

FILED  
YAMHILL COUNTY, OREGON  
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CHARLES STERN  
COUNTY CLERK  
*Charles Stern* DEPUTY

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

85-301

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of the Adoption of An )  
Ordinance Amending Certain Parts of )  
the Text of the Yamhill County Zoning )  
Ordinance No. 310, 1982 to Add Cer- )  
tain Conditional Uses in F-40, EF-40, )  
AF-20, AF-10, VLDR-2 1/2, LDR, Commer- )  
cial and Industrial Districts; Revise )  
Lot Size Requirements in the AF-10 )  
District; and to Modify the Defini- )  
tion of Community Sanitary Sewer )  
System and Community Water Supply )  
System )

ORDINANCE NO. 408

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 15th day of May, 1985, sat for the transaction of County business, in special session, Commissioners Ted Lopuszynski, Donald D. Porter and David E. Bishop being present.

WHEREAS, on December 1, 1982, the Board adopted Ordinance 310, entitled the Yamhill County Zoning Ordinance, to regulate zoning and land use planning within the County in a systematic and orderly fashion; and

WHEREAS, on April 4, 1985, the Yamhill County Planning Commission held public hearing to consider the amendments as proposed below, said public hearing being duly noticed in the McMinnville News Register and Newberg Graphic, and the Planning Commission recommended to the Board of Commissioners the adoption of said proposed amendments; and

WHEREAS, on May 8, 1985, after due notice appeared in the McMinnville News Register and Newberg Graphic, the Yamhill County Board of Commissioners commenced a public hearing to consider said amendments and elected to continue said hearing until May 15, 1985 to consider certain minor modifications and the language of one amendment; and

WHEREAS, based upon the recommendation of the Yamhill County Planning Department, and the recommendation of the Yamhill County Planning Commission, the Board finds that it is in the best interests of Yamhill County to amend the Yamhill County Zoning Ordinance, No. 310, 1982 to add certain conditional uses as set forth below in the F-40, EF-40, AF-20, AF-10, VLDR-2 1/2, LDR, Commercial and Industrial Districts, to revise lot size requirements of the AF-10 District, and to modify the definition of Community Sanitary Sewer System and Community Water Supply System; NOW THEREFORE

IT IS HEREBY ORDAINED BY THE BOARD AS FOLLOWS:

Section 1: Sections 401.03(G), 402.03(N) and 403.03(O) are hereby amended to each read in their entirety as follows:

"Utility facility, subject to Section 1101 for site design review."

Section 2. The following language is hereby added to the Zoning Ordinance to comprise new section 402.03(O) and 403.03(P):

"Public or private school, including all buildings essential to the operation of a school."

Section 3. The following language is hereby added to the Zoning Ordinance to comprise Section 402.03(P) and 403.03(Q):

"Church."

Section 4. Section 501.03(K) is hereby amended and Sections 502.03(T), 503.03(C), 601.03(D), 602.03(D), 603.03(C), 701.03(C), and 702.03(B) are hereby added, all of which shall contain the following language:

"Utility facility, subject to Section 1101 for site design review."

Section 5. Section 501.03(L) and 502.03(H) are hereby added to the Zoning Ordinance, and shall each contain the following language:

"Public or private school, including all buildings essential to the operation of a school."

Section 6. Sections 501.03(N) and 502.03(I) are hereby added to the Zoning Ordinance, and shall each contain the following language:

"Church."

Section 7. The definition of Community Sanitary Sewer System set forth in Section 202 is hereby amended to read in its entirety as follows:

"Community Sanitary Sewer System: A public or private sewage collection, treatment and disposal system, and all appurtenant improvements as approved by the Oregon Department of Environmental Quality. A community sanitary sewer system includes a municipal sanitary sewer system."

Section 8. The definition of Community Water Supply System as set forth in Section 202 is hereby amended to read in its entirety as follows:

"Community Water Supply System: A public or private water supply, treatment, storage, transmission and distribution system, and all appurtenant improvements as approved by the Public Health Engineering Branch, Health Division, Oregon Department of Human Resources. A community water supply system includes a municipal water supply system."

Section 9. Section 501.06(B)(1) is hereby amended to read in its entirety as follows:

"Newly-Created Parcels. The minimum size of any newly-created parcel shall be ten (10) acres, except in the case of parcel size averaging the minimum parcel size shall be five (5) acres."

Section 10. Section 1204.03(D) is hereby amended to read in its entirety as follows:

"All parcels of less than five (5) acres in the AF-10 District; and"

Section 11. A. The following language is added to Section 501.03 as subsection (D):

"Mineral resource extraction, subject to the applicable criteria in Section 404; "

B. The subsections identified by capital letters in Section 501.03 commencing with capital D as it exists in the Zoning Ordinance prior to this amendment are hereby sequentially dropped one letter, so that subsection (D) as it exists currently, relating to extraction and development of oil, shall become subsection (E); subsection (E) relating to personal use airports shall become subsection (F); subsection (F) relating to kindergarten shall become subsection (G); subsection (G) relating to veterinary hospitals shall become subsection (H); subsection (H) relating to kennels shall become subsection (I); subsection (I) relating to water supply systems shall become subsection (J); subsection (J) relating to sewer systems shall become subsection (K); subsection (K) relating to utility facilities as amended herein shall become subsection (L).

Section 12. The following language is added to the Zoning Ordinance as a conditional use under Section 402.03(Q) and 403.03(R):

"Creation of a nonfarm parcel, partitioned from the parent parcel for the purpose of providing separate ownership of dwellings already existing prior to February 11, 1976, on the parcel to be partitioned. Any partitioning accomplished under this section shall be subject<sup>to</sup> and must comply with the following criteria:

1. The secondary dwelling to be separated shall comply with the nonfarm/nonforest provisions of subsection 402.07 and 403.07.
2. The secondary dwelling to be separated shall have or can be provided with water and sewage disposal systems suitable for permanent and continuous use, and shall either be habitable and suitable for year-round occupancy without requiring improvement or shall be suitable for restoration and identified as a cultural resource pursuant to the Yamhill County Cultural Resources Survey and Inventory.
3. No such secondary dwelling shall have been previously approved as a secondary dwelling for farm help, guest house or a temporary mobile home for family members requiring special care.
4. The parcel to be created shall be disqualified from special assessment at farm value and repayment of deferred taxes arising from such disqualification shall be made prior to final partitioning approval.
5. If the parent parcel exceeds the minimum zoning acreage requirement, the parcel to be created shall be no smaller than one acre nor greater than three acres.

Section 13. This Ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective upon passage hereof.

DONE this 15th day of May, 1985, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN  
County Clerk



By: Elaine Percepé  
Deputy ELAINE PERCEPÉ

APPROVED AS TO FORM BY:  
John M. Gray, Jr.  
JOHN M. GRAY, JR.  
Assistant County Counsel

Ted Lopuszynski 5-15-85  
Chairman TED LOPUSZYNSKI

Donald D. Porter 5/15/85  
Commissioner DONALD D. PORTER

David E. Bishop 5-15-85  
Commissioner DAVID E. BISHOP