

YAMHILL COUNTY
SUBDIVISION ORDINANCE
AMENDMENT ORDINANCE, NO. 49,
1973

Yamhill County Department
of Planning & Development
December, 1973

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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL

(Sitting for the Transaction of County Business)

In the Matter of an Ordinance)
to Amend the Yamhill County)
Subdivision Ordinance adopted)
the 1st day of April, 1959.)

Ordinance No. 49

WHEREAS, ORS Chapter 92 provides that the Yamhill County Board of Commissioners shall, by regulation or ordinance, adopt standards and procedures governing the submission and approval of tentative plans and plats of subdivisions and tentative plans and maps of major partitions to carry out its comprehensive plan and promote the public health, safety and general welfare, and may when reasonably necessary to accomplish the orderly development of land within the jurisdiction of the County, adopt regulations or ordinances specifying standards and procedures and requiring approval of tentative plans of minor partitions; and

WHEREAS, the Board may provide for the delegation of any of its lawful functions with respect to subdivisions, major partitions and minor partitions to an official of the County appointed by the Board for such purpose; and

WHEREAS, it appeared to the Board that on the 20th day of November, 1973, after due notice was given according to law, the Yamhill County Planning Commission held a public hearing regarding the enactment of an Ordinance to amend the Yamhill County Subdivision Ordinance adopted the 1st day of April, 1959, and on that date recommended to the Board the adoption of said Amendment Ordinance for Yamhill County; and

WHEREAS, on the 12th day of December, 1973, after due notice was given according to law, a public hearing on this matter was held by the Yamhill County Board of Commissioners; and

WHEREAS, the Board has now determined that such Ordinance is necessary and proper for the promotion of the public health, safety and general welfare, and is in the best interests of the people of Yamhill County; and

WHEREAS, after the termination of the said public hearing before the Yamhill County Board of Commissioners, and at the regular session of the Board on the 12th day of December, 1973, a motion was duly made and regularly passed to adopt said Ordinance for Yamhill County; now therefore,

IT IS HEREBY ORDAINED:

SECTION 1. TITLE.

This Ordinance may be cited for all purposes as the Yamhill County Subdivision Ordinance Amendment Ordinance, No. 49, 1973.

SECTION 2. APPLICATION.

This Ordinance is hereby enacted for the area of Yamhill County outside of incorporated cities, and shall apply to all subdivisions, major partitions and minor partitions in said area.

SECTION 3. DEFINITIONS.

For the purposes of this Ordinance, all words, terms and expressions contained herein shall be interpreted in accordance with such definitions as contained in ORS Chapter 92, to wit:

(1) LOT means a unit of land that is created by a subdivision of land;

(2) MAJOR PARTITION means a partition which includes the creation of a road or street;

(3) MAP means a final diagram, drawing or other writing concerning a major partition;

(4) MINOR PARTITION means a partition that is subject to approval under this Ordinance and that does not include the creation of a road or street;

(5) PARCEL means a unit of land that is created by a partitioning of land;

(6) PARTITION means either an act of partitioning land or an area or tract of land partitioned as defined in this section;

(7) PARTITION LAND means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year, and does not include:

(a) divisions of land resulting from lien foreclosures;

(b) divisions of land resulting from the creation of cemetery lots;

(c) divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; or

(d) any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance;

(8) PLAT includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision;

(9) ROAD or STREET means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes;

(10) SUBDIVIDE LAND means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year;

(11) SUBDIVISION means either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

SECTION 4. GENERAL PROVISIONS.

(1) Without restricting the provisions of ORS Chapter 92 and subject to the other provisions of this Ordinance, no person shall subdivide or partition land except in accordance with the standards and procedures governing the submission and approval of plans, plats and maps as provided in the Yamhill County Subdivision Ordinance, adopted April 1, 1959, hereinafter referred to as the 1959 Ordinance, and for this purpose:

(a) subdivisions and major partitions under this Ordinance shall be submitted, reviewed and approved in the manner provided for subdivisions under ORS Chapter 92 and the 1959 Ordinance; and

(b) minor partitions under this Ordinance shall be submitted, reviewed and approved in the manner provided for partitionings under the 1959 Ordinance, except that no tentative plan for a proposed minor partition shall be approved unless there will exist an adequate quantity and quality of water and an adequate sewage-disposal system to support the proposed use of the land described in the plan.

(2) All references in the 1959 Ordinance to the Yamhill County Planning Commission shall be deleted, and there shall be substituted therefor the Yamhill County Planning Director, with necessary changes being made, as provided for by Section 6 of this Ordinance.

(3) Maps of major partitions and tentative plans of minor partitions shall, within thirty (30) days of final approval under this Ordinance, be filed with the Yamhill County Clerk. If any such map or plan is not so recorded, the approval shall be null and void, unless a time extension is applied for and granted in the manner provided for subdivisions in the 1959 Ordinance.

(4) Without restricting the provisions regarding the review and investigation of subdivisions and partitionings set forth in the 1959 Ordinance, all tentative plans of subdivisions and major and minor partitions shall be referred for review, investigation and comment to all affected city, county, state and federal agencies and all affected special districts, and provision shall be made for the coordination, review and filing of all responses from such agencies by the Yamhill County Planning Director.

(2) The Yamhill County Board of Commissioners may, on its own motion, review any action taken under subsection (1) of this section.

(3) In the event that any adverse reports are received pursuant to a review and investigation of any subdivision or major or minor partition under the provisions of subsection (4) of section 4, or that any irreconcilable differences arise between the Planning Director and an applicant in respect to such review and approval, the Planning Director may refer the application to the Yamhill County Planning Commission for review and recommendation.

(4) In the event that the Yamhill County Planning Director is for any reason unable to perform his or her duties, or that such position should become vacant temporarily, the authority granted under subsection (1) of this section shall, on a motion of the Yamhill County Board of Commissioners, revert with such Board until such time as the Planning Director is again able to serve or, in the case that a new planning director is appointed, the Board by order vests in him or her such authority.

SECTION 7. APPEALS.

(1) Any person aggrieved by a final action approving or disapproving a tentative plan for a subdivision or major partition under subsection (1) of Section 6 may appeal from such action to the Yamhill County Board of Commissioners, and for such purpose shall initiate the appeal within thirty (30) days after the date of the action from which the appeal is taken.

(2) Any person aggrieved by a final action approving or disapproving a tentative plan for a minor partition under subsection (1) of Section 6 may appeal from such action to the Yamhill County Board of Commissioners, and for such purpose shall initiate the appeal within ten (10) days after the date of the action from which the appeal is taken.

SECTION 8. PENALTY.

Any person who violates any provision of this Ordinance or the 1959 Ordinance, or any of those provisions of ORS Chapter 92 specified in ORS 92.990 shall, upon conviction, be liable to the penalties prescribed by ORS 92.990.

SECTION 9. VALIDITY.

The Yamhill County Board of Commissioners hereby declares that if any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 10.

This Ordinance shall be in force and effect from and after the 12th day of December, 1973.

Dated this 12th day of December, 1973.

YAMHILL COUNTY BOARD OF COMMISSIONERS

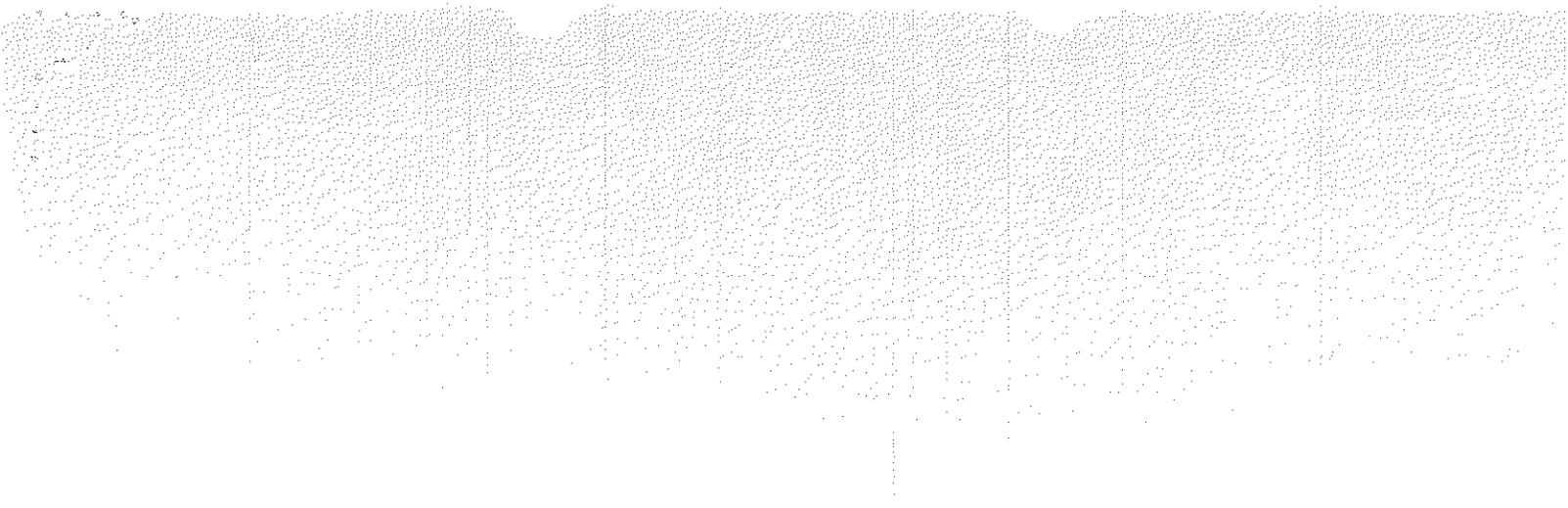
Jess Leonard
Commissioner

Monie Major
Commissioner

Orville Bernard
Commissioner

Attest: Jack Beeler
County Clerk

By: Marvin A. Horton
Deputy



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