

FILED
YAMHILL COUNTY, OREGON
1989 JAN 10 AM 11:56
CHARLES STEPHEN
COUNTY CLERK

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88-808

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 the Adoption)
of an Ordinance Amending the)
Revised Goals and Policies of)
the Yamhill County Comprehen-)
sive Land Use Plan, Ordinance)
No. 206, Amending the Historic) ORDINANCE NO. 471
Landmarks Preservation Ordi-)
nance of Yamhill County, Ordi-)
nance No. 466, and Declaring)
an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on the 28th day of December, 1988, in special session, Commissioners Ted Lopuszynski and David E. Bishop being present.

WHEREAS, ORS 197.640 through 197.650 require periodic review of local comprehensive plans and land use regulations to ensure they are in compliance with the Statewide Land Use Planning Goals and are coordinated with plans and programs of State agencies; and

WHEREAS, the Board adopted Ordinance 444 on April 15, 1987, as those revisions necessary to bring Yamhill County's land use provisions into compliance with State law; and

WHEREAS, a hearing was held before the Land Conservation and Development Commission (LCDC) on December 17, 1987 regarding Yamhill County's Local Periodic Review Order; and

WHEREAS, LCDC issued Order 87-RA-306 on December 24, 1987, requiring further amendments to the county's comprehensive plan and land use regulations; and

WHEREAS, the Board adopted Ordinances 466 (8/3/88) and 468 (8/17/88) as partial responses to LCDC Order 87-RA-306 and the periodic review factors; and

WHEREAS, a properly noticed hearing was held on this ordinance on December 28, 1988 and

WHEREAS, the Board has determined that adoption of the ordinance provisions in the attached Exhibits "A" and "B" would be in the best interest of the citizens of Yamhill County and will partially satisfy the requirements of LCDC Order 87-RA-306, Now Therefore,

IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF YAMHILL as follows:

Section 1. The Revised Goals and Policies of the Yamhill County Comprehensive Land Use Plan, Ordinance 206, is amended as specified in the attached Exhibit "A", which is by reference made a part of this ordinance. Materials and language contained in brackets are hereby deleted from Ordinance 206, and materials underlined are added to that ordinance. Those portions of Ordinance 206 not specifically amended herein shall remain in full force and effect.

Section 2. The Historic Landmark Preservation Ordinance of Yamhill County, Ordinance 466, is amended as specified in the attached Exhibit "B", which is by reference made a part of this ordinance. Materials and language contained in brackets are hereby deleted from Ordinance 466 and materials underlined are added to that ordinance. Those portions of Ordinance 466 not specifically modified herein shall remain in full force and effect.

Section 3. The Revised Final Local Periodic Review Order adopted by the Board on December 28, 1988 (Board Order 807) including all findings and inventories listed therein, is adopted as "Background Information" to the Yamhill County Comprehensive Plan. To the extent that findings or other information included in the Local Periodic Review Order are required by state law to be a part of Yamhill County's Comprehensive Land Use Plan, those findings and information are by this reference made a part of the plan.

Section 4. If any section or subsection contained in the attached Exhibits "A" or "B" of this ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall continue in full force and effect, unless those parts, standing alone, are incapable of being executed in accordance with legislative intent.

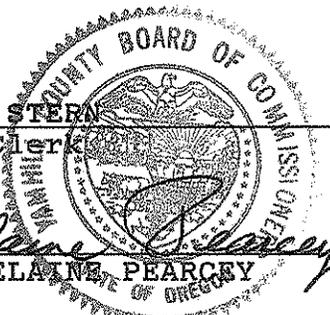
Section 5. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall become effective on passage.

DATED this 28th day of December, 1988 at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STEERN
County Clerk



Ted Lopuszynski
Chairman TED LOPUSZYNSKI

By: Elaine Pearcy
Deputy ELAINE PEARCEY

DAVE BISHOP
Commissioner DAVID E. BISHOP

FORM APPROVED BY:

Todd Sadlo
TODD SADLO
Yamhill County Counsel

(Unavailable for signature)
DONALD D. PORTER
Commissioner DONALD D. PORTER

EXHIBIT "A"

The Yamhill County Comprehensive Plan Revised Goals and Policies, Ordinance No. 206, is amended as follows. New language is underlined and deleted language is bracketed.

SECTION II

THE LAND AND WATER

C. WATER RESOURCES

SUMMARY

Efficient use of county water resources is a benefit to all citizens, as water is an essential part of the liveability of an area.

GOAL STATEMENT

1. To conserve and to manage efficiently our water resources in order sustain and enhance the quantity and quality of flows for all consumptive and non-consumptive uses, and to abate flood, erosion, and sedimentation problems.

POLICIES

a. Yamhill County will cooperate with federal and state agencies, the cities of the county, and the local soil and water conservation district to identify, conserve and develop water resources on a long-range, multiple-use basis in response to need, with full consideration given to the benefits, costs, potential uses and carrying capacity of the resource.

b. [That] Yamhill County will continue participation in the FEMA National Flood Insurance Program to prevent flood-caused losses of life and property, by identifying and mapping the floodplains and floodways of the county, restricting land uses within the floodplains to those which are open and undeveloped, including forestry, agriculture, wildlife habitat and recreational areas and encouraging improved watershed management practices and the construction of watershed storage projects for flood control.

c. Yamhill County will support the establishment of minimum stream flows to ensure the continuance of beneficial in-stream uses.

d. Yamhill County will [adopt a riparian vegetation conservation ordinance] support Soil and Water Conservation

District efforts to aid in erosion, sediment and run-off control.

e. Yamhill County will coordinate with and support city, regional, state and federal water-quality plans and programs so that high water quality will be achieved in the cities of the county, that sound watershed management practices will take place, and that improved treatment of point and nonpoint sources of water pollution will be achieved. (amend. by Ord. 233, 4/9/80).

f. Yamhill County will continue to support the water well monitoring programs of the U.S. Geological Survey and State Department of Water Resources in order to better manage the county's groundwater resources.

g. Yamhill County will encourage a study by the U.S. Geological Survey of major groundwater recharge areas in the county.

h. Yamhill County will encourage the prudent use of all county resources and support the development of water conservation techniques and practices.

i. Where conflicting uses are identified or intended, in specific proposals or programs, the economic, social, environmental and energy consequences of the conflicting uses shall be determined as used as a basis for decision-making.

j. It is the policy of Yamhill County to protect riparian vegetation from damage that may result from land use applications for development that is otherwise permitted outright or conditionally under county zoning regulations. To achieve this goal, Yamhill County will review land use applications for development in riparian areas in an effort to mitigate or prevent damage to riparian vegetation that might result from the development. For purposes of this policy, "riparian areas" refers to areas within 100 feet measured horizontally from the ordinary high water line of streams identified as "Fish Habitat" in the comprehensive plan inventory (Natural Resource Conservation Plan, Yamhill County, Oregon, May 1979 - U.S.D.A. - Soil Conservation Services), that are not regulated under the Forest Practices Act.

k. It is county policy that land use management practices and nonstructural solutions to problems of erosion and flooding are preferred to structural solutions. Water erosion control structures, including riprap and fill, should be reviewed by the appropriate state permitting

authority to insure that they are necessary, are designed to incorporate vegetation where possible, and designed to minimize adverse impacts on water currents, erosion and accretion patterns.

k. Yamhill County will rely upon the Forest Practices Act and regulations adopted under that Act to ensure protection of surface water on non-federal forest lands from forest activities that negatively impact surface waters.

l. Yamhill County will complete the Goal 5 process for Walker Creek no later than July of 1989.

m. Yamhill County will complete the Goal 5 process for wetlands in the county, other than Walker Creek, no later than the next required periodic review of the county's land use plan and regulations.

D. FISH AND WILDLIFE

SUMMARY

Yamhill County has a rich and varied wildlife resource which includes upland game, fur-bearers, anadromous and warm-water fish, waterfowl and a large variety of non-game species.

The county has several sensitive wildlife habitat areas whose protection is essential for the well-being of the resource.

Fishing provides important recreational benefits to Yamhill County citizens.

Land use conflicts can occur which would degrade the county's wildlife resource.

GOAL STATEMENT

1. To conserve the fish and wildlife habitat of Yamhill County with a view to maintaining an optimum ecological balance, enhancing the sport fishing and hunting resource of the county and protecting endangered species.

POLICIES

a. Yamhill County will cooperate with the Oregon Fish and Wildlife Department, the Yamhill County cities, the U.S. Agricultural Stabilization and Conservation Service, the Bureau of Reclamation, and the soil and water conservation districts of the region to identify, conserve and protect fish and wildlife habitat; determine areas of critical imbalance and threats to particular species; and formulate and implement measures for the improvement of the existing

habitat and the creation of new habitat where needed.

b. Yamhill County will recognize the need to conserve and protect fish and wildlife habitat in its plan implementation measures; and the following will be considered in any public or private land use determination subject to county review: the impact of harvesting forested areas where there is no forest management plan for regeneration of the forest lands; the filling or drainage of swamps or marshes; the damming of rivers and streams; the location and construction of highways and utility transmission lines; and any other land development activities which significantly interfere with the vegetation or soil cover or drainage pattern in critical habitat areas.

c. All identified sensitive wildlife areas will be classified as exclusive agriculture, forest land, or open space. No major land use change, including, but not limited to road construction or recreational developments, will be permitted without approval of measures to limit undesirable impacts on sensitive wildlife areas.

d. Habitat of all species indicated as endangered, threatened, or vulnerable will be preserved. Nesting sites of endangered bird species will be protected and buffered from conflicting uses.

e. Yamhill County will recognize and support watershed storage projects in the Yamhill River Basin where stream flow maintenance benefits improved water quality for enhancement of sport fisheries and native species.

f. In the Sensitive and Peripheral Big Game Winter Range, all proposed zone changes will be referred to the Oregon Department of Fish and Wildlife for determination of conflicts with big game habitat requirements. In the event the department identifies and informs the county that site-specific habitat conflicts exist, the county will not approve said zone changes without seeking resolution of such conflicts (added by Ord. 233, 4/9/80).

g. Yamhill County will rely upon the Forest Practices Act and regulations adopted under that Act to ensure protection of Fish and Wildlife on non-federal forest lands from forest activities that negatively impact fish and wildlife.

G. ECOLOGICALLY AND SCIENTIFICALLY SIGNIFICANT
NATURAL AREAS

SUMMARY

An inventory of ecologically and scientifically significant natural areas in Yamhill County was completed by the Nature

Conservancy in 1977. In 1988, the Oregon Natural Heritage Data Base of the Nature Conservancy completed an update of Yamhill County natural areas that included a review of the significance of those sites listed in the 1977 inventory and investigation of additional sites.

GOAL STATEMENT

To protect land and water areas that have substantially retained their natural character and land and water areas that, although altered in character, are important as habitat for plant, animal or marine life, for the study of natural historical, scientific, or paleontological features or for the appreciation of their natural features.

POLICIES

a. Yamhill County's Goal 5 analysis of information on Yamhill County natural areas, provided by the Oregon Natural Heritage Data Base, is included in an attachment to the county's Revised Local Periodic Review Order of 1988-89 and is a data base supplement adopted as background information to the Comprehensive Plan, by reference.

b. An area designated as "Walker Flat" has been identified by the Nature Conservancy as a significant natural area. For reasons set forth in the above-noted attachment to Yamhill County's Revised Periodic Review Order, the county shall complete the Goal 5 process regarding Walker Flat no later than July of 1989.

H. OUTSTANDING SCENIC VIEWS AND SITES

SUMMARY

Outstanding scenic views and sites exist throughout Yamhill County. Scenic views are an important component of the liveability, attractiveness, and economic health of the county.

GOAL STATEMENT

1. To protect outstanding scenic views and sites for future generations.

POLICIES

a. Yamhill County will allow uses that may impact scenic resources in the county, subject to the protection offered by the Statewide Land Use Planning Goals, Yamhill County Comprehensive Plan and zoning provisions, particularly site

design review, solid waste enforcement, and any other measures as may be adopted to protect the scenic attractiveness of the county.

b. The Yamhill County Parkway Committee, established by Board Order 88-642 will develop a strategy for establishing a parkway along the State Highways 99 and 18 corridor in Yamhill County.

I. HISTORIC AREAS, SITES, STRUCTURES AND OBJECTS
AND CULTURAL AREAS

SUMMARY

As described more fully in Yamhill County's Revised Local Periodic Review Order for 1988-89, Yamhill County has surveyed and inventoried historic and cultural resources in the county and has established mechanisms for protection of significant historic and cultural resources.

GOAL STATEMENT

1. To protect sites, structures and objects that have local, regional, statewide, or national historical significance, and areas characterized by evidence of an ethnic, religious or social group with distinctive traits, beliefs, and social forms, for future generations.

POLICIES

a. Through its Historic Landmark Commission and preservation program adopted in 1988, Yamhill County shall limit uses that conflict with significant historic and cultural resources duly designated as Yamhill County Landmarks.

b. Yamhill County will continue to seek funding and otherwise promote activities designed to further the public's understanding of the cultural and historic diversity of the county.

J. POTENTIAL AND APPROVED FEDERAL
WILD AND SCENIC WATERWAYS AND
STATE SCENIC WATERWAYS

SUMMARY

The Statewide Comprehensive Outdoor Recreation Plan (SCORP) (1983) developed by the State Parks and Recreation Division of the Oregon Department of Transportation, lists certain Yamhill County River segments as possessing "sufficient resource values to include them in an inventory of potential study for future designation into either the State Scenic Waterways System or the

National Wild and Scenic Rivers System." (P. 47). Other rivers and streams may be designated for protection by the state or federal government in the future.

GOAL STATEMENT

1. To protect approved federal wild and scenic waterways and state scenic waterways, and to coordinate with state and federal agencies studying potential federal wild and scenic waterways and state scenic waterways.

POLICIES

a. The following river segments are identified as potential scenic waterways:

1. Willamette River (federal status) from southern county border downstream approximately 26 miles from Salem.
2. Nestucca River (state and federal status) from the lower end of Old Meadow Lake to county border.
3. Nestucca (Little) River (federal status) entire length within Yamhill County.

Zoning along the above-listed segment of the Willamette is entirely EF-40 and AF-20, both resource zone designations. The segment of the Nestucca in Yamhill County is located entirely within the F-40 district, which is a resource designation, or on BLM property. The segment of the Little Nestucca in Yamhill County is entirely within the F-40 district or in the Siuslaw National Forest. Yamhill County recognizes and designates the above-listed river segments as significant Goal 5 resources.

b. Yamhill County shall coordinate with state and federal agencies in applying the Statewide Planning Goal 5 rule process in the event a study is made for designation of any of the above-listed river segments as a federal, wild, and scenic river and/or State Scenic Waterway.

c. The Nestucca River (from immediately below the McGuire Dam downstream to its confluence with East Creek) and Walker Creek (from its source to the confluence with the Nestucca River) is designated a State Scenic Waterway. Yamhill County shall comply fully with all applicable regulations of the State Scenic Waterway Program of the Oregon State Parks and Recreation Division found in OAR chapter 736, Division 40.

Section 6, subsection (7) of Ordinance 466 is amended as follows, with deleted language in brackets and inserted language underlined:

(7) A decision by the Commission to approve, disapprove or postpone issuance of a demolition or moving permit or to grant further postponement may be appealed to the Board by any aggrieved party who appeared orally or in writing, in person or through an attorney, at the Commission hearing and presented or submitted testimony related to the request under consideration. An appeal shall be in conformance with Section 9 of this ordinance.

Section 9, subsection (2) of Ordinance 466 is amended as follows, with deleted language in brackets and inserted language underlined:

- (2) An order of the Commission may be reviewed by the Board as follows:
- (a) Upon the Board's own motion made within 15 days of the date of decision; or
 - (b) By appeal of a person aggrieved by the order, who appeared orally or in writing, in person or through an attorney, at the Commission hearing and presented or submitted testimony related to the matter being appealed, filed with the director within 15 days of the date of decision.