

City of Lafayette

486 Third Street, P.O. Box 55

Lafayette, Oregon 97127

Phone: (503) 864-2451 Fax: (503)864-4501



LAFAYETTE PLANNING COMMISSION

NOTICE OF PUBLIC MEETING

THE PLANNING COMMISSION OF THE CITY OF LAFAYETTE WILL MEET IN REGULAR SESSION THURSDAY, AUGUST 18, 2016 AT 7 PM IN THE CITY HALL MEETING ROOM AT 486 THIRD STREET (99W), LAFAYETTE, OREGON.

AGENDA IS AS FOLLOWS:

1. CALL MEETING TO ORDER
2. ROLL CALL
3. APPROVAL OF MEETING MINUTES; APRIL 21, 2016.
4. **WORK SESSION:** Possible Development Code Amendments.
5. NEW BUSINESS:
6. OLD BUSINESS:
7. NEXT MEETING: SEPTEMBER 15, 2016
8. ADJOURNMENT

The location of this meeting is accessible to the disabled. If you will need any special accommodations to attend or participate in the meeting, please notify City Hall, at (503) 864-2451, at least 24 hours before the meeting.

CITY OF LAFAYETTE
PLANNING COMMISSION MEETING MINUTES
APRIL 21, 2016

Call to Order: Marian Chasse called the meeting to order at 7:01 p.m.

Roll Call: Lori Martino, Community Development Clerk, called the roll.

Present: Lee Gilgan, Brienne Carpenter, Ron Kerr, Mike Karl, Marian Chasse, Doreen Vantyne, Sean Chase (7:01).

Absent: None

Staff Present: Jim Jacks, City Planner; Lori Martino, Community Development Clerk

Others: Don Leard, Isaac Alimin, Rick (Double R Products)

Approval of Minutes: Mike Karl made a motion to approve the meeting minutes from February 18, 2016 with a correction to remove the additional comma from Lee's name. Ron Kerr seconded the motion. Motion passed unanimously.

Public Hearing: Planning File no. CUP 2016-1. Conditional Use Permit. Applicant, Double R Products for the Lafayette Shell Station, 516 E. Third Street.

Marian Chasse opened the public hearing at 7:03 pm.

Jim Jacks read over the hearing procedures.

Marian Chasse asked:

(Audience)

Any objections to the notice that was sent in the case?: No

Any objections to the jurisdiction of this body to hear and consider this case?: No

(Commission)

Any declarations of conflict or bias by any members of this body?: It was noted that all the Commissioners have driven by the gas station or visited there at some point.

Jim Jacks went over the staff report.

Lee Gilgan questioned if there was a definition of a message sign. Jim Jacks noted that there was a definition for message sign in the Lafayette Zoning & Development Ordinance.

Brienne Carpenter asked for clarification on the application. She noted that the drawing attached to the application shows that the applicant is also installing canopy signs but that is not listed on the application presented. Jim Jacks noted that the canopy signs are just part of the applicants allowed sign area. The message sign is what is required to be approved by a conditional use application.

Marian Chasse asked for applicant testimony.

Rick *Clause?* (Double R Products) 901 NW E. Street, Grants Pass; noted that his company does mainly service station remodels and rebrands. He stated that Shell is a particular brand that requires them to buy their image components from their approved vendors. The sign that is proposed is the sign that Shell wants at all their facilities. He noted that everything that Jim Jacks noted in the staff report regarding the lighting is correct. The sign brightens in the day and dims at night. If the sign is ever too bright, they are able to reprogram the sign to dim the lights. The size of the existing sign will not change. it is only the face of the sign will just be changing to a message sign. He noted that this sign has no capability of flashing, so that would not be an issue.

Don Leard, 220 Madison Street; noted that he has legal access thru the driveway on the applicants property to his property to the east. He has a 24 X 39 foot easement and his concern was if the sign would be placed on his easement. After seeing that it will not be placed on his easement, he has no concerns.

Discussion ensued.

There was a short discussion regarding the ownership of the buffers surrounding the property.

Marian Chasse closed the hearing at 7:32 pm.

Commission deliberation: Ron Kerr noted that going to a message sign could be a benefit on the safety side as it may be considered less of a distraction to drivers due to the better visibility. Discussion ensued.

Lee Gilgan noted that he felt that the applicant did not show that all the criteria in section 3.103.03 (Lafayette Zoning and Development Ordinance, Conditional Use Permits) had been met. Jim Jacks noted that a lot of times, applications do not address all the criteria. If the Commission feels that more information is need, they can continue the hearing so that additional information on how their request meets the criteria can be provided. Jim noted that even if the applicant did not provide a complete response to the criteria, the Commission can still make a decision if it is feels that the criteria was met. Lee noted that he was not against the sign, he felt that the Commission could not approve the application due to the criteria not being met. Discussion ensued.

There was a discussion regarding the maintaining of the buffer on the north side of the property.

Brienne Carpenter asked to reopen the hearing to ask about the screening of the property to the east. Discussion ensued.

The Planning Commission voted to re-open the hearing. The hearing was reopened at 7:45 pm.

Don Leard explained that part of the conditions of the Site Development Review for the service station, was that screening had to be placed on the east and north sides of the property. Brienne Carpenter noted that it seemed her concerns for the buffer had been addressed in the conditions for the original Site Development Review. Sean Chase noted that once Don Leard places a commercial building on the property to the east, the arborvitae will be taken down and no buffer is required.

Marian Chasse closed the hearing at 7:47 pm.

Sean Chase made a motion direct staff to prepare an Order for the Chair's signature approving the requested CUP as recommended in the staff report. Ron Kerr seconded the motion. The motion passed with a 6-1 vote with Lee Gilgan opposing.

New Business:

Old Business:

Jim Jacks gave an update on the UGB expansion.

Marian Chasse noted that she has been in contact with the County Commissioners office regarding the tracts in Haylen Meadows. The County foreclosed on the 3 tracts for failure to pay taxes. The County will be discussing how to proceed with this issue and decide who will be responsible for the maintenance.

Adjourn: Brienne Carpenter made a motion to adjourn. Sean Chase seconded the motion. Meeting adjourned at 8:17 pm.

CERTIFIED:

Chairperson, Marian Chasse

ATTESTED:

Community Development Clerk, Lori Martino

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TO: LAFAYETTE PLANNING COMMISSION

FROM: JIM JACKS, CITY PLANNER, MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

SUBJ: WORK SESSION -- LAFAYETTE DEVELOPMENT CODE UPDATES
LEGISLATIVE AMENDMENT CASE # LA 2016-02

DATE: AUGUST 18, 2016

PURPOSE

The purpose of the August 18 meeting is to conduct a work session, not a public hearing, on proposed amendments to update the Lafayette Zoning and Development Ordinance (LZDO) (Case # LA 2016-02). The amendments address housekeeping and substantive provisions identified by staff, and updating the language to conform to bills passed by the Legislature in the last few years.

The amendments listed below and shown in Attachment 1 cover as many changes as were able to be finished as of August 11. Additional changes will be handed out on August 18.

It is anticipated the Planning Commission hearing for LA 2016-02 will be on October 20 to accommodate the State required 35-day notice of the public hearing to the Oregon Department of Land Conservation and Development, thus another work session is expected on September 15.

SUMMARY OF PROPOSED CHANGES

The list of proposed changes is in the numerical order of the LZDO. The "mark-up" copy of the proposed amendments is at Attachment 1, again in LZDO numerical order.

1. 1.200.02, Definitions. In the definition of "Administrative Review" replace "City Clerk" with "City Administrator, or designee."
2. 1.200.02, Definitions. Add the term "Minimum Average Property Depth" and define it to ensure it is clear what the term "Minimum Average Property Depth" (replace Lot with Property) means in the R-1 District at 2.102.04, E; in the R-2 District at 2.103.04, E; and in the RC District at 2.104.04, E.
3. 1.200.02, Definitions. Replace "Day Care Facility" with "Child Care Facility." OAR 414-350-0010 does not include Day Care Facility, but it includes Child Care Facility and 414-350-0010(12) provides a definition for Child Care Facility. OAR 414-350-0000 limits the number of children to no more than 16 which is the number proposed, below, to be added to the RA, R-1 and R-2 Districts.
4. 1.200.02, Definitions. Replace "Lot Line Adjustment" with "Property Line Adjustment" and change the definition to include the elimination of a common property line to bring the term and definition into conformance with ORS 92.010, Definitions. In ORS 92 a lot is a unit of land created through a subdivision process and a parcel is a unit of land created through the partition process, thus the term "Lot

Line Adjustment” would apply only to units of land created through the subdivision process. The proposed term, “Property Line Adjustment” would apply to lots and parcels.

5. 1.200.02, Definitions. Delete "Quasi-Judicial Review." There is no State law defining "quasi-judicial review" or how it is different from a "Legislative Review." In a nut shell, a quasi-judicial review is where existing law (standards and/or criterion in the LZDO) is applied to a set of facts as set forth in a development application. Typical development codes do not attempt to define "quasi-judicial review" and instead rely on case law. The Lafayette LZDO provides a definition, but it is poorly written and inaccurate. The Land Use Board of Appeals (LUBA), the Oregon Court of Appeals and the Oregon Supreme Court have addressed the terms “quasi-judicial” and “legislative” and provide the best available guidance to explain "quasi-judicial" and how it is different from the term "legislative process."

The criteria to be considered in determining if a decision process is legislative or quasi-judicial come from case law, an Oregon Supreme Court decision in 1979 (Strawberry Hill 4-Wheelers v. Benton County Board of Commissioners).

The quasi-judicial process is to be used if:

- (1) The process is bound to result in a decision,
- (2) The decision is bound to apply preexisting criteria to concrete facts, and
- (3) The action is directed at a closely circumscribed factual situation or a relatively small number of persons.

A 1993 LUBA case, ODOT v. Klamath County, states no one of the three factors is determinative. Another case states if a quasi-judicial process is used for a legislative application, the quasi-judicial process does not convert the legislative application into a quasi-judicial decision (Ramsey v. Philomath, LUBA, 2004).

Based on the above, staff recommends the term "quasi-judicial review" be deleted. The city would benefit from not relying on the LZDO's current definition because it is inconsistent with case law, and may be inconsistent with any new case law in the future.

6. 1.200.02, Definitions. Replace "Subdivide" with "Subdivide Land" to be consistent with ORS 92.010(16).

7. 1.200.02, Definitions. Amend "Subdivision" to be consistent with ORS 92.010(17).

8. Amend the RA District, 2.101.02, F, Permitted Uses, to replace "Day Care Facility" with "Child Care Facility" and change from fewer than 13 to fewer than 16 the number of children allowed in a Child Care Facility to be consistent with OAR 414-350-0000(1)(a).

9. Consider the RA District, 2.101.05, F, Development Standards, to determine whether 20 feet or 30 feet is the correct minimum separation between a driveway and an intersection. The LZDO requires at least 20 feet, but the Lafayette Public Works Design Standards call for a 30 foot separation or one-half of the lot frontage, whichever is greater. Comments have been requested from the City Engineer to determine if 20 or 30 feet is the appropriate distance.

10. Amend the R-1 District, 2.102.02, G, Permitted Uses, to replace "Day Care Facility" with "Child Care Facility" and change from fewer than 13 to fewer than 16 the number of children allowed in a Day Care Facility to be consistent with OAR 414-350-0000(1)(a).

11. Amend the R-1 District, 2.102.04, A, 3, Dimensional Standards, to change Subsection 1 (a typo) to Subsection 3.

12. Amend the R-1 District, 2.102.04, A, 4, Dimensional Standards, to change the 5 acre minimum size for a manufactured home park to 1 acre to be consistent with ORS 197.314(5).
13. Amend the R-1 District, 2.102.04, D, Minimum Lot Width at Building Line, to change Lot to Property, to delete "at Building Line" because it is not clear what the "Building Line" is, for example, is it the line at the front setback or is it some other line? And, to change the 65 foot requirement to 40 feet to be consistent with 2.208.03, C, Development Standards for Land Divisions, which calls for a minimum of 40 feet of frontage on a public street. The 40 feet minimum is much more realistic and workable.
14. Amend the R-1 District, 2.102.04, E, Average Lot Depth, to add "Minimum" and to change the 90 foot requirement to 70 feet. As currently worded, the average lot depth for each lot must be exactly 90 feet -- the average lot depth cannot be more or less. Adding "minimum" makes it clear that the average lot depth of each lot can be no less than 70 feet. The 70 foot figure is more realistic and workable than the 90 foot figure.
15. Consider the R-1 District, 2.102.05, F, Development Standards, to determine whether 20 feet or 30 feet is the correct minimum separation between a driveway and an intersection. The LZDO requires at least 20 feet, but the Lafayette Public Works Design Standards call for a 30 foot separation or one-half of the lot frontage, whichever is greater. Comments have been requested from the City Engineer to determine if 20 or 30 feet is the appropriate distance.
16. Amend the R-2 District, 2.103.02, H, Permitted Uses, to replace "Day Care Facility" with "Child Care Facility" and change from fewer than 13 to fewer than 16 the number of children allowed in a Day Care Facility to be consistent with OAR 414-350-0000(1)(a).
17. Amend the R-2 District, 2.103.04, A, 5, Dimensional Standards, to change the 5 acre minimum size for a manufactured home park to 1 acre to be consistent with ORS 197.314(5).
18. Amend the R-2 District, 2.103.04, D, Minimum Lot Width, to add "on a Public Street" to be consistent with 2.208.03, C, Land Division Standards for Land Divisions and to change the 50 foot requirement to 40 feet to be consistent with 2.208.03, C, Development Standards for Land Divisions, which calls for a minimum of 40 feet of frontage on a public street. The 40 feet minimum is more realistic and workable.
19. Amend the R-2 District, 2.103.04, E, Average Lot Depth, to add "Minimum" and to change the 85 foot requirement to 65 feet. As currently worded, the average lot depth for each lot must be exactly 85 feet. Adding "minimum" makes it clear that the average lot depth of each lot can be no less than 65 feet. The 65 foot figure is more realistic and workable than the 85 foot figure.
20. Consider the R-2 District, 2.103.05, G, Development Standards, to determine whether 20 feet or 30 feet is the correct minimum separation between a driveway and an intersection. The LZDO requires at least 20 feet, but the Lafayette Public Works Design Standards call for a 30 foot separation or one-half of the lot frontage, whichever is greater. Comments have been requested from the City Engineer to determine if 20 or 30 feet is the appropriate distance.
21. Amend the RC District (Residential-Commercial), 2.104.02, A, 8, Permitted Uses, to replace "Day Care Facility" with "Child Care Facility." The limit of less than 16 children in the R-1 and R-2 Districts is not proposed to be added to the RC District because, if the RC District allows commercial uses, then a less intense use such as a Child Care Facility with no limit on the number of children should also be allowed.
22. Amend the RC District (Residential-Commercial), 2.104.02, B, Permitted Uses, to make sense, i.e., the reference to Subsection 2.103.02(C) makes no sense because it is where, in the R-2 District, manufactured homes on individual lots are listed as a permitted use.

The reference to 2.103.02(C) maybe be a typo. After trying several number exchanges, it appears the reference should be to 2.104.02, C, which is on the next page of the LZDO and states, "C. Commercial uses permitted outright shall be subject to the following limitations:" and it goes on the list 4 items. This appears to be the correct solution to the typo.

Other possible number transpositions don't make sense, for example, Section 3.103.02 is the Application and Fee subsection for CUP applications and it does not have a subsection C.

Section 2.203.02 is the Scope subsection for the Off-Street Parking and Loading requirements which has a subsection C, but the connection between commercial uses in the RC District being "subject to the provisions in...2.203.02, C" is not clear. Subsection C is merely a statement of the scope of the parking requirements, it is not a parking requirement.

23. Amend the RC District (Residential-Commercial), 2.104.03, Conditional Uses, to add "Conditional Use Permits" in the lead-in sentence after the reference to Section 3.103, to ensure the reader knows what Section 3.103 is. And amend 2.104.03, D, to make sense of the reference to Subsection 2.103.02(C) because 2.103.02(C) is where, in the R-2 District, manufactured homes on individual lots are listed as a permitted use. As above, it should refer to 2.104.02, C, which is on the next page of the LZDO and states, "C. Commercial uses permitted outright shall be subject to the following limitations:" and it goes on the list 4 items. This appears to be the correct solution to the typo.

24. Amend the RC District, 2.104.04, A, 5, Dimensional Standards, to change the second "1," which is a typo, to "5" and to add a reference to the specific Subsection at the end.

25. Amend the RC District, 2.104.04, B, 2, Dimensional Standards, to replace the references to "R-3" to "RC."

26. Amend the RC District, 2.104.04, B, 3, Dimensional Standards, to replace the references to "R-3" to "RC."

27. Amend the RC District, 2.104.04, D, Dimensional Standards, Minimum Lot Width, to replace the references to "R-3" to "RC."

28. Amend the RC District, 2.104.04, D, Minimum Lot Width, to add "on a Public Street" to be consistent with 2.208.03, C, Land Division Standards for Land Divisions and to change the 50 foot requirement to 40 feet to be consistent with 2.208.03, C, Development Standards for Land Divisions, which calls for a minimum of 40 feet of frontage on a public street. The 40 feet minimum is more realistic and workable.

29. Amend the RC District, 2.103.04, E, Average Lot Depth, to add "Minimum" and to change the 85 foot requirement to 65 feet. As currently worded, the average lot depth for each lot must be exactly 85 feet. Adding "minimum" makes it clear that the average lot depth of each lot can be no less than 65 feet. The 65 foot figure is more realistic and workable than the 85 foot figure.

30. Amend the RC District, 2.104.05, A, Off-Street Parking, to correct a typo. Replace the reference to 2.205 which addresses utility lines to 2.203 which addresses Off-Street parking.

31. Amend the RC District, 2.104.05, B, Subdivisions and Partitions, to correct a typo. Replace the reference to 2.210 which addresses Trees to 2.208 which addresses Development Standards for Land Divisions.

32. Amend the RC District, 2.104.05, C, Multi-family Residential, to remove language in the lead-in sentence which is redundant of the language in C, 1. The lead-in sentence and C, 1, both call for multi-family development to be subject to the Site Development Review process. The proposed amendment

calls for language in the lead-in sentence to be deleted leaving the language in C, 1, requiring multi-family development to be subject to the Site Development Review process.

33. Amend the RC District, 2.104.05, D, 1, Commercial Uses, to add (C-1) as a convenience to readers who may not remember that the Commercial Core District is the C-1 District.

34. Amend the RC District, 2.104.05, D, 2, Commercial Uses, to add "high" to clarify that the intent is for the fence to be 6 feet high.

35. Amend the RC District, 2.104.05, D, 4, Commercial Uses, to replace the reference to 2.205 with 2.203 to correct a typo.

36. Amend the RC District, 2.104.05, D, 5, Commercial Uses, to add language stating an exception and referring to the section where the exception is stated.

37. Amend the RC District, 2.104.05, F, Commercial Uses, Signs, to replace the reference to 2.208 with 2.206 to correct a typo.

38. Amend the RC District, 2.104.05, G, 4, Commercial Uses, Yards and Lots, to replace the reference to 2.211 with 2.209 to correct a typo.

39. Amend the General Commercial (C-2) District, 2.106.05, D, Development Standards, Design Review, 4, to delete "additional" when referring to the dedication of right-of-way and improving streets for commercial development. Retaining "additional" may cause a party to contend that right-of-way cannot be required unless a right-of-way already exists and additional right-of-way is required, or that street improvements cannot be required unless some level of street improvement already exists and additional improvements are required.

40. Amend the Industrial (I) District, 2.107.05, H, Development Standards, Access, 3, to replace "of" with "or" to correct a typo.

41. Amend the Industrial (I) District, 2.107.05, H, Development Standards, Access, 4, to delete "additional" when referring to the dedication of right-of-way and improving streets for industrial development. Retaining "additional" may cause a party to contend that right-of-way cannot be required unless a right-of-way already exists and additional right-of-way is required, or that street improvements cannot be required unless some level of street improvement already exists and additional improvements are required.

42. Amend the Public / Semi-Public (P) District, 2.108.01, Purpose, to replace "shall be" with "is." The proper term is "is" to state that the P District is consistent with the Public / Semi-Public Comprehensive Plan designation.

43. Amend the Public / Semi-Public (P) District, 2.108.02, A, B, C and D, Permitted Uses, to replace "such as" with "including, but not limited to." Staff is advised that "such as" means only those uses listed, whereas "including, but not limited to" means those uses listed and others that may be identified in the future.

44. Amend the Partition application chapter, 3.106.03, B, Submittal Requirements for Tentative Plan Review, to clarify what is required to be on the Tentative Plan that is submitted as part of a Partition application. The list of items on the Partition Tentative Plan should be the same as for a Subdivision, thus there are changes to the Partition Section and the Subdivision Section to ensure similarity.

45. Amend the Partition application chapter, 3.106.03, C, Submittal Requirements for Tentative Plan Review, to clarify what additional items must be included in the Partition application (in addition to the

Tentative Plan). The list of additional items should be the same as for a Subdivision, thus there are changes to the Partition Section and the Subdivision Section to ensure similarity.

46. Amend the Partition application chapter, 3.106.04, Process for Tentative Plan Review, to clarify type of process, i.e., Type I-C or I-D.

47. Amend the Partition application chapter, 3.106.05, A, Process for Final Plat Approval, to add subsections regarding the several subjects that are now in one large paragraph. As part of adding the subsections, the order of the sentences is changed and the language of some sentences is changed.

48. Amend the Partition Application Section, 3.106.05, A, Process for Final Plat Approval, to increase the Tentative Plan approval period from 1 year to 1.5 years. The 1 year period is too short for those partitions where public water, sewer and storm drain lines and street improvements must be constructed. Additionally, should another recession occur, the 1 year period is too short to allow a property owner to re-orient the financing for the project. Finally, the 1 year period is generally thought of as a time where, if Development Code changes are made, a previously approved partition should not be allowed to linger and not have to comply with the new Code requirements, but as a practical matter, there are rarely such Code changes. During the recent recession many cities and counties extended all their land use approval periods to 1.5 or 2 years.

49. Amend the Partition Application Section, 3.106.05, A, Process for Final Plat Approval, to increase the extension approval period from 1 year to 1.5 years. The current limit of one extension is not proposed to be changed.

50. Amend the Partition Application Section, 3.106.05, A, Process for Final Plat Approval, to change the time extension submittal deadline from 45 days prior to the expiration of the tentative plan approval to prior to the extension expiration of the tentative plan approval -- allow the applicant to submit the extension request as late as the day before the tentative plan approval period lapses. In some cases there may be only one remaining item to take care of and it is anticipated that it will be taken care of before the tentative plan approval expires, but because the applicant knows that odd things can happen and the one item may not be taken care of until after the tentative plan would expire, the applicant must play it safe and submit the request for extension 45 days before. Staff believes it would make more sense to let the approval period run, and not until it is near its expiration, and it is obvious that an extension is needed, should the Code require the extension be submitted.

It would be an inefficient use of the city's time and the applicant's time for a time extension to be submitted and an approval of the time extension issued, and have the extension decision not be needed because, as it turns out, everything is taken care of and the final plat is recorded within the original time frame.

51. Amend the Partition Application Section, 3.106.05, B, Final Plat Approval, to add language requiring the final plat be submitted to the city for approval (signing). Consistent with ORS 92.100(7), add language stating the approval of a final plat is not a land use decision. Require the final plat be filed with Yamhill County after the city signs the document.

52. Amend the Subdivision Application Section, 3.107.02 to 3.107.05, Subdivisions and Planned Unit Developments. The proposed changes are similar to those identified above for partitions. The individual proposed changes are not listed here in detail as above for partitions because they are the same changes.

CHANGES TO BE HANDED OUT ON AUGUST 18

Additional changes will be handed out on August 18. They can be briefly reviewed at that time and then further discussed at the September 15 meeting.

PLANNING COMMISSION ACTION

Staff recommends the Planning Commission review the above list of proposed changes and the actual changes proposed in Attachment 1.

Attachment 1.Proposed Amendment, "mark-up" version showing language to be deleted and added.

ATTACHMENT 1, PROPOSED AMENDMENTS

Language to be deleted is shown in ~~strikeout~~ and language to be added is shown in ***bold italics***.

The proposed amendments are by LZDO Section numerical order.

1.200, DEFINITIONS

1.200.02, Definitions.

Administrative Review: A decision affecting land use within the City which is based on the application and/or enforcement of existing standards contained in this Ordinance. Administrative decisions will be made by the City Clerk ***Administrator, or designee***.

Minimum Average Property Depth: For properties with one property line on each side, the distance of the two side property lines added together and divided by 2. For properties with more than one property line on each side, the property lines along a side are added to provide the total side property line distance for that side and it is added to the total side property line distance for the other side and the total is divided by 2 to give the minimum average property depth.

Day Care Facility: An institution, establishment or place, not a part of a public school system, in which are commonly received three (3) or more children, not of common parentage, under the age of 14 years, for a period not exceeding 12 hours per day for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

Child Care Facility: Any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before and after school care, or child development center, except those excluded under ORS 657A.250. This term applies to the total child care operation. It includes the physical setting, equipment, staff, provider, program, and care of children (OAR 414-350-0010(12)).

Lot ***Property*** Line Adjustment: The realignment of a common boundary between two contiguous lots or parcels which does not involve the creation of a new ***A relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel (ORS 92.010(12)).***

Quasi-Judicial Review: A decision affecting land use within the City which requires the interruption and/or amendment of existing standards or maps contained in this Ordinance. Quasi-Judicial decisions are heard by the Planning Commission. The decision of the Planning Commission is final except when the decision would necessitate an amendment to this ordinance. In those cases the Planning Commission decision is forwarded as a recommendation to the City Council for a final decision. Quasi-judicial review is required for Variances, Conditional Use Permits, Major Partitions, Subdivisions, Planned Unit Developments, Comprehensive Plan and Zone Changes, and Urban Growth Boundary Amendments.

Subdivide ***Land***: To divide an area or tract of land into ***to create*** four or more parcels ***lots*** within a calendar year ***(ORS 92.010(16))*** for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division of property.

Subdivision: All divisions of property which create four or more lots in a single calendar year. Either an act of subdividing land or an area or a tract of land subdivided ***(ORS 92.010(17))***.

2.101, RA DISTRICT

2.101.02, Permitted Uses.

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the RA zone:

F. ~~Day~~ **Child** care facility (Serving fewer than ~~43~~ **16** children).

2.101.05, Development Standards.

All development in the RA District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

F. All driveways shall be separated from an intersection by at least 20 feet.

NOTE: The Lafayette Public Works Design Standards call for a 30 foot separation or one-half of the lot frontage, whichever is greater. Comments have been requested from the City Engineer to determine if 20 or 30 feet is the appropriate distance.

2.102, R-1 DISTRICT

2.102.02, Permitted Uses.

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the R-1 zone:

G. ~~Day~~ **Child** care facility (Serving fewer than ~~43~~ **16** children).

2.102.04 Dimensional Standards.

The following minimum dimensional standards shall be required for all development in the R-1 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

- | | |
|--|------------------------------------|
| 1. Single-family dwelling : | 7,500 square feet. |
| 2. Duplex : | 10,000 square feet |
| 43 3. Public utility structures: Lot area shall be adequate to contain all proposed structures within required yard setbacks. | |
| 4. Mobile home park- s : | 51 acre- s . |
| 5. All other uses: | 7,500 square feet. |

D. Minimum Lot Width ~~at Building Line~~ **on a Public Street:** ~~65~~ **40** feet.

E. **Minimum** Average Lot Depth : ~~90~~ **70** feet

2.102.05, Development Standards.

All development in the R-1 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

F. All driveways shall be separated from an intersection by at least 20 feet.

NOTE: The Lafayette Public Works Design Standards call for a 30 foot separation or one-half of the lot frontage, whichever is greater. Comments have been requested from the City Engineer to determine if 20 or 30 feet is the appropriate distance.

2.103, R-2 DISTRICT

2.103.02, Permitted Uses.

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the R-2 zone:

H. ~~Day~~ **Child** care facility (Serving fewer than ~~43~~ **16** children).

2.103.04 Dimensional Standards.

The following minimum dimensional standards shall be required for all development in the R-1 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

- | | |
|--|--|
| 1. Single-family dwelling, detached: | 5,000 square feet. |
| Single-family dwelling, attached : | 4,000 square feet. |
| 2. Duplex : | 8,000 square feet. |
| 3. Multi-family dwelling : | |
| a. First three units : | 9,000 square feet. |
| b. Each additional units-: | 2,000 square feet. |
| 4. Public utility structures: Lot area shall be adequate to contain all proposed structures within required yard setbacks. | |
| 5. Mobile home park: | 5 1 acre- s . |

D. Minimum Lot Width **on a Public Street:** ~~50~~ **40** feet.

E. **Minimum** Average Lot Depth : ~~85~~ **65** feet

2.103.05, Development Standards.

All development in the R-2 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

G. Driveways shall be separated from an intersection by at least 20 feet.

NOTE: The Lafayette Public Works Design Standards call for a 30 foot separation or one-half of the lot frontage, whichever is greater. Comments have been requested from the City Engineer to determine if 20 or 30 feet is the appropriate distance.

2.104, RC DISTRICT

2.104.02, Permitted Uses.

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the RC zone:

A. The following residential and non-commercial uses are permitted in the RC District:

8. Day **Child** care facilities.

B. The following commercial uses are permitted, subject to the provisions in Section 3.105, Site Development Plan Review and the provisions in Subsection ~~2.103.02 (C)~~ **2.104.02, C**.

2.104.03, Conditional Uses.

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103 , **Conditional Use Permits**. These uses shall also be subject to the Site Development Review procedures in Section 3.105:

- A. Government or public facility structures.
- B. Cemeteries.
- C. RV parks.
- D. Commercial activities which do not comply with the provisions in Section ~~2.103.02.C~~ **2.104.02,C**.
- E. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.

2.104.04 Dimensional Standards.

The following dimensional standards shall be the minimum requirements for all development in the RC District , except for modifications permitted under Section 2.402, General Exceptions, or Section 2.302, Planned Unit Development.

A. Minimum Lot Area and Density Standards.

- 1. Single-family dwelling, detached : 5,000 square feet.
Single-family dwelling, attached : 4,000 square feet.
- 2. Duplex : 8,000 square feet.
- 3. Multi-family dwelling :
 - a. First three units : 9,000 square feet.
 - b. Each additional unit s : 2,000 square feet.
- 4. Commercial Use : 5,000 square feet.

~~4.5~~ Mixed commercial and residential: Shall comply with the minimum for residential development **set forth in 2.104.04, A, 1 - 3**.

6. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements.

- 1. Residential Uses :
 - a. Front Yard : 15 feet.
Garage setback : 20 feet.
 - b. Rear Yard : 10 feet.
 - c. Side Yard (interior) : 5 feet.
 - d. Side Yard (adjacent to street) : 15 feet.

2. Commercial Uses :

- a. Front Yard : None.

b. Rear Yard :	
i. Abutting a non-residential district :	None
ii. Abutting a residential district, excluding R-3 RC :	10 feet
c. Side Yard :	
i. Abutting a non-residential district :	None
ii. Abutting a residential district, excluding R-3 RC :	10 feet
3. Mixed commercial and residential :	
a. Front Yard :	5 feet
b. Rear Yard :	
i. Abutting a non-residential district :	5 feet
ii. Abutting a residential district, excluding R-3 RC :	10 feet
c. Side Yard :	
i. Abutting a non-residential district :	5 feet
ii. Abutting a residential district, excluding R-3 RC :	10 feet
4. Public :	
a. Front Yard :	15 feet
Garage setback :	20 feet
b. Rear Yard :	10 feet
c. Side Yard (interior) :	5 feet
d. Side Yard (adjacent to street) :	15 feet
C. Maximum Structure Height :	
1. Principal Structure :	30 feet
2. Accessory Structure :	20 feet
D. Minimum Lot Width :	50 40 feet
E. Minimum Average Lot Depth :	85 65 feet

2.104.05 Development Standards.

All development in the RC zone shall comply with the applicable provisions of Section 2.400. In addition, the following specific standards shall apply:

A. Off-Street Parking. Parking shall be as specified in Section ~~2.205~~ **2.203**.

B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section ~~2.240~~ **2.208**.

C. Multi-family Residential. Multi-family development shall ~~be subject to the Site Development Review procedures of Section 3.105 and~~ shall comply with the following ~~additional~~ standards:

1. Multi-family developments shall be subject to the Site Development procedures in Section 3.105.

2. A minimum of 25 percent of the gross site area shall be used for landscaping, buffering and outdoor recreation areas. All required yard areas adjacent to a street shall be landscaped, excepting a road devoted to off-street parking, drives, and walkways.

3. All multi-family residential structures within a development shall maintain a minimum horizontal separation distance of 15 feet.

4. Access points to public streets shall minimize traffic congestion and avoid directing traffic onto local access streets.

5. Landscaping shall meet or exceed the following standards:

a. A minimum of 25% of the gross site area shall be landscaped. Such landscaping may include buffer areas or outdoor recreation facilities.

b. All required yards adjacent to a street shall be landscaped, save that portion developed and used for off street parking. Such landscaping may be counted in meeting requirements of the preceding section.

c. Refuse areas shall be screened within an enclosed area.

D. Commercial Uses. Commercial uses in the RC District shall be subject to the Site Development Review procedures of Section 3.105 and shall comply with the following additional standards:

1. The building exterior shall comply with the provisions in Section 2.105.05.B.3., of the Commercial Core (**C-1**) zone.

2. Any outside storage space maintained in the RC District shall be enclosed by a 6 foot **high** sight-obscuring fence or a hedge row not less than 3 feet high and capable of attaining a height of 6 feet.

3. Access points to public streets shall minimize traffic congestion and avoid directing traffic onto local access streets.

4. Off-street parking for commercial uses shall be provided in accordance with the standards of Section ~~2.205~~ **2.203**.

5. **Except as set forth in 2.104.05, E, a** ~~A~~ minimum of 6 percent of the gross site area shall be devoted to landscaping in commercial developments.

E. Mixed Commercial and Residential Uses. Development of mixed commercial and residential uses shall be subject to the provisions in item D., above, except that the minimum landscaped area shall be 15%.

F. Signs. Signs shall conform to the requirements of Section ~~2.208~~ **2.206**.

G. Yards and Lots. Yards and lots shall conform to the standards of Section ~~2.214~~ **2.209**.

H. Accessory structures. Accessory structures as provided for in Section 2.209.10.

2.106, GENERAL COMMERCIAL (C-2) DISTRICT

2.106.02, Permitted Uses.

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the C-2 zone, subject to the provisions in Section 3.105, Site Development Plan Review:

A. Day **Child** care facilities.

2.106.05, Development Standards.

D. Design Review.

All new development and expansion of an existing structure or use in the Commercial General District shall be subject to the Site Development Review procedures of Section 3.105. All developments in the C-2 ~~District~~ District that abut Third Street between Jackson Street and the west city **limits** shall comply with the Architectural Design Standards in Section 2.105.05.B. As a part of the design review process the City may impose the following conditions on a new or expanding development:

1. Limit or prohibit access to local streets which principally serve residential uses;
2. Require a traffic impact analysis;
3. Limit or prohibit access to Third Street; and
4. Require the ~~additional~~ dedication of right-of-way and/or street improvements where necessary to meet City street standards.
5. Property re-zoned from C-1 to C-2 shall be subject to the design standards in Section 2.105.05.A , **Off-Street Parking**, B , **Building Design** and C , **Signs**.

2.107 INDUSTRIAL (I) DISTRICT

2.107.05, Development Standards.

H. Access. As a part of the design review process the City may impose the following conditions on a new or expanding development:

1. Limit or prohibit access to local streets which principally serve residential uses;
2. Require a traffic impact analysis;
3. Limit ~~of~~ **or** prohibit access to Third Street; and
4. Require the ~~additional~~ dedication of right-of-way and/or street improvements where necessary to meet City street standards.
5. Property re-zoned from C-1 to C-2 shall be subject to the design standards in Section 2.105.05.A , **Off-Street Parking**, B , **Building Design** and C , **Signs**.

2.108 PUBLIC / SEMI-PUBLIC (P) DISTRICT

2.108.01 Purpose.

To recognize existing public facility land uses and to provide for the development of public facility services and other public-oriented uses. The Public/Semi-Public zone ~~shall be~~ **is** consistent with the Public/Semi-Public Comprehensive Plan designation.

2.108.02 Permitted Uses.

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the Public/Semi-Public (P) Zone and subject to a Site Plan Review:

- A. Publicly owned buildings and facilities ~~such as~~ **including, but not limited to** city halls, community centers, libraries, schools, fire stations and police stations.
- B. Public outdoor recreation facilities ~~such as~~ **including, but not limited to** parks, swimming pools, golf courses and playgrounds.

C. Public utility structures and buildings, ~~such as~~ **including, but not limited to** pump stations, communication or transmission towers, reservoirs, electric substations, water and sewage treatment facilities and necessary right-of-way for identified public utilities; including office or administrative buildings.

D. Lands designated for public open space ~~such as~~ **including, but not limited to** nature preserves or scenic areas.

E. Public parking areas

F. Public schools, kindergarten to high school

G. Police and fire stations

H. Uses clearly accessory and subordinate to the above.

I. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.

3.106 PARTITION APPLICATIONS

3.106.02 General Provisions.

A. Partition approval is valid in perpetuity, upon recording of the final surveyed plat.

B. No parcel within an approved partition may be redivided within the same calendar year in which it was recorded, except through the subdivision process.

C. A master plan for development is required for any application which ~~leaves a portion of the subject property capable of replatting~~ **creates a parcel of sufficient size to accommodate a future land division showing how the parcel could be partitioned or subdivided in the future and meet the requirements of this title.**

3.106.03 Submittal Requirements for Tentative Plan Review.

A. Applications for partitions shall be submitted on forms provided by the City ~~to the City Administrator or designee~~ and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

B. Each application shall be accompanied by a tentative partition plan drawn to scale of not less than one inch equals fifty (50) feet nor more than one inch equals 200 feet, and containing at a minimum, the following:

1. Appropriate identification stating the drawing is a tentative plan.

2. North point, scale and date.

3. Name ~~and~~ , addresses , **email address and phone number** of **the** land owner(s), applicant, engineer, surveyor, planner, ~~architect~~ or other individuals responsible for the **tentative** plan.

4. **Assessor's Tax** Map number and tax lot **number** ~~or tax account number~~ of **the** subject property. **The address of the subject property where an address has been assigned to the property.**

5. The boundary lines and approximate area of the subject property **and contiguous properties owned by the owner of the subject property.**

6. Dimensions and size in square feet or **and** acres of all proposed parcels **and tracts, and the dimensions of all proposed easements.**

7. All **The location of** adjacent roads, ~~bikeways, pedestrian facilities, public or private, easements or right-of-way to, or within the subject property, including name and road width, where applicable~~ **and public rights-of-way including their names, the width of the right-of-way, the width of street paving fronting the subject property, and curbs, gutters and street trees.** ~~The approximate grade of abutting streets shall be shown.~~

8. **The location of proposed public and private streets, their names and approximate grades. The location of any other legal access to the partition other than a public street.**

9. **All adjacent** bikeways ~~and~~ pedestrian facilities ~~and~~.

10. **All** public or private ~~and~~ easements **on the subject property and abutting properties** or rights-of-way to, or within the subject property, including name and road width, where applicable.

11. **The location and size of all existing and proposed public water facilities, including, but not limited to pipes, hydrants, valves and pumps.**

12. **The location and size of all existing and proposed public sewer facilities, including, but not limited to pipes, manholes, pumps and vaults.**

13. **The location and size of all existing and proposed public storm drainage facilities, including, but not limited to pipes, catch basins, ditches, swales, creeks, detention areas and retention areas. The direction of drainage shall be shown.**

14. **The location and size of all existing and proposed private utility facilities, including, but not limited to natural gas, electricity and telecommunications.**

15. **The location on the subject property of existing structures, and the setbacks from the structures to the existing and proposed property lines.**

16. **All areas proposed for dedication to the public.**

C. The following shall be submitted with the application form:

1. **A written narrative on paper and in an electronic word processing program explaining how the requested tentative plan conforms to the applicable approval criteria.**

2. **A copy of a deed showing the legal description and owner of the subject property and abutting properties under the same ownership; and**

3. **Other information requested by the City, including, but not limited to a wetland delineation and determination, geotechnical studies and traffic impact analysis.**

4. **A list of other pending applications on the subject property, including but not limited to, building permits.**

5. **A vicinity map showing the subject property in relationship to the city.**

6. **A mailing list in an electronic spreadsheet listing the name and mailing address of the owner of the subject property, the applicant, and owners of property within 100 feet of**

the subject property and any abutting property under the same ownership as the subject property. The Assessor's Tax Map and Tax Lot number shall be on the first line, for example, 4, 4, 12AA 5500. The mailing list shall be submitted in an electronic format that allows city staff to convert it to mailing labels. As an alternative to the electronic list, a paper list may be submitted provided it is in a 3 column format that will allow City staff to photo copy the list onto a sheet of Avery brand 5960 peel-off mailing labels.

3.106.04 Process for Preliminary ***Tentative Plan*** Review.

Partition ***tentative plan*** applications shall be reviewed in accordance with the Type I-C , ***Limited Land Use Decision*** or I-D , ***Expedited Land Use Decision***, review procedures in Section 3.201.

3.106.05 Process for Final Plat Approval.

A. Final Plat Recorded ÷ .

1. Plat Recording Time Period. Within ~~4~~ **1.5** years of the final **written** decision approving a tentative plan, **or the date of a decision on all appeals of the written decision**, a final plat shall be recorded. If the final plat is not recorded within ~~4~~ **1.5** years **and a time extension has not been granted in accordance with Section 3.106.05, A**, the tentative plan approval shall lapse.

2. Tentative Plan Lapses. **Where the tentative plan approval period lapses, the applicant may submit a new application, including all applicable fees, for review consistent with the Type I-C , Limited Land Use Decision, or I-D , Expedited Land Use Decision, process for Partition applications. The application shall be subject to all applicable standards in effect on the day the new application is submitted.**

3. Time Period Extension. The City Administrator or designee, consistent with the Type I-C , ***Limited Land Use Decision***, or I-D , ***Expedited Land Use Decision***, process **for Partition applications**, and providing notice of the 15-day comment period to those who established standing **by submitting written comments to the City** before the initial decision was issued, may extend the **original** tentative plan approval period once for not more than ~~one (1)~~ **1.5** years.

4. Time Period Extension Submittal. ~~The R~~ request~~s~~ for extension of the original ~~one~~ **1.5** year approval period shall be submitted in writing **to the City Administrator or designee** , and accompanied by the required fee ~~at least 45 days~~ **and submitted** prior to the expiration date of the **tentative plan** approval period. **The request shall include a written narrative addressing the approval criteria in Section 3.106.05, A, 6, below.**

5. Time Period Stayed. Submittal of the **extension** request for extension to the City Administrator or designee shall stay the expiration of the ~~one~~ **1.5** year **original tentative plan** approval period until a decision **on the extension request**, and all appeals of the extension decision, are final.

6. Extension Criteria. The City Administrator or designee may approve the extension provided the applicant shows :

- a. ÷ Intent to initiate construction on the site, or if construction has been initiated, to complete the project construction, OR where there are only non-construction requirements, shows intent to complete the non-construction requirements**, thereby complying with the tentative plan approval within the ~~one~~ **1.5** year extension period ~~, and~~ ;

~~b. †~~ There have been no changes in the facts **on which the tentative plan approval was based** ~~†~~; and

~~c. †~~ There have been no significant changes in the applicable ordinance **City** provisions on which the tentative plan approval was based.

B. Final **Plat** Approval ~~†~~.

1. The final plat shall be submitted to the City for review. In accordance with Oregon Revised Statute 92.100(7) the approval of a final plat is not a land use decision. City staff shall review the final plat and where it complies ~~If the partition final plat is consistent with the approved tentative plan and if the conditions of approval have been satisfied, the City Administrator or designee and City Engineer shall~~ **may** sign the original final plat indicating the final plat is approved by the City.

2. The final plat shall be filed with the Yamhill County Surveyors Office and the Department of Assessment and Taxation and recorded at the County Clerk's Office.

3. The applicant shall provide the City Administrator or designee one copy of the recorded final plat within 30-days of recording.

3.107 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

3.107.01 General Provisions.

A. All subdivisions and planned unit developments (PUDs) shall conform to all applicable Zoning District Standards, development standards and other provisions of this Ordinance.

B. A Master Plan for development is required for any application which ~~leaves a portion of the subject property capable of redevelopment~~ **creates a lot of sufficient size to accommodate a future land division showing how the lot could be partitioned or subdivided in the future and meet the requirements of this title.**

3.107.02 Submittal Requirements.

A. The following submittal requirements shall apply to tentative plan applications for subdivisions and PUDs.

1. All applications shall be submitted on forms provided by the City ~~to the City Administrator or designee~~ along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

NOTE: The following is shown to be deleted in its current format, but the requirements themselves are set forth in the following proposed new 3, below, which is the same format as is proposed for the Partition process in 3.106, above.

~~2. In addition to the information listed in Subsection 3.106.03 of this ordinance applicants for subdivisions and PUDs shall submit the following:~~

~~a. The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application;~~

- ~~_____ b. Name of the PUD or subdivision.~~
- ~~_____ c. Date the drawing was made.~~
- ~~_____ d. Vicinity sketch showing location of the proposed land division.~~
- ~~_____ e. Identification of each lot or parcel and block by number.~~
- ~~_____ f. Gross acreage of the subject property, including contiguous properties under the same ownership.~~
- ~~_____ g. Direction of drainage and approximate grade of abutting streets.~~
- ~~_____ h. Streets proposed and their names, approximate grade, and radius of curves.~~
- ~~_____ i. Any other legal access to the subdivision or PUD other than a public street.~~
- ~~_____ j. Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information.~~
- ~~_____ k. All areas to be offered for public dedication.~~

2. Each application shall be accompanied by a tentative plan drawn to scale of not less than one inch equals fifty (50) feet nor more than one inch equals 200 feet, and containing at a minimum, the following:

- a. Appropriate identification stating the drawing is a tentative plan and proposed name of the subdivision or PUD.***
- b. North point, scale and date of the tentative plan.***
- c. Name, address, email address and phone number of the land owner(s), applicant, engineer, surveyor, planner, or other individuals responsible for the tentative plan.***
- d. Assessor's Tax Map and Tax Lot number of the subject property. The address of the subject property where an address has been assigned to the property.***
- e. The boundary lines and approximate area of the subject property and contiguous properties owned by the owner of the subject property.***
- f. Dimensions and size in square feet of all proposed lots and tracts and the dimensions of all proposed easements.***
- g. The location of adjacent roads and public rights-of-way including their names, the width of the right-of-way, the width of street paving fronting the subject property, and curbs, gutters and street trees. The approximate grade of abutting streets shall be shown.***
- h. The location of proposed public and private streets, their names and approximate grades. The location of any other legal access to the partition other than a public street.***
- i. All adjacent bikeways and pedestrian facilities.***
- j. All public or private easements on the subject property and abutting properties.***

k. The location and size of all existing and proposed public water facilities, including, but not limited to pipes, hydrants, valves and pumps.

l. The location and size of all existing and proposed public sewer facilities, including, but not limited to pipes, manholes, pumps and vaults.

m. The location and size of all existing and proposed public storm drainage facilities, including, but not limited to pipes, catch basins, ditches, swales, creeks, detention areas and retention areas. The direction of drainage shall be shown.

n. The location and size of all existing and proposed private utility facilities, including, but not limited to natural gas, electricity and telecommunications.

o. The location on the subject property of existing structures, and the setbacks from the structures to the existing and proposed property lines.

p. Contour lines at two foot intervals if 10% slope or less, five foot intervals if greater than 10% slope, and a statement of the source of contour information.

q. All areas proposed for dedication to the public.

B. The following shall be submitted with the application form:

- 1. A written narrative on paper and in an electronic word processing program explaining how the requested tentative plan conforms to the applicable approval criteria.**
- 2. A copy of a deed showing the legal description and owner of the subject property and abutting properties under the same ownership; and**
- 3. Other information requested by the City, including, but not limited to a wetland delineation and determination, geotechnical studies and traffic impact analysis.**
- 4. A list of other pending applications on the subject property, including but not limited to, building permits.**
- 5. A vicinity map showing the subject property in relationship to the city.**
- 6. A mailing list in an electronic spreadsheet listing the name and mailing address of the owner of the subject property, the applicant, and owners of property within 100 feet of the subject property and any abutting property under the same ownership as the subject property. The Assessor's Tax Map and Tax Lot number shall be on the first line, for example, 4, 4, 12AA 5500. The mailing list shall be submitted in an electronic format that allows city staff to convert it to mailing labels. As an alternative to the electronic list, a paper list may be submitted provided it is in a 3 column format that will allow City staff to photo copy the list onto a sheet of Avery brand 5960 peel-off mailing labels.**

BC. The following supplemental information shall be required for PUD tentative plan applications:

- 1. Calculations justifying the proposed density of development as required by Subsection 2.302.05, C , *Supplemental Standards for Special Uses - PUDs*.**
- 2. Proposed uses of the property, including sites *areas*, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses, with the purpose, conditions and limitations of such reservations clearly indicated.**

3. The approximate location and dimensions of all commercial or multifamily structures proposed to be located on the site.

4. ~~Written~~ ~~statement of improvements to be made or installed~~ **constructed** including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and ~~the~~ time such improvements are to be made **constructed** or completed.

5. Written statement outlining proposals for ownership and maintenance of all open space areas, outdoor recreation areas, private streets and any commonly owned facilities.

3.107.03 Review Procedures.

A. **Review Process.** ~~Tentative plans for reviewed consistent with Section 3.101.02, A, for Type II - A actions, or 3.101.02, C, for Expedited Land Division actions. Tentative plans for subdivisions and~~ **planned unit developments** shall be reviewed consistent with Section 3.101.02, B, for Type II-B, Limited Land Use actions or 3.101.02, C, for **Type II-C**, Expedited Land Division **Use** actions.

B. **Approval Period.** A subdivision or PUD tentative plan approval shall be valid for ~~one and one-half~~ **1.5** years from the date of the written decision, ~~and~~ **or the date of a decision on all appeals of the written decision.** ~~The final plat shall be recorded within the one and one-half 1.5 year period. If the final plat is not recorded within the one and one-half 1.5 year period and an~~ **time** extension has not been granted in accordance with **Section 3.107.03, C**, the tentative plan approval shall lapse. ~~Where a PUDs which do~~ **does** not involve the ~~a~~ subdivision of property ~~and where the PUD does not~~ shall show substantial progress toward the construction of the project within the ~~one and one-half 1.5 year period or~~, ~~and a time extension has not been granted in accordance with Section 3.107.03, C~~, the approval shall lapse.

C. **Time Period Extension.**

1. **Decision Authority.** The Planning Commission, consistent with the Type II-B or II-C process for subdivisions and the Type II-A or II-C process for PUDs, and providing notice of the 15-day comment period to those who established standing **by submitting written comments to the City or providing oral testimony at the public hearing** before the initial decision was issued, may extend the **original** tentative plan approval period for any subdivision or PUD once for not more than ~~one (1)~~ **1.5** years.

2. **Tentative Plan Lapses.** ~~Where~~ ~~the~~ **tentative plan** approval period lapses, the applicant may submit a new application, including all applicable fees, for review consistent with the Type II-B, **Limited Land Use Decision**, or II-C process, **Expedited Land Use Decision, process** for subdivisions and the Type II-A or II-C process for PUDs. The application ~~will~~ **shall** be subject to all applicable standards in effect on the day the new application is submitted.

3. **Extension Application.** ~~The~~ ~~R~~ requests for extension of the **original** ~~one and one-half 1.5~~ year approval period shall be submitted in writing to the City Administrator or designee, and accompanied by the required fee ~~at least 45 days~~ ~~and submitted~~ prior to the expiration date of the **tentative plan** approval period. **The request shall include a written narrative addressing the approval criteria in Section 3.107.03, 4, below.**

4. **Time Period Stayed.** Submittal of the request for extension to the City Administrator or designee shall stay the expiration of the ~~one and one-half 1.5~~ year approval period until a decision **on the extension request**, and all appeals of the extension decision, are final.

5. **Extension Criteria.** The Planning Commission may approve the extension provided the applicant shows:

~~a. † Intent to initiate construction on the site, or if construction has been initiated, to complete the project **construction, OR where there are only non-construction requirements, shows intent to complete the non-construction requirements**, thereby complying with the subdivision or PUD approval within the one year extension period, ; and~~

~~b. † There have been no changes in the facts **on which the tentative plan approval was based**, ; and~~

~~c. † There have been no significant changes in the applicable ordinance **City** provisions on which the tentative plan approval was based. Submittal of the request for extension to the City Administrator or designee shall stay the expiration of the one and one-half year approval period until a decision, and all appeals of the extension decision, are final.~~

~~D. If the approval period lapses, the applicant may submit a new application, including all applicable fees, for review consistent with the Type II-B or II-C process for subdivisions and the Type II-A or II-C process for PUDs. The application will be subject to all applicable standards in effect on the day the new application is submitted. Subsection D is moved to C, 2, above.~~

3.107.05 Final Plat Review.

A. The final plat shall be submitted to the City for review. ***In accordance with Oregon Revised Statute 92.100(7) the approval of a final plat is not a land use decision.*** ~~The Planning Commission~~ ***City staff*** shall review the ***final*** plat to ensure compliance with the approved tentative plan and the conditions of approval. ~~The~~ ***Where the final plat complies with the tentative plan approval and conditions of approval, the*** ~~City Administrator or designee and the City~~ ***Engineer shall may*** sign the ***original*** final plat ***indicating the final plat is approved by the City.*** ~~The Planning Commission Chairperson shall signify City approval of the final plat by signing the final plat and any duplicate.~~

B. The final plat shall be filed with the Yamhill County Surveyors Office and the Department of Assessment and Taxation and recorded at the County Clerk's Office. The applicant shall provide the City Administrator or designee one copy of the recorded final plat within 30-days of recording.