

Feb

IN THE BOARD OF COUNTY 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)
Sections 11.370 and 43.400 of the Yamhill) ORDINANCE NO. 138
County Zoning Ordinance #83, 1976.)

THE BOARD OF COMMISSIONERS of Yamhill County, Oregon, on the 1st day of June, 1977, sat for the transaction of County business, in regular session, Commissioners Ted Lopuszynski, Colin Armstrong and John P. Macaulay being present.

WHEREAS, the Board of Commissioners enacted Ordinance #83 on the 11th day of February, 1976, being the Yamhill County Zoning Ordinance and Official Zoning Map, and

WHEREAS, Yamhill County has applied for amendments to the said Zoning Ordinance as described hereinbelow, and

WHEREAS, the Newberg and Yamhill Planning Advisory Committees and the Yamhill County Planning Commission reviewed the proposed amendments and recommended that the amendments be initiated, and

WHEREAS, on the 1st day of June, 1977, the Board of Commissioners held a public hearing on the proposed amendments and voted to amend Sections 11.370 and 43.400 of the Yamhill County Zoning Ordinance, Ordinance #83, 1976, as proposed by the Yamhill County Department of Planning and Development, basing this decision on the following:

1. That the changes would expedite proposed applications, at least by a month's time.
2. That the changes would still allow the Board an opportunity to take a comprehensive view of the applications.
3. That routine applications would be handled by the Planning Commission.
4. That it would be in the best interests of Yamhill County by saving staff time and advertising expenses.

NOW THEREFORE, IT IS HEREBY ORDAINED that Section 11.370 of the Yamhill County Zoning Ordinance, Ordinance #83, 1976, be and hereby is amended to read as follows:

"11.370 In the EF-40 district, pursuant to the provisions of ORS 215. 213(3) and Articles IV and VI of this Ordinance, single-family dwellings or mobile homes, not provided in conjunction with farm use, may be authorized as conditional uses,

upon a finding by the Commission that each such dwelling or mobile home:

- (1) is compatible with farm uses described in ORS 215.203(2) and is consistent with the intent and purposes set forth in ORS 215.243; and
- (2) does not interfere seriously with accepted farming practices, as defined in ORS 215.203(2)(c), on adjacent lands devoted to farm use; and
- (3) does not materially alter the stability of the overall land-use pattern of the area; and
- (4) is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terraine, adverse soil or land conditions, drainage and flooding, vegetation, and location and size of tract; and
- (5) complies with such other conditions as the Commission considers necessary, and provided that:
 - (a) no conditional use permit authorized under Section 11.370 of this Ordinance shall be permitted on any lot or site if its approval will reduce the parcel being partitioned or subdivided below forty (40) acres in size; and
 - (b) where proposed, a location and site plan shall first be prepared and approved by the Commission clearly delimiting and designating the land area deemed to be unsuitable for the production of farm crops and livestock, but suitable for single-family dwellings or mobile homes; and
 - (c) a subdivision or partition application shall be made and approved under the provisions of Ordinances adopted by Yamhill County controlling subdivision and partitioning adopted pursuant to ORS 92.044 and ORS 92.046 in respect to the land area designated and approved herein for residential use; and
 - (d) the overall residential density of any land area designated and approved herein for residential use, or any portion thereof to be developed in stages, shall not exceed one (1) dwelling per two and one-half ($2\frac{1}{2}$) acres and the minimum lot size shall not be less than one (1) acre; and
 - (e) the number of lots to be created from any lot, site, or land under the same ownership in any calendar year shall not exceed ten (10), and no additional lots shall be created until at least one-half ($\frac{1}{2}$) of those already created are occupied by single-family dwellings or mobile homes."

IT IS FURTHER HEREBY ORDAINED that Section 43.400 of the Yamhill County Zoning Ordinance, Ordinance #83, 1976, be and hereby is amended to read as follows:

"43.400 Public Hearing or Amendment. The Commission shall within a reasonable time conduct a public hearing

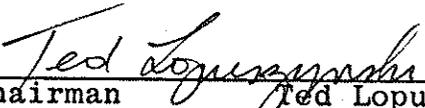
on the proposed amendment. The Commission shall satisfy the advance public notice requirement of ORS 215.223(1) for each such hearing. On receipt of an application for an amendment, the Commission shall, within 60 days or such longer period of time as is agreed to be both the Director and the applicant, make a final determination as to whether the application should be approved or denied."

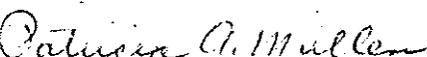
This Ordinance shall be in force and effect from and after the 1st day of June, 1977.

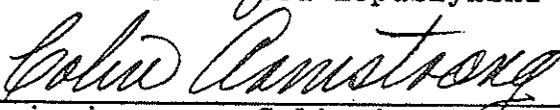
ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

WANDA CATT
County Clerk


Chairman Ted Lopuszynski


Patricia A. Mullen
Deputy


Commissioner Colin Armstrong

APPROVED AS TO FORM:


Robert S. Willoughby, Legal Counsel


Commissioner John P. Macaulay