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YAMHILL COUNTY BOARD OF COMMISSIONERS OF THE STATE OF OREGON

1990 DEC 12 PM 4:02

FOR THE COUNTY OF YAMHILL

CHARLES S. SITTING FOR THE TRANSACTION OF COUNTY BUSINESS
COUNTY CLERK

In the Matter of the Adoption)
of an Ordinance Amending the)
Yamhill County Zoning Ordinance,)
No. 310, 1982, and Amending the)
Revised Goals and Policies of the)
Yamhill County Comprehensive Land)
Use Plan, Ordinance No. 206, and)
Declaring an Emergency)

ORDINANCE NO. 491

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in special session on December 12, 1990, Commissioners David E. Bishop, Dennis L. Goecks, and Ted Lopuszynski being present.

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

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

WHEREAS, the Board adopted Ordinance 466 (8/3/88), 468 (8/17/88), and 471 (12/28/88) in its continuing efforts to comply with LCDC Order 87-RA-306 and the periodic review factors; and

WHEREAS, additional amendments to Yamhill County's comprehensive plan and land use regulations are necessary in order to comply with LCDC Order 87-RA-306 (as amended by LCDC Order 89-RA-556) and additional issues raised by the Department of Land Conservation and Development in a letter dated June 30, 1989 to the county; and

WHEREAS, a properly noticed hearing was held on this ordinance on July 19, 1989, no one in attendance testified in opposition to the provisions contained herein, and no objections to these provisions have ever been received by the county; and

WHEREAS, the July 19, 1989 hearing was continued to August 2, 1989, and at that time the ordinance was referred to the Planning Commission for further review of provisions related to minimum lot sizes in the county's farm zones; and

WHEREAS, all provisions related to minimum agricultural lot sizes have been deleted from this ordinance;

WHEREAS, notice of final hearing on adoption of this ordinance was provided to interested parties 20 days in advance of the hearing, as provided in OAR 660-19-085(4); and

WHEREAS, following final hearing on this matter 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 satisfy certain requirements of LCDC Order 87-RA-306, as amended, relating to periodic review; NOW THEREFORE,

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

Section 1. Yamhill County Zoning Ordinance No. 310, 1982, (as amended), 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 310 and materials underlined are added to that ordinance.

Section 2. The Revised Goals and Policies of the Yamhill County Comprehensive Land Use Plan, Ordinance 206, is amended as specified in the attached Exhibit "B", which is by reference made a part of this ordinance. Underlined materials and language are hereby added to that ordinance.

Section 3. 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 4. 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 upon passage.

DATED this 12th day of December, 1990 at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS



 CHARLES STERN
 County Clerk
 By: *Elaine Pearcey*
 Deputy ELAINE PEARCEY
 STATE OF OREGON

DAVID E. BISHOP
 Chairman DAVID E. BISHOP
 Date: 12/12/90

Dennis L. Goecks
 Commissioner DENNIS L. GOECKS
 Date: 12/12/90

FORM APPROVED BY:

Timothy S. Sadlo
 TIMOTHY S. SADLO
 Assistant County Counsel

Ted Lopuszynski
 Commissioner TED LOPUSZYNSKI
 Date: 12-12-90

EXHIBIT "A"
ORDINANCE 491
Amendments to Zoning Ordinance
Section 901-Floodplain Overlay District
Section 902-Willamette River Greenway Overlay

That portion of Section 901 of the zoning ordinance set forth below is amended, by removal of bracketed language and addition of underlined language. The remainder of Section 901, which is not affected by these amendments, shall remain in full force and effect.

901.05 Floodplain Development Permit Application.

Except as provided in subsection 901.04, a floodplain development permit shall be obtained before the start of any construction or development within the FP Overlay District. In the event a variance is necessary for construction within the floodplain, such application shall be processed in conjunction with the floodplain permit application, and shall be subject to the provisions of the National Flood Insurance Program in addition to applicable provisions of this ordinance.

A floodplain development permit may be authorized pursuant to the Type B application procedure set forth in Section 1301 and subject to compliance with the review criteria listed in subsections 901.06 through 901.10. In addition to the notification requirements of Section 1402, written notice of the request and action taken will be sent to the Oregon Department of Fish and Wildlife. [The following information may be required to be provided by the applicant] The director may require that the applicant provide the following information:

- A. Land elevation data expressed in feet above mean sea level, and topographic characteristics of the development site.
- B. Base flood level on the site expressed in feet above mean sea level.
- C. Plot plan, drawn to scale, showing location of existing and proposed structures, fill and other development; elevation of the lowest floor, including basement, of all structures; and locations and elevations of streets, water supply and sanitary facilities.
- D. Elevation, expressed in feet above mean sea level, to which any structure has been flood-proofed.

E. Certification by a registered professional engineer or architect that the proposed flood-proofing methods for any non-residential structure meet the floodproofing criteria in subsection 901.08.

F. Specific data regarding the extent to which any water-course will be altered or relocated as a result of the proposed development.

G. Any additional statements, maps or information demonstrating existing or historical flooding conditions or characteristics which may aid in determining compliance with the flood protection standards of this ordinance.

901.06 Floodplain Development Permit Criteria.

Prior to issuance of a floodplain development permit, the applicant must demonstrate that:

A. The proposed development conforms with the use provisions, standards and limitations of the underlying zoning district and other overlay district.

B. The proposed development, if located within the floodway, satisfies the provisions of subsection 901.09.

C. The proposed development will not increase the water surface elevation of the base flood more than one [(1)] foot at any point.

D. All applicable permits have been obtained from federal, state or local governmental agencies, and all applicable National Flood Insurance Program requirements have been satisfied.

E. The proposed development is consistent with revised policies II.(C)(1)(j) and (k) of the Comprehensive Plan, as amended.

That portion of Section 902 of the zoning ordinance set forth below is amended by adding the underlined language. The remainder of Section 902, which is not affected by these amendments, shall remain in full force and effect.

902.05 Greenway Permit Application.

Except as provided in subsection 902.04, a Greenway permit shall be obtained before the start of any development, change of use or intensification of use within the WRG Overlay District. A Greenway permit may be authorized pursuant to the Type B application procedure set forth in Section 1301 and subject to compliance with the considerations and criteria in subsection 902.06. In addition to the notification requirements of Section 1402, written notice of the requests and action taken will be sent to the [Oregon Department of Transportation by certified mail with return receipt requested.] Oregon Parks and Recreation Department and Oregon Department of Fish and Wildlife.

EXHIBIT "B"
ORDINANCE 491
Amendments to Revised Comprehensive
Plan Policy II.D.

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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 improve water quality for enhancement of sport fisheries and native species.

f. In the Sensitive and Peripheral Big Game Winter Range, all proposed zone changes and applications for partitions 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 or partitions 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.

h. Although Pigeon Mineral Spring sites have been determined by the county not to constitute "ecologically significant natural areas" they are significant wildlife habitat. These sites are therefore included in the county's inventory of significant wildlife areas. However, current information is not adequate to identify with particularity the location, quality, and quantity of these resource sites. These sites are therefore included in the comprehensive plan inventory as a special category. It is the policy of Yamhill County that land use management practices for the protection of inventoried Pigeon Mineral Spring sites that are agreed to by affected property owners are a preferred method of protection for these habitats. To achieve this goal, Yamhill County will coordinate with the Oregon Department of Fish and Wildlife and owners of property containing inventoried Pigeon Mineral Spring sites for the development of a habitat protection program for the sites. It is intended that the Goal 5 process will be completed for these sites prior to the termination of Yamhill County's next periodic review.