure Building Code requirements are met. The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided two-family dwelling. The width of each lot at the building line shall be not less than 30 feet. The depth of the lot shall not be less than 90 feet.

### **R-3 Zone**

#### **10.16.070 Lot Size and Width.**

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

(B) Each additional dwelling unit shall require 2,000 square feet of lot area (See table). No main building or group of main buildings shall occupy more than 60% of the lot area, and no detached accessory structure may occupy more than 25% of any side or rear yard.

#### **Multifamily Dwelling Lot Area Requirements**

<b>No. of Dwelling Units</b>	<b>Lot Area (Sq. Ft.)</b>
1	6,000
2	8,000
3	10,000
4	12,000
5	14,000
6	16,000
7	18,000
8	20,000
9	22,000
10	24,000
15	34,000
20	44,000

(C) In an R-3 zone, a lot on which one legally established two-family dwelling exists or is being built may be divided so as to allow the two-family dwelling to be divided and have separate ownerships of each dwelling and the associated portion of the original lot providing all State of Oregon Residential Structure Building Code requirements are met. The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided two-family dwelling. The width of each lot at the building line shall be not less than 30 feet. The depth of the lot shall not be less than 90 feet.

### **RM Zone**

#### **10.21.070 Lot Size, Width, and Depth.**

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

(B) In an RM zone, a lot on which one legally established two-family dwelling exists or is being built may be divided so as to allow the two-family dwelling to be divided and have separate ownerships of each dwelling and the associated portion of the original lot. The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided two-family dwelling. The width of each lot at the building line shall be not less than 30 feet. The depth of the lot shall not be less than 90 feet.

#### **Discussion**

Staff supports this proposal because it creates a new path to homeownership for those wishing a smaller or more affordable home. It simply allows a duplex to be legally split so each half can be sold independently.

The proposal keeps all the design and density standards for a duplex in each zone. This means the number of duplexes in the community is not affected, and it means duplex lot sizes remain the same.

Proposed findings-of-fact are attached.

#### **Recommendation**

Staff recommends the Planning Commission:

1. Open and conduct the public hearing
2. Close the hearing for the receipt of oral testimony
3. Deliberate on the proposal including making any changes to the language and to the findings of fact
4. Reopen the hearing to oral testimony if there is a need
5. Close the hearing
6. Vote on a motion approving the proposed amendments with any changes and recommending the amendments to Council for adoption.

**EXHIBIT A  
FINDINGS OF FACT  
ADOPTION OF DEVELOPMENT CODE AMENDMENTS CONCERNING ZERO-LOT  
LINE DEVELOPMENT**

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 (Yamhill Development Code) includes provisions allowing duplexes in all zones if lot size minimums are met. The proposal allows a lot and duplex structure to be created or divided so that each half of a duplex can be sold. It does not increase the potential number of duplexes or reduce the required original lot size. While the City does not have a current Buildable Lands Inventory or Housing Need Analysis, antidotal evidence and the experience of Planning Commissioners supports the desirability of this provision as it increases the opportunity for home ownership for a portion of the population desiring or needing a smaller more-

**EXHIBIT A**  
**FINDINGS OF FACT**  
**ADOPTION OF DEVELOPMENT CODE AMENDMENTS CONCERNING ZERO-LOT**  
**LINE DEVELOPMENT**

affordable home. Without this text amendment important and needed housing choices will be available. This criterion is met.

*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 10 – Housing. While this cannot be quantified without a Housing Need Analysis, the amendment will increase housing opportunity by creating an additional option for homeownership for those desiring a smaller or more affordable home. 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*

**EXHIBIT A**  
**FINDINGS OF FACT**  
**ADOPTION OF DEVELOPMENT CODE AMENDMENTS CONCERNING ZERO-LOT**  
**LINE DEVELOPMENT**

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*

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 effect on abutting property or the permitted uses thereof*

FINDING: The proposed amendment does not increase density and therefore will have no impact on abutting property greater than that currently allowed in the Development Code. The criterion is met.



# NOTICE OF A PROPOSED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FORM 1

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing.** (See OAR 660-018-0020 for a post-acknowledgment plan amendment and OAR 660-025-0080 for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **City of Yamhill**

Local file no.:

Please check the type of change that best describes the proposal:

- ☐ **Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- ☐ **UGB amendment** over 100 acres by a metropolitan service district
- ☐ **Urban reserve designation**, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- ☐ **Periodic review task** – Task no.:
- ☒ **Any other change** to a comp plan or land use regulation (*e.g.*, a post-acknowledgement plan amendment)

Local contact person (name and title): John Morgan, City Planner

Phone: 503-304-9401 E-mail: john@morgancps.com

Street address: 205 S Maple Street City: Yamhill Zip: 97148

**Briefly summarize the proposal** in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

**In order to expand housing opportunities, consideration is being given to amending Chapters 10.12, 10.16, 10.20, and 10.21 to allow land divisions in order to allow individual dwelling units within duplexes to be sold. Staff report will be available from City Hall approximately September 8, 2020.**

Date of first evidentiary hearing: September 15, 2020

Date of final hearing: October 13, 2020

☐ This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- ☐ Comprehensive Plan text amendment(s)
- ☐ Comprehensive Plan map amendment(s) – Change from to  
Change from to

☒ New or amended land use regulation

☐ Zoning map amendment(s) – Change from to  
Change from to

☐ An exception to a statewide planning goal is proposed – goal(s) subject to exception:

☐ Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec., TL):

List affected state or federal agencies, local governments and special districts: N/A

**CITY OF YAMHILL, OREGON  
PROPOSED DEVELOPMENT CODE AMENDMENT  
August 2020**

**Development Code Text Amendment concerning Duplexes in the R-1, R-2, R-3, and RM Residential Zones allowing duplexes on corner lots to be divided so each dwelling unit can be sold independently.**

The proposed code language is:

**R-1 Zone**

**10.12.070 Lot Size and Width.**

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

(B) In an R-1 zone, a lot on which a legally established two-family dwelling exists or is being built may be divided so as to allow the two-family dwelling to be divided and have separate ownerships of each dwelling and the associated portion of the original lot providing all State of Oregon Residential requirements are met. The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided two-family dwelling. The width of each lot at the building line shall be not less than 30 feet. The depth of the lot shall not be less than 90 feet.

**R-2 Zone**

**10.16.070 Lot Size and Width.**

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

(B) In an R-2 zone, a lot on which a legally established two-family dwelling exists or is being built may be divided so as to allow the two-family dwelling to be divided and have separate ownerships of each dwelling and the associated portion of the original lot providing all State of Oregon Residential Structure Specialty Coderequirements are met. The. The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided two-family dwelling. The width of each lot at the building line shall be not less than 30 feet. The depth of the lot shall not be less than 90 feet.

**R-3 Zone**

**10.20.070 Lot Size and Width.**

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

(B) Each additional dwelling unit shall require 2,000 square feet of lot area (See table). No main building or group of main buildings shall occupy more than 60% of the lot area, and no detached accessory structure may occupy more than 25% of any side or rear yard.

**CITY OF YAMHILL, OREGON**  
**PROPOSED DEVELOPMENT CODE AMENDMENT**  
**August 2020**

**Multifamily Dwelling Lot Area Requirements**

<b>No. of Dwelling Units</b>	<b>Lot Area (Sq. Ft.)</b>
1	6,000
2	8,000
3	10,000
4	12,000
5	14,000
6	16,000
7	18,000
8	20,000
9	22,000
10	24,000
15	34,000
20	44,000

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

**RM Zone**

**10.21.070 Lot Size, Width, and Depth.**

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

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

**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 affect 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.



# City of Yamhill

A small taste of Oregon

7. A.

**CITY OF YAMHILL  
CITY PLANNING COMMISSION MEETING  
Tuesday, August 4, 2020 7:00 PM**

**MINUTES**

**Regular Meeting – Planning Commission**

**1. Call to Order –Roll Call**

The Yamhill Planning Commission meeting was called to order at 7:04 pm by Chair Prendergast.

**ROLL CALL:**

Members present: Commissioners Prendergast, Braddock, and Player

Absence: Commissioner Moore

City staff present: City Recorder Gilmore, City Planner John Morgan

**2. Flag Salute:**

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

**3. Public Comment:**

None Received.

**4. New Business:**

A. None Scheduled.

**5. Unfinished Business:**

A. Consider amending code text amendment – Side Yard Setback R2 Zone. At the July 6, 2020 Planning Meeting, a motion was passed to initiate consideration of a proposed text amendment, Zoning Code Section 10.16.060(B) Yard requirements to modify side yard setbacks of the R-2 zone. The Text amendment proposal is to amend the side yard setbacks of the R-2 zoning district to allow buildings to extend within 5-feet of the side yard, or 10 feet of a street side yard. The proposed amendment will have no effect on residential density within the R-2 zone. John Morgan, City Planner provided a staff report with draft language for the amendment. The process for the Commission is to review the language at tonight's meeting; make any necessary changes or revisions; decide on the final language and vote on the proposal. If approved, the draft will be finalized, and a public hearing will be held at the next Planning Meeting to be scheduled no earlier than September 9, 2020.

Prendergast made motion; Player seconded to approve the proposed language for the purpose of holding a public hearing and setting the hearing date for September 15, 2020. It was noted that the staff report listed the side yard on the street side of a corner shall be not less than 20 feet, and has been corrected in the approval to show not less than 10 feet.

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

Motion Carried.

**B.** Consider amending code text amendment -Zero lot line for corner lots. On July 6, 2020, the Planning Commission voted to initiate an amendment of the text of the Development Code to consider allowing duplexes on corner lots to be divided so each dwelling unit can be sold independently. The Planning Commission's role this evening is to settle on the proposed Code language, and if approved will go to public hearing. The Commission's ultimate responsibility is to make a recommendation to the City Council on the proposed Code amendment. If the Commission adopts its recommendation to Council at the September 15, 2020 Public Hearing, the Council hearing and decision will be scheduled for the first available Council meeting. The major change for the proposed code language would include a lot on which a legally established two-family dwelling exists or is being built may be divided so as to allow the two-family dwelling to be divided and have separate ownerships of each dwelling and the associated portion of the original lot providing all State of Oregon Residential Structure Specialty Code requirements are met. The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided two-family dwelling. The width of each lot at the building line shall be not less than 30 feet. The depth of the lot shall not be less than 90 feet.

Fox made motion; Player seconded to approve the proposed language for the purpose of holding a public hearing and setting the hearing date for September 15, 2020.

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

Motion Carried.

**6. A.** Approval of Planning Commission Minutes from July 6, 2020. There were no members in opposition to the minutes.

Prendergast made motion, seconded by Player to approve minutes.

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

The Motion Carried.

**B.** Schedule next Planning Commission Meeting.  
Consensus is to tentatively schedule the next Meeting/Public Hearing for Tuesday, September 15, 2020.

Gilmore reported that Commissioner Diana Braddock has resigned from the Planning Commission, effective July 26, 2020. Braddock has moved out of Yamhill city limits.

**7. Information/Announcements:**

**A.** Vacancies: Budget Committee - 1 member-  
Planning Commission – 1 member- Applications are available at City Hall.

**8. Adjournment: 7:40 pm.**

Prendergast made motion to adjourn, Fox seconded.

All in favor, meeting adjourned at 7:40pm

Respectfully Submitted:  
Lori Gilmore  
City Recorder/Treasurer

8.A.



# City of Yamhill

A small taste of Oregon

## NOTICE OF GENERAL ELECTION NOVEMBER 3, 2020

The following candidates have been certified to the Yamhill County Clerk's office for placement on the November 3, 2020 General Election ballot for the City of Yamhill:

ELECTORS OF THE CITY OF YAMHILL WILL BE ABLE TO VOTE FOR:

### MAYOR

#### TWO YEAR TERM

Yvette Potter

#### VOTE FOR ONE

City Ticket

### COUNCILOR

#### FOUR YEAR TERM

Tim Askey  
Marci Hedin  
Erin Edelen Kutter

#### VOTE FOR TWO

Independent Ticket  
City Ticket  
City Ticket

**POSTED** this 1st day of September 2020, by direction of the City Recorder. Places of posting are as follows:

1. Yamhill City Hall
2. Yamhill Community Center
3. Yamhill Post Office
4. City of Yamhill Website

Signed: \_\_\_\_\_  
Lori Gilmore- Elections Officer