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YAMHILL COUNTY, OREGON
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IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON
83-233 FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

CHARLES STERN
COUNTY CLERK
Charles Stern DEPUTY

In the Matter of an Ordinance to)
Adopt a Service Boundary for the)
Cove Orchard Water Association)
as an Overlay to the Yamhill)
County Plan Map and to Adopt a)
Yamhill County-Cove Orchard Water)
Association Management Agreement)
as an Ancillary Document to the)
Yamhill County Comprehensive Plan)
of 1974)

ORDINANCE NO. 341

THE BOARD OF COMMISSIONERS OF Yamhill County, Oregon, (the Board), on the 1st day of June, 1983, sat for the transaction of County Business, in regular session, Commissioners Robin J. Hamblet, Dave Bishop and Ted Lopuszynski being present.

WHEREAS, the Board adopted the Yamhill County Comprehensive Plan on the 25th day of September, 1974, by Ordinance No. 62; and

WHEREAS, the County is charged with the responsibility of coordinating the comprehensive planning efforts of cities, districts and agencies within Yamhill County; and

WHEREAS, ORS 197.185 requires that special districts enter into cooperative agreements with counties in order to bring special district plans and programs into conformity with the State-wide Goals, and in order to coordinate such programs with other affected units of local government; and

WHEREAS, Yamhill County and the LA Water Co-op entered into a Coordination Agreement on the 28th day of November, 1978 in compliance with ORS 197.185; and

WHEREAS, the Board and the Cove Orchard Water Association recognize that it is appropriate to adopt a Service Boundary and Management Agreement as a tool to refine and implement Comprehensive Plan policies and also to coordinate County land use decisions with Cove Orchard Water Association activities; and

WHEREAS, the Yamhill County Planning Commission conducted a public hearing to review the Cove Orchard Water Association Boundary and Management Agreement on the 19th day of May, 1983; and

WHEREAS, the Planning Commission recommended that the Board adopt the Service Boundary and Management agreement; and

WHEREAS, the Board conducted a public hearing on the 1st day of June, 1983, to consider the Cove Orchard Water Association Service Boundary and Management Agreement; NOW, THEREFORE,

The Yamhill County Board of Commissioners ordains as follows:

SECTION 1. - The Cove Orchard Water Association Service Boundary, attached hereto as "Exhibit A" and incorporated by this reference, is hereby adopted as an overlay to the Yamhill County Comprehensive Plan Map of 1974.

SECTION 2 - The Cove Orchard Water Association-Yamhill County Service Boundary Management Agreement, attached hereto as "Exhibit B" and incorporated by this reference, is hereby adopted as an ancillary document to the Yamhill Comprehensive Plan of 1974.

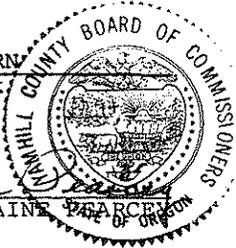
SECTION 3 - The provisions of the Management Agreement relating to water line extensions within the Service Boundary hereby supersede the conditional use permit provisions of the Zoning Ordinance, Ordinance No. 310, 1982, only within the adopted Cove Orchard Water Association.

DONE this 1st day of June, 1983, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



Robin J. Hamblet
Chairman ROBIN J. HAMBLET

By: *Elaine Pearce*
Deputy ELAINE PEARCE

Dave Bishop
Commissioner DAVE BISHOP

APPROVED AS TO FORM:

John M. Gray, Jr.
John M. Gray, Jr.
Assistant County Counsel

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

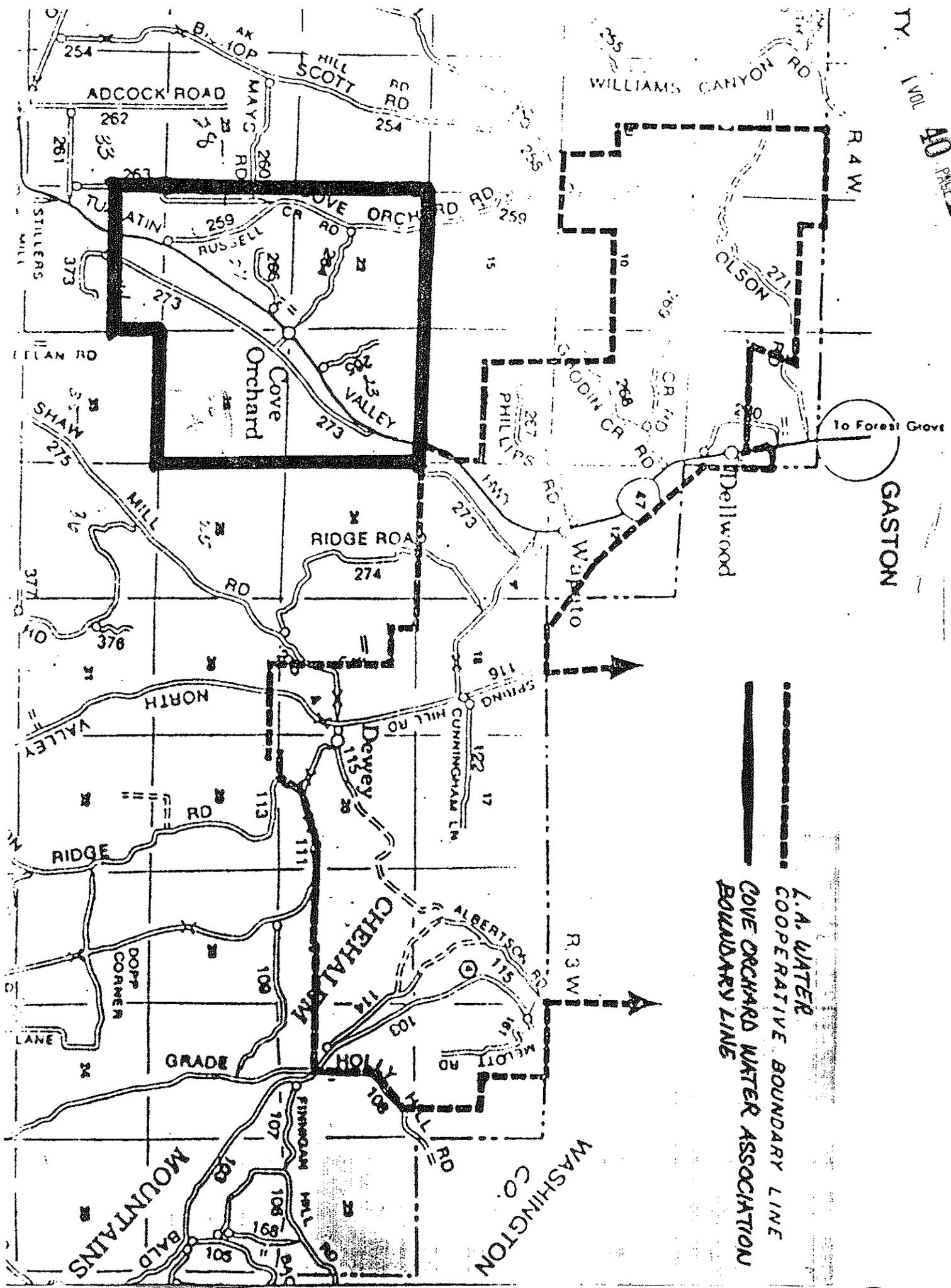
COVE ORCHARD WATER ASSOCIATION

Legal Description for the boundary of the Cove Orchard Water Association.

The following described land is situated within Sections 22, 23, 26, 27 and 34 of Township 2 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and is more particularly described as follows:

Beginning at the northwest corner of Section 22, Township 2 South, Range 4 West, Willamette Meridian and running thence East along the North line of Section 22 a distance of 5,280 feet more or less to the northwest corner of Section 23, Township 2 South, Range 4 West, Willamette Meridian; thence continuing East along the North line of Section 23 a distance of 5,280 feet to the northeast corner of said Section 23; thence South along the East line of Section 23 a distance of 5,280 feet to the southeast corner thereof and the northeast corner of Section 26, Township 2 South, Range 4 West, Willamette Meridian; thence continuing South along the East line of Section 26 to the southeast corner thereof; thence West along the South line of Section 26 a distance of 5,280 feet to the southwest corner thereof and the northeast corner of Section 34, Township 2 South, Range 4 West, Willamette Meridian; thence South along the East line of Section 34 a distance of 1,950 feet more or less to the North line of ELROD ACRES, a Plat of Record, Yamhill County, Oregon; thence West along the North line of ELROD ACRES and its westerly extension a distance of 5,100 feet more or less to the West line of said Section 34; thence North along the West line of Section 34 a distance of 1,800 feet more or less to the northwest corner of Section 34 and the southwest corner of Section 27, Township 2 South, Range 4 West, Willamette Meridian; thence North along the West line of Section 27 a distance of 5,280 feet to the northwest corner of Section 27 and the southwest corner of said Section 22; thence North along the West line of Section 22 a distance of 5,280 feet to the place of beginning.

NO. 100
PRICE 100



--- L.A. WATER COOPERATIVE BOUNDARY LINE
—— COVE ORCHARD WATER ASSOCIATION BOUNDARY LINE

EXHIBIT B

COVE ORCHARD WATER ASSOCIATION - YAMHILL COUNTY
SERVICE BOUNDARY MANAGEMENT AGREEMENTI. INTRODUCTION

The Cove Orchard Water Association (COWA) and Yamhill County recognize the need for coordination of land use decisions and the provision of community water service consistent with the special district coordination provisions of ORS 197.185.

The purpose of the Agreement shall be to direct the provision of water service within the adopted COWA Service Boundary in a manner consistent with plan and zone designations and goals and policies outlined in the Yamhill County Comprehensive Plan.

II. DEFINITIONS

A. COWA -- shall refer to the Board of Directors or authorized representative of the Cove Orchard Water Association.

B. County -- shall refer to the Board of Commissioners of Yamhill County unless indicated otherwise.

C. Service Boundary -- a boundary jointly adopted by COWA and the Yamhill County Board of Commissioners. The COWA Service Boundary is attached to this Agreement as Exhibit "A". Water line extensions and service connections within the COWA Service Boundary shall be governed by the policies outlined in this Agreement.

D. Water Line Extension -- An expansion of the COWA distribution system which provides a continuous supply of water in quantities sufficient to meet the domestic needs of three (3) or more dwellings.

E. Membership Certificate -- A certificate issued by COWA which entitles the property owner or lessor to purchase water from the COWA distribution system.

F. Service Connection -- An authorized connection to the COWA distribution system by the owner of a membership certificate.

A. Yamhill County Comprehensive Plan

1. The location, density and type of land development permitted within the COWA Service Boundary shall be determined by Yamhill County Plan and zone designations.

2. The provision of community water service within the Boundary shall be guided by general goals and policies outlined in the Yamhill County Comprehensive Plan, by more specific policies outlined in this Agreement, and by the Articles of Incorporation, By-laws, Rules and Regulations, and Contracts of COWA.

3. The presence of water lines within the adopted Service Boundary shall not be used as the basis for approval or denial of partitions, plan amendments and zone change requests.

B. Water Line Extensions -- Location

1. The adopted Service Boundary defines the area in which COWA may provide community water service. However, the COWA is under no obligation to provide water service to all property located within the Service Boundary.

2. The COWA shall locate water lines along existing roads and right-of-way whenever possible. If it is not possible for the COWA to follow a road alignment, then the water line location shall be guided by the following policies:

a. The water line shall be located in a manner which does not disrupt agricultural or forestry activities;

b. The water line shall not disrupt tiled drainage systems; and

c. The water line should follow property boundaries.

3. When construction work is performed within the County right-of-way, the COWA shall be responsible for obtaining necessary permits from the County Road Department.

4. Where it is necessary for water lines to pass through private property, the COWA shall obtain

rights-of-way or easements from the property owners and shall record such easements with the County Clerk.

C. Water Line Extensions -- Size and Design

1. The following factors shall be considered by the COWA in the design and sizing of water line extensions within the Service Boundary:

- a. Existing development patterns;
- b. Anticipated development patterns, based on Comprehensive Plan Map designations; and
- c. Oregon Health Division standards for community water systems.

2. The piping from the distribution point to the point of water use shall be subject to the requirements of the State Plumbing Code.

D. Water Storage Facilities

1. Water storage facilities shall be designed and constructed in accordance with the standards of the Oregon Health Division (OAR Chapter 333.42).

2. The location of COWA water storage facilities other than those shown on the attached Exhibit "B" within the Service Boundary shall require approval of a conditional use permit.

E. New Membership Certificates

1. After the COWA has issued 65 membership certificates, the COWA shall not:

- a. Issue membership certificates or make service connections prior to review of the request by the Yamhill County Department of Planning and Development. The procedure for referral of water certificate requests is outlined in Section IV-B of this Agreement.

- b. Issue membership certificates or make service connections prior to County approval if any land use approvals are required before the parcel is considered a buildable lot (i.e., partition, plan variance, conditional use permit).

- c. Issue a membership certificate or make a service connection for a secondary structure not in existence and use on the effective date of this Agreement (i.e., guest house, mobile home for care of

a relative, farm laborers dwelling, etc.) on one buildable lot prior to review of the request by the Yamhill County Department of Planning and Development.

d. Issue a membership certificate or make a service connection prior to County approval if any land use approvals are required for the secondary structure not in existence and use on the effective date of this Agreement.

2. The County shall be held harmless of any responsibility if the COWA issues membership certificates in excess of their ability to supply water.

F. Service Connections

1. Property owners who purchased one of the first 65 membership certificates may connect to the COWA water system without review by the Yamhill County Department of Planning and Development. However, the property owner shall be responsible for obtaining all land use approvals and development permits which may be required by the County.

2. Upon request, the COWA shall send the County a year end summary of new service connections by tax lot number. The Department of Planning and Development will use this summary to update the COWA base map.

G. Extraterritorial Service Connections

1. New extraterritorial service connections within Yamhill County shall not be allowed unless specifically approved by Yamhill County through the conditional use permit procedure. This procedure is intended to permit flexibility in cases of hardship. It is intended that the process be used sparingly and that the following criteria be strictly applied:

a. The applicant has documented that a genuine hardship exists due to quantity and/or quality of water;

b. Other alternatives have been investigated (e.g., deepening of existing well, drilling a new well or private treatment);

c. The dwelling to be served is in close proximity to the COWA water system and would not overburden existing waterlines; and

d. Amendment of the COWA Service Boundary is not immediately feasible.

IV. REFERRAL PROCEDURESA. Yamhill County Referral Responsibilities

1. Land use applications within the jurisdiction of Yamhill County and within the COWA Service Boundary shall be referred to the COWA for their review and comment prior to a final County decision. The following land use applications shall be referred to the COWA:

- a. Plan Amendment.
- b. Zone Change.
- c. Planned Unit Development.
- d. Conditional Use Permit.
- e. Variance.
- f. Subdivision.
- g. Partition.

2. The COWA shall have fifteen (15) days from the date of the referral to return comments to the Department of Planning and Development. The COWA may wish to address the following questions:

- a. Is the COWA able/willing to serve the proposed use?
- b. Would a waterline extension, pumping facilities, additional reservoir capacity or other improvements be required to serve the proposed use?

B. COWA Referral Responsibilities

1. After the effective date of this Agreement, before the COWA shall issue a membership certificate, they shall refer a copy of the request (including the property owner's name and tax lot number) to the Department of Planning and Development. The water certificate request form is attached to this Agreement as Exhibit "C".

2. The planning staff shall have fifteen (15) days from the date of the referral to return comments to the COWA. The planning staff shall respond with the following information:

- a. Whether the parcel is considered a buildable lot; and
- b. Whether the property owner has to secure any land use approvals before the COWA may issue a membership certificate.

3. Before the COWA extends or upgrades a water line, they shall refer a generalized map which illustrates the proposed alignment and size of the waterline to the Department of Planning and Development.

4. The County Department of Planning and Development shall assume responsibility for coordination of the proposed water line extension with affected agencies and jurisdictions; including, but not limited to:

- a. Yamhill County Road Department.
- b. Yamhill Soil and Water Conservation District.
- c. Yamhill Fire Protection District.
- d. Hillsboro Utilities Commission.
- e. City of Gaston.

V. AMENDMENT PROCEDURES

Amendments to the text of this Agreement or to the COWA Service Boundary may be initiated by the Board of Directors of the COWA or the Yamhill County Board of Commissioners.

Proposed amendments shall be processed as an amendment to the Yamhill County Comprehensive Plan and evaluated for consistency with the policies outlined in the Plan and this Agreement.

The COWA and the County must concur in a decision to amend the text of this Agreement or to amend the COWA Service Boundary.

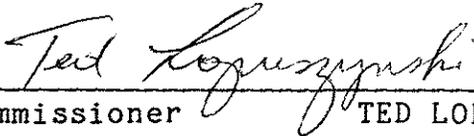
VI. APPROVALS

Approved by the Yamhill County Board of Commissioners on this 8th day of June, 1983.

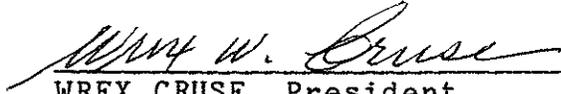
Ordinance No. 341.


 Chairman ROBIN J. HAMBLET


 Commissioner DAVE BISHOP


Commissioner TED LOPUSZYNSKI

APPROVED by the Board of Directors of the Cove Orchard Water Association on this 8 day of June, 1983.


WREX CRUSE, President
Cove Orchard Water Association

APPROVED AS TO FORM:


DARYL S. GARRETTSON,
County Counsel

EXHIBIT "C"

COVE ORCHARD WATER ASSOCIATION

WATER CERTIFICATE REQUEST

- 1. Property Owner: _____
- 2. Tax Lot No.: _____
- 3. Is there a dwelling on the Tax Lot? _____
- 4. Meeting date when the COWA Board will consider the request for a membership certificate or service connection. _____

(NOTE: Allow at least 15 days before the next scheduled COWA Board meeting for a County Planning Department response.)

- 5. Other comments and/or information: _____

- 1. Is the tax lot considered a buildable lot by Yamhill County? _____
- 2. Are any County land use approvals required before the COWA may issue a water certificate? _____
- 3. Other comments and/or information: _____

Reviewed by: _____

Date: _____

NOTE: It shall be the property owner's responsibility to obtain all septic and building permits required by the County prior to development.