



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/14/2013

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Yamhill Plan Amendment  
DLCD File Number 003-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, October 31, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: John Morgan, City of Yamhill  
Gordon Howard, DLCD Urban Planning Specialist  
Angela Lazarean, DLCD Regional Representative

<paa> N



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

D  
A  
T  
E  
  
S  
T  
A  
M  
P

DEPT OF  
OCT 11 2013  
LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Yamhill**

Local file number:

Date of Adoption: **10/9/2013**

Date Mailed: **10/10/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 7/23/2013

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
Revising downtown overlay zone to allow drive-up windows with conditions.

Does the Adoption differ from proposal? Please select one  
NO

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

**1** **2** **3** **4** **5** **6** **7** **8** **9** 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. 003-13 (19935) [17637]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT

---

Local Contact: **John Morgan, City Planner**

Phone: (503) 304-9401 Extension:

Address: **PO BOX 9**

Fax Number: **503-662-4589**

City: **YAMHILL**

Zip: **97148-**

E-mail Address: **john@morgancps.com**

---

## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

# CITY OF YAMHILL

## ORDINANCE NO. O-501

### AN ORDINANCE AMENDING YAMHILL MUNICIPAL CODE SECTIONS 10.46.030 and 10.46.050 RELATING TO DEVELOPMENT REQUIREMENTS AND BUILDING STANDARDS.

WHEREAS, the Yamhill Municipal Code (YMC) Section 10.46.030 currently prohibits installation of drive-ups and drive-in windows except as otherwise permitted as a design modification pursuant to YMC Section 10.46.070; and

WHEREAS, the Yamhill City Council desires to amend Section 10.46 of the YMC to allow construction of drive-in windows and drive-through facilities for business purposes subject to certain requirements.

#### NOW, THEREFORE, THE CITY OF YAMHILL ORDAINS AS FOLLOWS:

Section 1. Sub-Section 10.46.030 (C) of the Yamhill Municipal Code is hereby repealed in its entirety.

Section 2. Section 10.46.050 of the Yamhill Municipal Code is amended to add a new Sub-Section “(F)” to read as follows:

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

Section 3. Codification. The City Recorder is hereby directed to codify this ordinance as a part of the Yamhill Municipal Code.

Section 4. Effective Date. The City Council for the City of Yamhill deems and desires it necessary for the preservation of the health, peace and safety of the City of Yamhill that this Ordinance take effect at once, and therefore any emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

First approval by the Council on the 9th day of October, 2013.

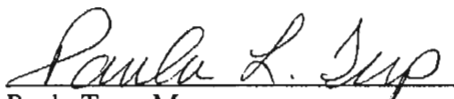
Second approval and adoption by the Council on the 9th day of October, 2013, by the following vote:

AYES: 5


NAYS: 0

ABSTAIN: 0

Approved by the Mayor on this 9th day of October, 2013.

  
Paula Terp, Mayor

ATTEST:

  
Lori Gilmore, City Recorder

**10.46.010 Purpose.**

The purpose of the Central Business District Overlay Zone is to establish development requirements which are specifically designed to address the unique challenges of the City’s downtown. (Ord. 475 §1, 2005)

**10.46.020 Central Business District Defined.**

For the purposes of this chapter, the Central Business District shall be defined as follows: all General Commercial (C-3) zoned property south of Azalea Street. (Ord. 475 §1, 2005)

**10.46.030 Development Requirements.**

The following requirements shall apply to development within the CBD:

(A) General Requirements. Notwithstanding provisions contained elsewhere in this code, the following regulations shall apply to the development of new buildings and redevelopment of existing buildings within the Central Business District.

(B) Permitted Uses. Unless specifically modified by this chapter, regulations in this chapter do not prohibit or restrict, nor alter the development requirements of, permitted, specially permitted or conditionally permitted uses within the General Commercial Zone.

~~—(C) Use Restrictions. Drive-ups and drive-in windows shall be prohibited unless otherwise allowed through a design modification pursuant to Section 10.46.080. (Ord. 475 §1, 2005)~~

**10.46.040 Landscaping.**

Those areas not containing building or parking improvements, including access driveways and loading areas, shall be landscaped. (Ord. 475 §1, 2005)

**10.46.050 Building Standards.**

New buildings, and the redevelopment of existing buildings that include exterior modifications, shall comply with the following standards:

(A) Setbacks. The maximum building setback from a street-side property line shall be 10 feet. The street-side setback area shall be

landscaped. Otherwise, there shall be no minimum nor maximum building setbacks.

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

(C) Orientation. The main entrance to a building shall face a public street.

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

(E) Special Design Requirements. For property located on either side of Maple Street, the following additional design standards shall apply:

(1) Setbacks. The maximum building setback from a street-side property line shall be zero feet.

(2) Building Height. Buildings shall be within 10% of the average height of existing buildings within the block.

(3) Building Design. Buildings shall be similar in character and design with existing structures. (Ord. 475 §1, 2005)

(F) Drive-ups and drive-in windows. Buildings with drive-up or drive-in windows shall be designed so the internal driveways access the street(s) in a manner minimizing the potential for vehicle conflicts and congestion and minimizing the potential for pedestrian conflicts. This may include limiting the number and location of driveways. Internal driveways may not be located in required landscape areas other to cross them as necessary to access the street.

Formatted: Indent: Left: 0.5", Hanging: 0.5"

#### **10.46.060 Signs.**

Signs shall comply with the following standards:

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

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



Post Office Box 9 Yamhill, OR 97148

Return Service Requested



ATTN: PLAN AMENDMENT SPECIALIST  
DEPT OF LAND CONSERVATION & DEVEL  
635 CAPITOL STREET NE., SUITE 150  
SALEM, OR 97301-2540

DEPT OF

OCT 11 2013

LAND CONSERVATION  
AND DEVELOPMENT

5730182E40 C007

