

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED
YAMHILL COUNTY, OREGON

AUG 20 11 52 AM '75

WARDA CATT
COUNTY CLERK

ORDINANCE NO. 72

DEPUTY

In the Matter of an Ordinance to)
Amend the Yamhill County Compre-)
hensive Plan, 1974 as it Relates)
to Existing Lots of Record.)

IT APPEARING TO THE BOARD OF COMMISSIONERS that the Board enacted Ordinance No. 62 on the 25th day of September, 1974, adopting the Yamhill County Comprehensive Plan and certain maps; and

IT APPEARING TO THE BOARD that the Yamhill County Planning Department requested an interpretation of the Yamhill County Comprehensive Plan with regard to whether building permits should be issued on certain lots of record; and

IT APPEARING TO THE BOARD that the said Comprehensive Plan did not expressly discuss existing lots-of-record; and

IT APPEARING TO THE BOARD that the Board of Commissioners, on June 13, 1975, passed a resolution to propose a plan amendment to clarify this question; and

IT APPEARING TO THE BOARD that the Board of Commissioners has appointed eight citizen advisory committees as provided under ORS 215.046 and as required under ORS 197.160(2) to assist in the preparation and revision of a comprehensive plan, and has consulted with said committees as established thereunder, as well as with the Yamhill County Planning Commission, in respect to the preparation of this plan amendment; and

IT APPEARING TO THE BOARD that the Yamhill County Planning Commission held a public hearing on the proposed Plan amendment on the 15th day of July, 1975, as required by Ordinance No. 62; found that the proposed amendment with modifications was in compliance with other policies and goals contained in the Comprehensive Plan; and passed a resolution recommending a modified version of the proposed Plan amendment to the Board of Commissioners; and

IT APPEARING TO THE BOARD that a public hearing was held on the 13th day of August, 1975, as required by ORS 215.060 on the proposed plan amendment; and

IT APPEARING TO THE BOARD AND THE BOARD SO FINDS THAT:

1. The Yamhill County Comprehensive Plan of 1974 prior to its adoption was presented to the people of Yamhill County and to the Board of Commissioners as a plan for the future of Yamhill County to be applied prospectively and not necessarily to any lots of record as of the time of the adoption of the Plan. It was then and still appears to be the will of the majority of the people of Yamhill County to allow building permits for substandard lots that are now of record and the proposed plan amendment provides an orderly process for implementation of this policy.

2. Six of the eight citizen advisory committees in Yamhill County recommended that the Board of Commissioners adopt an amendment to the Comprehensive Plan in substantially the same form as the proposed amendment with only the Dayton Advisory Committee recommending that no building permits be issued for substandard lots of record and the mandatory criteria for the issuance of building permits contained in the proposed amendment are sufficient to safeguard against the concerns expressed by the Dayton Committee for the preservation of prime farmland and the separation of intensive farm uses from urban uses.

3. The Yamhill County Planning Commission after having a public hearing on the question of the issuance of building permits for substandard lots of record has recommended to the Board of Commissioners that they adopt an amendment to the Yamhill County Comprehensive Plan in substantially the same form as the proposed plan amendment.

4. The number of substandard lots of record as of the date of this proposed amendment does not exceed 3,000 lots and is probably a much smaller number and these lots represent an insignificant percentage of the total land area in Yamhill County and in view of the mandatory criteria which are a prerequisite to the issuance of a building permit under the proposed amendment, the number and size

of the substandard lots of record in Yamhill County do not pose a serious threat to the integrity of the Comprehensive Plan.

5. It would be in the best interest of the people of Yamhill County to provide some means for administrative relief to the owners of substandard lots that are now of record, which owners of the substandard lots might otherwise suffer extreme economic hardship and in some cases without administrative relief render some substandard lots unusable for any purpose.

6. The outright approval of all building permits for lots of record as proposed in the said resolution as passed by the Board of Commissioners may provide a threat to the Comprehensive Plan, in particular the policies relating to agricultural land use.

7. The Comprehensive Plan of 1974 does contemplate some residential development in agricultural areas, as designated on the Comprehensive Plan Map, subject to certain controls and limitations. The criteria required by this amendment which must be met before a building permit will be issued for a substandard lot of record are sufficient to comply with these controls and limitations. References to residential development in an agricultural area are found in the Plan on pages 38, 63, 65, 66, 69, 71 and 120.

8. The Comprehensive Plan of 1974 has mandated on page 38 that it is important to the planning of both the cities and the rural areas of Yamhill County to use and develop vacant land for urban development prior to the commitment of any additional farm land or open space to such uses. Vacant land is defined in the plan as open, undeveloped land in parcels of 10 acres or less which are not part of an agricultural unit. The proposed plan amendment establishes a procedure for the identification of certain vacant lands within the County and for their orderly development.

9. The proposed amendment to the Yamhill County Comprehensive Plan of 1974 makes the issuance of building permits subject to specific criteria which insure that the Plan will not be jeopardized by this proposed amendment inasmuch as there will be a case-by-case review of all applications for building permits under the proposal, NOW THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:

"Part II Chapter IV Page 69 first full paragraph of the Yamhill County Comprehensive Plan of 1974 be and hereby is amended to read as follows:

As a general principle governing rural development, areas which are not identified as highly productive farm or forest land; areas of water, flood-plain, steep slope, or relative isolation; areas devoted to major public or quasi-public use; and areas the best use of which is not yet determined, are to be reserved in large parcels until such time as detailed studies document the need for more intensive use of these areas. Rural areas already committed to development through existing use or the subdivision or partitioning of land with some measure of actual development will be recognized as rural development areas. Notwithstanding the minimum lot size provisions of this Plan, lots lawfully created by a subdivision plat of record at the time of the adoption of the amendment to this Plan dated August 20, 1975 and which lots are recorded in the Plat records of Yamhill County, Oregon, or lots lawfully created by deed or sales contract and of record at the time of the adoption of the said amendment to this Plan in the Deed and Mortgage records of Yamhill County, Oregon, may be eligible to receive a building permit for any use if such permit would issue otherwise but for any minimum lot provision of this Plan. Such building permits for substandard lots of record shall be authorized and issued only upon application to and approval by the Board of Commissioners for Yamhill County, or whomever it designates, for a special variance from the minimum lot size provision of this Plan. The procedure for the application for and approval of such special variances shall be established by the Board of Commissioners for Yamhill County and may be provided for in any

zoning ordinance enacted pursuant to this Plan. The Board of Commissioners for Yamhill County, or whomever it designates, in determining whether such special variances will be approved shall consider, but is not limited to, all of the following considerations:

1. The economic impact of this Plan and the minimum lot size provisions contained herein on the owners of substandard lots which were of record as of August 20, 1975.

2. Whether there are any reasonable alternative uses for such substandard lots if such special variance is not granted.

3. The provisions of ORS 215.213.

4. Any applicable Land Conservation and Development Commission goals and guidelines.

5. Any applicable provision of this Plan. Any zoning ordinance enacted pursuant to this Plan may provide that "contiguous lots in the same ownership", as further defined by any such zoning ordinance, shall be considered in their aggregate so as to comply with or minimize non-compliance with this Plan with regard to minimum lot size requirements. The rural non-farm development opportunities offered by way of ORS 215.213 (Senate Bill 101 of 1973) will be applied with moderation and discretion in the exclusive farm use zones which are established, as well as in other general agricultural large- and small-holding zones which are developed and applied. Non-agricultural land which is actually better suited to urban uses will be developed for such uses only as development trends warrant."

This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage by the Board.

Dated this 20th day of August, 1975.

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ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

Morris Majors
Chairman /s/ Morris Majors

Colin Armstrong
Commissioner /s/ Colin Armstrong

Ted Lopuszynski
Commissioner /s/ Ted Lopuszynski

WANDA CATT
County Clerk

Patricia A. Mullen
Patricia A. Mullen
Deputy

TO BE KEPT IN THE OFFICE OF THE CLERK OF THE BOARD OF COMMISSIONERS
YAMHILL COUNTY, OREGON
DATE OF ORIGINAL RECORDING
1975 AUG 20 12:41 PM