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YAMHILL COUNTY, OREGON
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CHARLES STERN
COUNTY CLERK
DEPUTY

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89-660

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 an Ordinance)
Amending the Yamhill County)
Zoning Ordinance, No. 310,)
1982, as Amended by Ordinances) ORDINANCE NO. 492
331, 408, 409, 412, 426, 444,)
466, 468, 471, 477 and 479)
(Planning Docket G-21-86); and)
Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on August 23, 1989, Commissioners Ted Lopuszynski, David E. Bishop, and Dennis L. Goecks being present.

WHEREAS, the Yamhill County Zoning Ordinance, No. 310, was adopted December 1, 1982, and was subsequently amended by Ordinances 331, 408, 409, 412, 426, 444, 466, 468, 471, 477 and 479 (hereinafter "Ordinance 310, as amended"); and

WHEREAS, the Department of Planning and Development initiated a series of amendments to Ordinance 310 in 1985, which became known following public hearings before the Board as Planning Docket G-21-86; and

WHEREAS, Planning Docket G-21-86 contained substantial modifications to sections of Ordinance 310 regarding zoning districts in Sections 400, 500, 600, 700 and 800 and other minor modifications to Sections 200, 300, 900, 1000, 1100, 1200, 1300 and 1400 of Ordinance 310; and

WHEREAS, on March 22, 1989, the Planning Department provided statutory notice to the Department of Land Conservation and Development ("DLCD") of a public hearing to integrate Planning Docket G-21-86 into Ordinance 310; and

WHEREAS, on April 18, 1989, DLCD submitted a written response which objected to substantial modifications to sections of Planning Docket G-21-86 regarding zoning districts; and

WHEREAS, on May 2, 1989, the Board held a public hearing on Planning Docket G-21-86 and voted to delete provisions of Planning Docket G-21-86 affecting sections 400, 500, 600, 700 and 800 of Ordinance 310, as amended; and

WHEREAS, adoption of this ordinance is necessary to make minor changes to the zoning ordinance as recommended by the Planning Director and the Planning Commission; and

WHEREAS, on August 23, 1989, a final hearing was held on Planning Docket G-21-86, as modified by the Board on May 2, 1989; 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 by Ordinances 331, 408, 409, 412, 426, 444, 466, 468, 471, 477 and 479 is amended as specified in the attached Exhibit "A", which is incorporated into this ordinance by this reference. Language contained in brackets is hereby deleted from Ordinance 310, as amended, and language underlined is added to Ordinance 310, as amended.

Section 2. Section 1006 entitled "Signs" of Ordinance 310, as amended by Ordinance 331, is hereby repealed and replaced in its entirety by Exhibit "B" to this ordinance, also entitled "Signs".

Section 3. Section 1010, entitled "Historic Resources", which was added to Ordinance 310 by Ordinance 444, is hereby repealed and replaced in its entirety by Exhibit "C" to this ordinance, entitled "Landscaping". Provisions relating to "Historic Resources" contained in Ordinance 466, as amended by Ordinance 479, shall remain in full force and effect.

Section 4. Exhibit "D" to this ordinance is hereby added to and made a part of Ordinance 310 as Section 1012, entitled "County Inn/Bed and Breakfast Facilities."

Section 5. Except as amended by this ordinance and Ordinances 331, 408, 409, 412, 426, 444, 466, 468, 471, 477 and 479, Ordinance 310 shall remain in full force and effect.

Section 6. 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 immediately on passage.

DONE at McMinnville, Oregon this 23rd day of August, 1989.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES ST...
County Clerk
By: Elaine Pearcey
Deputy ELAINE PEARCEY
YAMHILL COUNTY BOARD OF COMMISSIONERS
STATE OF OREGON

Ted Lopuszynski
Chairman TED LOPUSZYNSKI

DAVE BISHOP
Commissioner DAVID E. BISHOP

APPROVED AS TO FORM BY:

John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

Dennis L. Goecks
Commissioner DENNIS L. GOECKS

EXHIBIT "A"

1. Certain definitions in Section 202 are amended as follows or added to Section 202 as follows:

ACCESSORY USE: A [permitted] use which is incidental and secondary to the principal use on the same parcel.

AMENDMENT, LEGISLATIVE: A legislative amendment is an amendment to the zoning ordinance to establish or change a specific policy related to uses, criteria, procedure or other ordinance provisions of substantial general applicability. A legislative amendment may apply to the zone map or text of the zoning ordinance.

AMENDMENT, QUASI-JUDICIAL: A quasi-judicial amendment is a zone map amendment changing the zone map from one zone designation to another. A quasi-judicial amendment applies to a specified tax lot or lots and results in the realignment of zone district boundaries.

AUTOMOBILE SERVICE STATION: A use which [provides for] includes the retail sale of motor fuels, lubricating oils and vehicle accessories and may include[s] the servicing and repair of motor vehicles as an accessory use[,but excludes all other sales and services except the sale of minor convenience goods for service station customers as accessory and incidental to the principal operation. Uses permitted at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, tire recapping, storage or motor vehicles not in operating condition, or other work generating noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations]. An automobile service station is not a repair garage nor a body shop.

AUTOMOBILE REPAIR GARAGE: A use which provides for the repair and maintenance of motor vehicles, and includes any mechanical and body work [, straightening of body parts, painting, welding or storage of motor vehicles not in operating condition].

AUTOMOBILE WRECKING YARD: An[y] area of land used for the storage, wrecking, dismantling, disassembling or sale of inoperable motor vehicles, trailers, or farm equipment, or parts thereof[, where such vehicles, trailers, equipment or parts are stored in the open and are not

being restored to operating condition and, includes any land used for the commercial salvaging of any other goods, articles or merchandise].

BOARDING OF HORSES FOR PROFIT: The keeping, breeding, rehabilitation, feeding, training and management of horses for [another for pecuniary gain.] a fee.

BUILDING: [A roofed and walled structure of a permanent or temporary use, including tents.] A structure of a permanent nature having a fixed base on, or fixed connection to, the ground.

BUILDING INSPECTOR: The Yamhill County Building Official or [his/her] the official's duly authorized representative.

CLERK: The Yamhill County Clerk or [his/her] the Clerk's duly authorized representative.

CONDITIONAL USE: A use not permitted outright in a zoning district but which may be allowed by [a conditional use] permit, subject to review for compatibility with existing and anticipated future uses, and compliance with Section 1202 and any other applicable provisions of this ordinance.

CONSTRUCTION: The placement of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition, or removal of an existing structure has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be construction, provided that work shall be carried on diligently. Installation of a septic tank/drainfield shall be considered construction.

COUNTRY INN: A building or buildings with six or more rooms for lodging which also offers meal service.

DIRECTOR: The Yamhill County Planning Director or [his/her] the Director's duly authorized representative.

DWELLING UNIT: One (1) room or rooms connected together, constituting an [separate,] independent housekeeping establishment designed and used for occupancy by one (1) family, [and owned, or rented or leased on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.] including dependent relatives, caretakers, and servants as appropriate.

FAMILY: One or more persons related by blood, marriage, legal adoption or legal guardianship plus not more than five (5) additional persons, including foster and shelter care persons, or, up to five (5) unrelated persons, all living together as a single housekeeping unit, [in a dwelling unit. Every additional group of five (5) or less persons living in such housekeeping unit is considered a separate family.]

FLOOD BASE: A flood, the level of which has a one percent chance of being equalled or exceeded in any given year. Commonly referred to as a 100-year flood.

FLOOD FRINGE: The area of the floodplain lying outside of the floodway.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (floodplain) and the risk premium zones.

FLOOD LEVEE: Earthen embankment or other manmade structure designed and constructed to contain, control or divert the flow of water so as to provide protection from temporary flooding.

FLOOD OBSTRUCTION: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, structure, or matter; which is in, along, across, or projecting into any channel, watercourse, or floodplain area; which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water; or which is placed where the flow of water might carry the same downstream to the damage of life or property.

FLOODPLAIN: The area adjoining a river, stream, or watercourse which may be subject to periodic inundation of floodwaters.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures primarily for the reduction or elimination of flood damage potential to lands, water and sanitary facilities, structures and contents of buildings.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed in order to discharge the base flood without cumulatively

increasing the upstream water surface elevation more than one foot.

GUEST HOUSE: An [secondary] accessory use intended to accommodate non-paying guests on a temporary or seasonal basis only.

HOME OCCUPATION: A commercial activity involving off-site sales, the manufacture of a product or the provision of a service carried on in compliance with Section 1004 of this ordinance by a resident of the property on which the business is located.

KENNEL: [A use which provides for the accommodation of four (4) or more dogs, cats, or other household pets at least four (4) months of age, where such animals are kept for board, propagation, training or sale.] A site providing for the accommodation of four (4) or more dogs of licensable age under the Yamhill Count Dog Control Ordinance, where such dogs are kept for board, propagation, training, or sale.

LOT: [A unit of land that is created by authorized subdivision or partitioning of land or that is otherwise considered a lot of record as defined in Section 1204.] See "parcel".

MOBILE HOME: A detached residential dwelling unit designed for transportation after fabrication [on streets on its own wheels or on a flatbed or other trailers, and arriving at the parcel where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like.] ready to be occupied as a dwelling upon being placed on a temporary or permanent foundation and connected to utilities and services. A travel trailer is not [to be] considered as a mobile home.

OFFICIAL ZONING MAP: That zoning map and any amendments thereto adopted as part of the Yamhill County Zoning Ordinance, No. 310, 1982, as amended, as described in Section [300] 302.

PARCEL (or LOT): A unit of land [that is created by authorized subdivision or partitioning of land or that is otherwise considered a lot of record as defined in Section 1204.] created by an authorized subdivision or partitioning of land or that was created by deed or land sale contract on or prior to October 3, 1975. A lot or

parcel does not include a unit of land created on or after October 4, 1975 solely to establish a separate tax account or to obtain financing for construction or other purposes.

PERMITTED USE: A [building, structure or] use permitted outright in a zoning district [, and] which complies with all of the regulations applicable in that district.

[PRE-EXISTING LOT OF RECORD: A lot of record as defined in Section 1204.]

PLANNED UNIT DEVELOPMENT: A development approved as a zone overlay to combine a site-specific design with underlying zone provisions, the purpose of which is to allow design flexibility, application of new technology and/or other ordinance modifications in exchange for providing site improvements, administrative mechanisms, and other amenities not required of typical development. PUD's are intended to accomplish substantially the same objectives as are intended by Comprehensive Plan and underlying Zone provisions applicable to the specific property.

PRINCIPAL USE: The primary use of a lot or parcel [and includes a permitted or conditional use.] , which may be either a permitted or conditional use.

PUBLIC WORKS DEPARTMENT: The Yamhill County Department of Public Works.

ROAD DEPARTMENT: The Yamhill County Road Department[.], otherwise referred to as the Public Works Department.

SECONDARY DWELLING: A dwelling other than a principal dwelling[.], used for a caretaker, health care or farmworker residence, guest house or similar use accessory to the principal residence.

SIGN: An identification, description, illustration or device which is affixed to or represented directly or indirectly, upon land, or a building or structure, and which attracts the attention of, or conveys a message to any person not on the premises on which the sign is located in respect to a product, service, activity, person, institution, place or business[; provided, however, that the following shall not be included in the application of sign regulations herein:

- A. Signs not more than [one(1)] two (2) square [foot] feet in area and bearing only property

numbers, postal box numbers, names of occupants of premises or other identification of premises [not having commercial connotations, such as "no trespassing" or "safety zone" signs;] , or traffic directional signs, providing such signs do not have commercial connotations.

- B. Flags and insignia of any government, except when displayed in connection with commercial promotion[;].
- C. Legal notices, or identification, informational or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights; and sculpture and other work of fine art created for appreciation rather than advertising.
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter].

SIGN, FLASHING: Any illuminated sign [on which the artificial light] within or upon which the illumination is not maintained stationary and constant in intensity and color [at all times when in use].

SIGN, ILLUMINATED: Any sign designated to give forth any artificial light or designed [to reflect such light from an artificial source] to be illuminated by artificial light from another source, and does not include a flashing sign.

[SIGN, NUMBER OF: For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.]

SIGN, OFF-PREMISE: A sign which advertises goods, products, services, accommodations or activities which are not sold, manufactured, distributed or made available on or from the premises [or facilities].

SIGN, OFF-PREMISE/BUSINESS IDENTIFICATION: Small off-premise, blue and white reflective signs located in public road rights-of-way for the purpose of advising motorists of the locations of parks, restaurants, wineries or other places of interest.

SIGN, OFF-PREMISE/ADVERTISING: An attached or detached sign or billboard which advertises goods, products, services, accommodations or activities which are not sold, manufactured, distributed or made available on the property where the sign is located.

SIGN, PROJECTING: Any sign attached to a structure and projecting perpendicularly out from the wall or roof to which it is attached.

SIGN SURFACE AREA: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area [of the sign and including all of the elements of the matter displayed.] on one side of any free standing sign or roof or wall mounted sign with backing, or the area resulting from encircling the lettering and all of the other elements of signage displayed on roof or wall mounted signs without backing. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

SIGN WITH BACKING: Any sign that is displayed upon, against or through any material or colored surface or backing that forms an integral part of such display, and that differentiates the overall display from the background against which it is placed. Words, letters, and other advertising elements attached directly to a roof or wall shall not be considered a sign with backing.

STRUCTURE: [Construction of any kind, permanent or temporary, fixed to, supported by or sunk into land or water, and includes buildings, fences, signs and portable devices including, but not limited to, travel trailers and stored motor vehicles.] Something constructed or built and having a fixed base on, or fixed construction to the ground or another structure.

[SUBSTANTIAL CONSTRUCTION: Installation of a subsurface sewage disposal system approved by the Sanitarian, or construction of the structure to an amount valued at no less than ten (10) percent of the value of the finished structure, or construction of a permanent foundation.]

WATER DEPENDENT USE: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreating, energy production or source of water.

WATER-RELATED USE: A use which is not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, road and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

2. Section 303.01(I)(2) is amended as follows:

2. That the [boundary readjustment shall] predominant zoning district includes at least 55% of the subject property, and the readjustment will not reduce in area the predominant zoning district which exists on the subject property.

3. Section 303.02 is added to Ordinance 310, as amended, as follows:

303.02 Correcting Mistakes

When the proposed correction is consistent with the comprehensive plan and statewide planning goals, the Board may, by ordinance, correct comprehensive plan map mistakes or zoning map mistakes upon its determination that the record establishes that the mistake occurred due to a clerical error or mapping error.

4. Section 904 is added to Ordinance 310, as amended, as follows:

904 LIMITED USE OVERLAY DISTRICT (LU)

904.01 Purpose

The purpose of the Limited Use Overlay District is to limit permitted use(s) and activities in a specific location to only those uses and activities which are justified and approved through Comprehensive Plan 'reasons' exceptions under ORS 197.732(1)(c) or other authorized statutory or administrative rule procedure.

904.02 Area of Application

The LU Overlay District shall only apply to that specific area for which a reasons exception has been taken. The Limited Use Overlay District is intended to carry out the administrative rule requirement for 'reasons' exceptions pursuant to OAR 660-14-018(3)(a) and ORS 197.732(1)(c).

904.03 Allowable Uses

When the Limited Use Overlay District is applied, the uses permitted in the underlying zone shall be limited to those specifically referenced in the ordinance adopting the Limited Use Overlay District. Reasonable conditions may be imposed in the Limited Use Overlay District as are necessary to assure compliance with the provisions of the Comprehensive Plan and this ordinance. Until amended, the only permitted uses in an LU district shall be those specifically referenced in the adopting ordinance.

904.04 Procedures and Standards

The Limited Use Overlay District is to be applied through a zone amendment application utilizing the Type C process. In order for an LU District to be approved, findings satisfying each of the following factors must be made and shall be included in the adopting ordinance:

- A. That permitted uses and activities will be limited to those uses and activities justified and approved in the exception, as required by OAR 660-04-108(3)(a).
- B. That a review has been made of all districts in the ordinance, and it has been determined that none of those districts limit the uses and activities, as required by OAR 660-04-018(3)(a).
- C. That the location proposed in the underlying district is equally or better-suited than any other possible district.

904.05 Map Amendment

The Official County Zoning Map shall be amended to show an LU on any parcel where the Limited Us Overlay District has been approved.

904.06 Site Plan Review

Uses approved in an LU District are subject to Section 1101, Site Design Review. The LU Ordinance may indicate any special concerns or locational requirements that must be addressed in the site plan. All other specifications and standards of the underlying zone remain in effect unless specifically altered by the site plan approval or adopting ordinance.

5. Section 1001 is amended as follows:

1001.01 Definition.

Special uses are those uses which, due to unique characteristics, are subject to particular requirements or standards which differ from or exceed those required of other uses in the same zoning district. The specific standards and requirements for the special uses of this ordinance are provided in Sections 1002 through [1008.] 1013.

1001.02 Applicable Standards and Procedures.

The status of a special use as a permitted or conditional use shall be as specified in the underlying zoning district and subject to the applicable standards of such district. In addition:

- A. Special uses shall be subject to the applicable standards as set forth in Sections 1002 through [1008] 1013; and
- B. A special use which is a conditional use in the specific underlying zoning district shall also be subject to the Type B application procedure set forth in Section 1301 and the conditional use permit review criteria in Section 1202.

6. Section 1101.02 is amended as follows:

1101.02 Evaluation of Site Development Plans.

A. The review of a site development plan shall be based upon the consideration of the following:

1. Characteristics of adjoining and surrounding uses;
2. [Costs of development of] Economic factors relating to the proposed use;
3. Traffic safety, internal circulation and parking;
4. Provision for adequate noise and/or visual buffering from noncompatible uses;
5. Retention of existing natural features on site; [and]
6. Problems that may arise due to development within potential hazard areas.
7. Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.

B. All development applications for site design review are subject to the development standards of the underlying zoning district and may be modified pursuant to satisfaction of the considerations provided in subsection 1101.02(A). The Director may waive submittal requirements consistent with the scale of the project being reviewed [subject to subsection 1101.05(B).] , upon determining that requirements requested to be waived are not necessary for an effective evaluation of the site development plan.

7. Section 1101.03 is amended as follows:

1101.03 Site Development Plan Review Procedures.

The Director shall review site development plans subject to the following procedures:

- A. Pre-application conference. A pre-application conference shall be held prior to submittal. An application form together with appropriate ordinance requirements shall be provided to the applicant at the pre-application conference.
- B. Preliminary Site Development Plan Submittal and Review. A preliminary plan, together with a site design review

application, shall be submitted for review in accordance with the Type A application procedure set forth in Section 1301 and the requirements of this Section and the underlying zoning district. The Director shall inform the applicant in writing within [thirty (30)] forty-five (45) days of receipt of the preliminary plan and application as to compliance with applicable ordinance and development standards[. Conditions may be imposed outlining] and shall stipulate any modifications or changes necessary for final plan approval. If modifications or changes are not required, a preliminary plan may be approved as a final plan.

- C. Final Site Development Plan Submittal. If a final site development plan is required, the final plan shall be submitted for review in accordance with the requirements of this Section. The Director shall inform the applicant in writing within fifteen (15) days of receipt of the final site plan of action taken for approval.
- D. Appeal of Director's Decision. The decision of the Director may be appealed to the Board, pursuant to the provisions of Section 1404 for appeals.

8. Section 1101.05 is amended as follows:

1101.05 Final Site Plan Requirements.

The final development plans shall include the same information required for a preliminary plan together with any revisions, adjustments or refinements that may be required for compliance with the general development standards.

- A. The final plan shall include the following information and shall be labeled by the Director as follows:

Exhibit A - Proposed Schedule of Development

Exhibit B - Site Analysis (map of existing conditions)

Exhibit C - Site Plan

Exhibit D - Final Grading Plan

Exhibit E - Landscape [Planting] Plan in accordance with Section 1010

Exhibit F - Cross Sections, Elevations and/or Architectural Drawings of Proposed Structures.

- B. If submittal of any of the above exhibits are waived by the Director, justification to support such a decision shall be provided by the Director.
- C. Any proposed changes in connection with an approved plan shall be reviewed and approved in accordance with the same procedures set forth under this section.

9. Section 1201.03 is amended as follows:

1201.03 Combined Applications.

[Any request which involves more than one (1) land use application shall be combined into a single application for processing purposes.]

- A. Any request which involves more than one type of land use action on a particular parcel or parcels under the same ownership may be combined at the discretion of the Director if such combination would result in greater efficiency in consideration of the land use applications.
- B. Any request for similar land use actions which involve more than one applicant or parcel may be combined at the discretion of the Director if the requests involve abutting parcels and such combination would result in greater efficiency in consideration of the land use applications.

10. Section 1202.02 is amended as follows:

1202.02 Review Criteria.

A conditional use may be authorized, subject to the Type B application procedure set forth in Section 1301, upon adequate demonstration by the applicant that the proposed use [satisfies all relevant requirements of the ordinance, including subsection 1202.05; the specific criteria relative to the particular use, as provided in the particular zoning district;] will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:

- A. The use is listed as a conditional use in the underlying zoning district;

- B. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
- C. The parcel is suitable for the proposed use considering its size, shape, locatio, topography, existence of improvements and natural features;
- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district; [and]
- E. The proposed use is [timely] appropriate, considering the adequacy of pubic facilities and services existing or planned for the area affected by the use[.]; and
- F. The use is or can be made compatible with existing uses and other allowable uses in the area.

11. Section 1202.05(D) is amended as follows:

- D. A conditional use [permit] approval involving construction shall be null and void [one (1)] three (3) years from the date it is granted unless completion or substantial construction has taken place. In [the] any case [of] where a conditional use approval does not involve construction [permit which authorizes a division of land], the [permit] approval shall be null and void one (1) year from the date it is granted unless a [partition application has been filed.] the approval has been implemented. The Director may extend the conditional use permit for an additional period not to exceed one (1) year upon receipt of a written request from the applicant demonstrating good cause for the delay and provided that the request to extend the permit is received by the Director prior to expiration of the original conditional use approval.

12. Section 1202.07 is amended as follows:

1202.07 Revocation of a Conditional Use Permit.

The procedure for the revocation of a conditional use permit shall be as follows:

- A. If, upon review by the Director, a [violation of] failure to comply with any condition imposed in granting a conditional use permit or other violation of this ordinance is found, the Director shall inform the applicant by registered letter and first class mail of the violation and shall require compliance within [ninety (90) days.] sixty (60) days, or the Director will take action under subsection (B) of this section to revoke approval of the conditional use. The Director's letter, constituting Notice of Intent to Revoke, may be appealed to the Board within thirty (30) days of its mailing. The Board shall consider the appeal in accordance with Section 1403 and may affirm, reverse, or modify the Director's Notice of Intent to Revoke. The applicant must comply with the Board's Order on Appeal of Notice of Intent to Revoke within thirty (30) days of the issuance of the Board's decision. If the applicant does not comply with the Board's Order within thirty (30) days, the Director shall take action under subsection (B) of this section to revoke approval of the conditional use. The Director may extend the time for compliance if the applicant provides financial or other assurances suitable to the Director that the conditions of approval will be satisfied and maintained.
- B. If the violation is not corrected[, the Director shall inform the Commission of the violation, and shall provide sufficient data to demonstrate the nature of the violation. The Director may then set a hearing date on the violation.] within the time required by subsection A , the Director shall notify the applicant by registered and first class mail that the conditional use permit has been revoked, and that any subsequent action on the application will require a new application for conditional use approval.
- [C. At least ten (10) days prior to the public hearing, the applicant shall be notified by registered letter of the public hearing. In addition, all persons notified of the original application and all who testified at the original hearing shall be notified by regular mail.
- D. The Commission shall conduct a public hearing pursuant to the requirements of Section 1402, and shall determine whether the conditional use permit shall be revoked.
- E. Upon determination by the Commission that a violation has occurred, the Director shall notify the applicant by

registered mail and shall forward the determination to the Board pursuant to Section 1406 for enforcement.]

13. Sections 1203.01 is amended as follows:

1203.01 Purpose and Scope.

The purpose of a variance is to provide administrative relief when a strict application of the zoning requirements of lot width, lot depth, building height, setback, access, or other dimensional requirements, excluding lot area, would impose practical difficulties. These difficulties may result from geographic, topographic or other physical conditions on the site or in the immediate vicinity. [No variance shall be granted which allows the establishment or expansion of a use otherwise prohibited or subject to conditional use procedures. No variance shall be granted which shall have the effect of rezoning the property. No variance shall be granted which allows the creation of a parcel which is substandard to the minimum parcel size requirements of the particular zoning district.]

14. Section 1203.04 is amended as follows:

1203.04 General Requirements.

Any variance authorized pursuant to this ordinance shall be subject to the following additional requirements:

- A. An authorized variance is not personal to the applicant and shall be deemed to run with the land;
- B. A variance shall be null and void one (1) year from the date it is granted unless completion or substantial construction has taken place. The Director may extend the variance for an additional period not to exceed one (1) year upon the receipt of a written request from the applicant demonstrating good cause for the delay and provided that the request for extension is received by the Director prior to expiration of the original variance approval.
- C. No variance shall be granted which allows the establishment or expansion of a use otherwise prohibited or subject to conditional use procedures.

- D. No variance shall be granted which shall have the effect of rezoning the property.
- E. No variance shall be granted which allows the creation of a parcel which is substandard to the minimum parcel size requirements of the particular zoning district.

15. Section 1203.06 is amended as follows:

1203.06 **Revocation of Variance.**

The procedure for the revocation of approval of a variance shall be as follows:

- A. If, upon review by the Director, a violation of any condition imposed in approval of a variance is found, the Director shall inform the applicant by registered letter and first class mail of the violation and shall require compliance within [ninety (90) days.] sixty (60) days, or the Director will take action under subsection (B) of this section to revoke approval of the variance. The Director's letter, constituting Notice of Intent to Revoke Variance may be appealed to the Board within thirty (30) days of its mailing. The Board shall consider the appeal in accordance with Section 1403 and may affirm, reverse, or modify the Director's Notice of Intent to Revoke Variance. The applicant must comply with the Board's Order on Appeal of Notice of Intent to Revoke Variance within thirty (30) days of the issuance of the Board's decision. If the applicant does not comply with the Board's Order within thirty (30) days, the Director shall take action under Subsection (B) of this section to revoke approval of the variance. The Director may extend the time for compliance if the applicant provides financial or other assurances suitable to the Director that the conditions of approval of the variance will be satisfied and maintained.
- B. If the violation is not corrected[, the Director shall inform the Commission of the violation and shall provide sufficient data to demonstrate the nature of the violation. The Director may then set a hearing date on the violation.] within the time required by subsection (A), the Director shall notify the applicant by registered and first class mail that the variance has been revoked, and that any subsequent action on the application will require a new application for a variance.

- [C. At least ten (10) days prior to the public hearing, the applicant shall be notified by registered letter of the public hearing. In addition, all persons notified of the original application and all who testified at the original hearing shall be notified by regular mail.
- D. The Commission shall conduct a public hearing pursuant to the requirements of Section 1402, and shall determine whether approval of the variance shall be revoked.
- E. Upon determination by the Commission that a violation has occurred, the Director shall notify the applicant by registered mail and shall forward the determination to the Board pursuant to Section 1406 for enforcement.]

16. Section 1203.07 is added to Section 1203 as follows:

1203.07 Administrative Adjustments.

As a result of unique characteristics of specific lands, uses or structures, and in the event that setbacks, building heights, lot area or other dimensional ordinance standards are determined to be unreasonable or inappropriate by the Director, limited administrative adjustment of such standards may be authorized at the time application for building permit or land division is made providing the adjustment does not exceed 15% of the required standard, and the applicant can demonstrate satisfaction of one of the following criteria:

- A. That the adjustment is needed to permit a structural addition or new construction no closer to a property line than the existing structure(s).
- B. That the adjustment would provide for setbacks no less restrictive than those for structures on affected adjacent property(s).
- C. That the combined setbacks of structures on the parcel in question and adjacent affected parcels meet the combined respective setback requirements.
- D. That other special conditions or circumstances exist which are peculiar to the land or use structure involved, and which justify an adjustment, while still satisfying the intent of the standard.

17. Section 1205.03(B) is amended as follows:

B. In any other circumstance, the alteration, restoration or replacement of a nonconforming use or structure pursuant to subsection 1205.01 may be authorized by the Director, subject to the Type B application procedure set forth in Section 1301, and provided that the applicant demonstrates that the proposal satisfies the following criteria:

1. That the alteration of use would result in a reduction in nonconformity of the use, or would have no greater adverse impact on the [neighborhood; and] surrounding area than the existing nonconforming uses or than those uses permitted by this ordinance.
2. That the alteration of structures or physical improvements would result in a reduction in nonconformity of the structures or improvements or would have no greater adverse impact on the [neighborhood.] surrounding area than existing nonconforming structures or physical improvements or than those permitted by this ordinance.

18. Section 1205.05(D) is amended as follows:

D. Any alteration, replacement or restoration of a nonconforming use approved hereunder shall be null and void one (1) year from the date it is granted unless completion or substantial construction has taken place. The Director may extend the approval for an additional period not to exceed one (1) year upon receipt of the applicable fee and a written request from the application demonstrating good cause for the delay and provided that the request to extend approval is received by the Director prior to expiration of the original approval.

19. Section 1205.09 is amended as follows:

1205.09 Revocation of a Permit for Alteration, Restoration or Replacement of a Nonconforming Use.

The procedure for the revocation of a permit for alteration, restoration or replacement of a nonconforming use shall be as follows:

- A. If, upon review by the Director, a violation of any condition imposed in granting the permit is found, the Director shall inform the applicant by registered letter and first class mail of the violation and require compliance within [ninety (90) days.] sixty (60) days or the Director will take action under subsection (B) of this section to revoke approval of the permit for alteration, restoration or replacement of a nonconforming use. The Director's letter, constituting Notice of Intent to Revoke, may be appealed to the Board within thirty (30) days of its mailing. The Board shall consider the appeal in accordance with Section 1403 and may affirm, reverse or modify the Director's Notice of Intent to Revoke. The applicant must comply with the Board's Order on Appeal of Notice of Intent to Revoke within thirty (30) days of the issuance of the Board's decision. If the applicant does not comply with the Board's Order within thirty (30) days, the Director shall take action under subsection (B) of this section to revoke approval of the permit. The Director may extend the time for compliance if the applicant provides financial or other assurances suitable to the Director that the conditions of approval will be satisfied and maintained.
- B. If the violation is not corrected[, the Director shall inform the Commission of the violation, and shall provide sufficient data to demonstrate the nature of the violation. The Director may then set a hearing date on the violation.] within the time required by subsection A the Director shall notify the applicant by registered and first class mail that the permit for alteration, restoration or replacement of the nonconforming use has been revoked, and that any subsequent action on the application will require a new application for alteration, restoration or replacement of a nonconforming use.
- [C. At least ten (10) days prior to the public hearing, the applicant shall be notified by registered letter of the public hearing. In addition, all persons notified of the original application and all who testified at the original hearing shall be notified by regular mail.
- D. The Commission shall conduct a public hearing pursuant to the requirements of Section 102, and shall determine whether the permit shall be revoked.
- E. Upon a determination by the Commission that a violation has occurred, the Director shall notify the application by registered mail and shall forward the determination to the Board pursuant to Section 1406 for enforcement.]

20. Section 1402 is amended as follows:

1402.01 [Notice of Public Hearing.

Notice of any public hearing authorized or required by this ordinance shall be published in a newspaper of general circulation in the county at least ten (10) days prior to the hearing date and shall be sent by mail at least ten (10) days prior to the hearing date. In addition, notice shall be served in accordance with the following provisions:

A. Amendments.

Notice of amendments to the text of this ordinance or the Official Zoning Map shall be sent to all owners of land within two hundred fifty (250) feet of the subject property, and to the appropriate Planning Advisory Committee.

B. Notice for all other land use applications provided for in this ordinance which are subject to public hearing shall be sent to all owners of land adjoining the subject property, and to the appropriate Planning Advisory Committee.]

Notice of Quasi-Judicial Public Hearing.

Notice of any quasi-judicial public hearing authorized or required by this ordinance shall be published in a newspaper of general circulation in the county at least ten (10) days prior to the hearing date, and shall be sent to affected property owners within 250' of the boundaries of the parcel which is the subject of the application or that larger distance determined appropriate by the Director, by mail at least ten (10) days prior to the hearing date. The address used by the Director in providing notice by mail shall be the address then existing in the tax records of Yamhill County.

Notice of Legislative Public Hearing.

Notice of any legislative public hearing authorized or required by this ordinance shall be published in a newspaper of general circulation in the county at least ten (10) days prior to the hearing date.

1402.0[2]3

Continuance of Hearing.

A public hearing may be continued as is necessary to gather additional information on the application or for other good

reason and no additional notice need be given if the hearing is adjourned to a time and a date certain, unless otherwise ordered by the hearings body.

1402.0[3]4

Rules Governing Public Hearing.

Any public hearing authorized or required by this ordinance shall be governed by the Rules of Procedure for the Conduct of Hearings Related to Land Use Matter approved by the Commission on the 12th day of March, 1974, and adopted by the Board on the 13th day of March, 1974.

1402.0[4]5

Appointment of Hearings Officer.

The Board may appoint or designate one (1) or more qualified persons as Hearings officers, who shall have the authority to conduct any public hearing authorized or required by this ordinance.

1402.[5]6

Ex Parte Contact.

In any land use application subject to a quasi-judicial hearing process, [T]the Board, Commission or Hearings Officer shall not:

- A. Communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and with opportunity for all parties to participate;
- B. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless all parties are afforded an opportunity to contest the materials so noticed; or
- C. Inspect the property with any party or his representative unless all parties are given such notice as the Board determines to be fair and just.

1402.07 Testimony

- A. Testimony presented at hearings shall be pertinent and based upon sound reasoning, and shall be incorporated into the record unless the Chair rules such information to be excluded from the record as immaterial, or of

questionable fact, intent or merit, based upon objection raised by Commission or Board members or other parties having standing in the hearing.

- B. All testimony not excluded shall become a part of the hearing record, and in addition to verbal testimony, may be presented in written form or incorporated by reference.
- C. In ascertaining whether or not the party providing testimony has standing, the chair may ask that such party identify and/or document the basis of standing, or may question the source of the information, or the interest or qualifications of the party submitting testimony, or question how the party giving testimony might be beneficially or adversely affected by the action under consideration.
- D. In the event that it is determined that a party does not have standing because the party will not be beneficially or adversely affected by the action under consideration, the Chair may direct that any prior testimony by that party be stricken from the record, and that further testimony from the party be prohibited.
- E. The Chair may set reasonable and fair time limits for oral presentation of testimony.
- F. Minutes of the meeting shall be accepted as the official hearing record. A verbatim transcript is not required.

21. Section 1404 is amended as follows:

APPEALS

1404.01 Appeals from Decisions of the Commission or the Planning Director.

Where it is alleged that there is error in any order, requirement, decision or determination made by the Director in the interpretation of this ordinance, an appeal therefrom may be made by an affected party only to the Board on a form prescribed by the Director. Such written appeal shall be filed with the Director within fifteen (15) days of the decision on a proposed action and shall be accompanied by the appropriate filing fee.

[Upon receipt of a complete appeal request,]

Upon determination that the appeal request is complete and in order, a public hearing before the Board shall be scheduled and public notice mailed and published according to the public notice requirements contained in Section 1402. An affected party who has had an opportunity to request a hearing, pursuant to the Type B application procedure as set forth in Section 301, and has not so requested a hearing, shall have waived his right to appeal the decision of the Director to the Board.

A. Board Action.

In hearing and deciding such an appeal:

1. The Board may affirm, modify or reverse all or part of the action of the Director so long as such action is in conformity with the ordinance;
2. The Board shall make findings based on the testimony or other evidence received by it as justification for its action; and
3. The Board, on its own motion, may order review of any decision of the Director within fifteen (15) days of the decision, pursuant to Section 1403 for Board review.

B. Commission Action.

The Commission, on its own motion, may order review of any decision of the Director within fifteen (15) days of the decision, pursuant to subsection 1301.04. The decision of the Commission shall be final unless appealed to the Board.

1404.02 Appeals from Decisions of the Commission or Hearings Officer.

Where it is alleged that there is error in any order, requirement, decision or determination made by the Commission or Hearings Officer, an appeal therefrom shall be made by an affected party only to the Board on a form prescribed by the Director. Such written appeal shall be filed with the Director within fifteen (15) days of the decision on a proposed action and shall be accompanied by the appropriate filing fee. The Board, on its own motion, may order review of any decision of the Commission or Hearings Officer within fifteen (15) days of the decision, pursuant to Section 1403 for Board review.

1404.03 Standing to Appeal

- A. A decision by the Director, Planning Commission or Board of Commissioners to approve or deny an application or docket item request may be appealed provided the appellant has satisfied Subsections 1, 2 and 3:
1. Filed a written appeal, accompanied by the appropriate filing fee, with the Director within the time required by this ordinance submitted in accordance with Subsection B of this section;
 2. Appeared before the Commission, hearings officer or Board orally or in writing; and
 3. Meets one of the following criteria:
 - (a) Was entitled by this ordinance to notice and hearing prior to decision appealed; or
 - (b) Is aggrieved or has interests adversely affected by the decision.
- B. Any appeal filed shall be in writing, shall explain the basis of the appeal and shall include one or more of the following:
1. A reference to the ordinance provisions or plan policies providing the basis of the appeal.
 2. Reasons why the decision is factually or legally incorrect.
 3. A description of new information or additional facts which should have been considered in the decision.
 4. A description of any mitigating factors which might be taken to make the decision acceptable.

EXHIBIT B

1006. SIGNS

1006.01 Standards and Requirements.

A. Permits

Sign permit applications shall be accompanied by drawings indicating dimensions, location and engineering in sufficient detail to determine compliance with this ordinance and applicable Building Codes. Permits shall be required for:

1. Electrical or illuminated signs.
2. Free-standing signs greater than two square feet in surface area.
3. Roof-mounted or wall-mounted signs greater than two square feet in area.
4. Business identification signs not under State permit.
5. Outdoor portable or sandwich board-type signs greater than two square feet in area.

B. Signs Not Subject to Regulation

The following signs are not subject to the provisions of this ordinance:

1. Signs not more than two (2) square feet in area and bearing only property numbers, postal box numbers, postal box numbers, names of occupants of premises or other identification of premises, or traffic directional signs, providing such signs do not have commercial connotations.
2. Flags and insignia of any government, except when displayed in connection with commercial promotion.
3. Legal notices, or identification, informational or directional signs erected or required by governmental bodies.

4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights; and sculpture and other work of fine art created for appreciation rather than advertising.
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
6. Temporary decorations or displays clearly incidental and commonly associated with local national or religious holiday or other celebration.
7. Any sign not visible from public right-of-way, or from any other property not under the same ownership as the property upon which the sign is located.
8. Temporary window displays or signs and temporary real estate "for rent/sale" signs not exceeding 12 square feet in area.

C. State Permits.

All business identification signs within State highway right-of-way, whether sited on-premise or off-premise are subject to permits from the Oregon State Highway Division.

D. Political Signs.

Temporary political signs advertising candidates or issues may be erected on private property, with consent of the property owners, during an election campaign. Such signs shall conform to the requirements of the State, and shall be removed within one week after the election.

E. Setbacks.

All signs shall be situated so as not to adversely affect safety, corner vision or other similar conditions, and shall satisfy the following:

1. Sign clearances shall be in accordance with Section 225 of the National Electric Code.
2. Free-standing signs shall be set back from property lines one foot for each ten square

feet of sign area to a maximum setback of twenty feet.

3. Signs shall conform to clear-vision requirements at street intersections.
4. Free-standing signs shall conform to rear and side-yard setback requirements.
5. Projecting signs including canopy and awning mounted signs shall not extend more than six feet from the face of the building to which they are attached. Projecting signs shall have a maximum area of twenty-four square feet per face, and minimum ground clearance of eight feet.

F. Blanketing.

No sign shall be situated in a manner which results in the blanketing of an existing sign.

G. Mural Signs.

On wall mural signs, only that portion of the sign considered advertising shall be calculated in determining maximum area allowance.

H. Non-Conforming Signs/Removal.

Signs and sign structures not conforming to the requirements of this ordinance shall be subject to the following amortization provisions:

1. Any legally constructed/installed sign or sign structure not conforming to this ordinance shall be recognized as a nonconforming use and discontinued within 6 years from the date of a nonconformity and amortization notice given to the sign owner by the County.
2. Any sign not legally constructed/installed shall be recognized as a zoning ordinance violation and be removed immediately.
3. A non-conforming and amortization notice requiring removal of a non-conforming sign shall be given by the County at such time as the following findings are made:

- a. It has been determined that the sign is non-conforming.
 - b. The non-conformity has been discussed with the owner.
 - c. The Director has determined that the sign cannot or will not become a conforming use.
4. All flashing or moving signs shall be made so that such flashing or movement is discontinued within thirty days of a zoning ordinance violation notice.

1006.02 On-premise Signs in the F-40, EF-40, AF-20, AF-10, and MR Districts.

In the F-40, EF-40, AF-20, AF-10 and MR Districts on-premise signs shall be permitted as follows:

- A. The following on-premise signs may be allowed subject to permit approval:
 - 1. A single sign denoting the name of the owner or the name or address of the property, provided that such sign shall not exceed twenty-four square feet.
 - 2. A single sign advertising the sale or rental of the property, provided that such sign shall not exceed twelve square feet.
 - 3. Other signs associates with a permitted or conditional use, provided that such signs shall not exceed twelve square feet.
 - 4. A single sign describing activities conducted by a business or by an agricultural or forestry enterprise allowed as a permitted or conditional use on the parcel or lands under the same ownership; provided such sign shall not exceed twenty-four square feet.
 - 5. A single sign denoting a home occupation or small business, provided that such sign shall not exceed twelve square feet.
- B. No sign shall be located within any road right-of-way, except as provided in Subsection 1006.06.

- C. Signs advertising the sale of seasonal produce grown on the property, or on other lands under same ownership, shall be permitted only during the season in which the produce is harvested and made available for sale.
- D. Properties with double frontage shall be allowed two signs, one on each frontage, subject to the above requirements, or a single sign twice the area of the above standards.

1006.03 On-Premise Signs in the VLDR and LDR Districts.

In the VLDR and LDR Districts, on-premise signs shall be permitted as follows:

- A. The following on-premise signs may be allowed subject to permit approval:
 - 1. Those denoting the name of the owner or the name and address of the property.
 - 2. Those advertising the sale or rental of the property.
 - 3. Warning or safety signs associated with a permitted or conditional use.
 - 4. Those advertising the sale of agricultural or forest products grown on the same parcel.
 - 5. Those denoting a home occupation or small business.
 - 6. Those describing activities allowed as a conditional use on the parcel.
- B. Not more than two signs shall be permitted on any parcel, the total square footage of which shall not exceed twelve square feet, except six square feet is the maximum allowable on a parcel of less than one acre in size.
- C. No sign shall be located within any road right-of-way except as provided in Subsection 1006.06.
- D. Signs advertising the sale of seasonal produce grown on the property shall be permitted only during the season in which the produce is harvested and made available for sale.

E. Properties with double frontage shall be allowed two signs, one on each frontage, subject to the above requirements, or a single sign twice the area of the above standards.

1006.04 On-Premise Signs in the RC, NC, HC, RI, LI, and HI Zoning Districts.

In addition to the signs permitted in Subsection 1006.03, on-premise signs in the RC, NC, HC, RI, LI and HI Districts shall be permitted as follows:

1. The total sign area on the parcel shall not exceed either 400 square feet, or the smaller of one square foot for each foot of parcel frontage or 48 square feet for each business; except that a minimum of one-hundred square feet of sign area shall be permitted for any single parcel.
2. A single face of any one sign shall not exceed one-half of the total permitted sign area or one hundred square feet, whichever is least.
3. Free-standing signs on the same property shall not be closer than 100 feet from one another.
4. The area of flush-mounted roof or wall signs without backing shall be calculated at half of the measured area in determining maximum area allowance. Area of signs with backing shall be calculated at the full measured area of the backing.
5. If two or more businesses share a common business space and/or parking area, the total sign area allowed shall be proportionally allocated between or among such businesses, and shall not exceed the total sign area allowed as set out by this Subsection.

B. On-premises signs may be erected or maintained on the property upon which the advertised use is located, or upon any adjacent property, under the same ownership, or leased and/or used for the same purposes as the advertised use, and which is utilized for storage, parking or business-related purposes.

C. Any free-standing sign or sign attached to or placed upon a building shall not extend more than twenty-four feet above the highway grade.

D. Service signs shall be exempt from the square footage requirements unless they are primarily used to attract customers to the premise. Service signs include, but are not limited to, the following:

1. Signs attached to or part of vending machines, public telephones or other devices furnishing public services not related to the business conducted on the premises.
2. Signs displayed for direction or instruction (restroom, freight entrance, parking, etc.).
3. Signs required by law or designed solely in the interest of public safety.
4. Signs located directly on and not extending beyond the component parts of display stands, as long as they do not exceed fifty square feet of sign area for all such devices on the property.

1006.05 Electrical and Illuminated Signs in all Zoning Districts.

- A. Electrical equipment used in connection with electrical or illuminated signs shall be installed by permit and in accordance with the National Electric Code.
- B. Signs incorporating electrical components shall be constructed of noncombustible materials, other than plastics, as approved by the National Electrical Code. The enclosed shell of electric signs shall be water-tight except that service holes fitted with tight covers shall be provided into each compartment of such signs.
- C. Every sign containing electrical components or illumination devices shall bear an underwriter's or approved testing laboratory label, and the name of the sign erector and the date of installation. Such name and date shall be placed and maintained at a readily legible location on the sign structure.
- D. No electrical or illuminated sign shall exceed fifty square feet in surface area.
- E. Electrical service to free-standing signs shall be underground.
- F. Artificially illuminated signs, or lights used to indirectly illuminate signs shall be placed, shielded or deflected so as not to shine into dwelling units or to create excessive glare along adjacent roads. The light

intensity of an illuminated sign shall not exceed the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.

1006.06 Off-Premise/Business Identification Signs.

Off-premise business identification (OPBI) signs are allowed in any zone subject to permit approval, and shall be regulated by the State Department of Transportation along State Highways, and by the Yamhill County Department of Planning and Development along county roads and local public access roads, subject to the following:

- A. Such signs along State highway shall be governed entirely and installed by the State Highway Division.
- B. The County Public Works Department is authorized to construct and install such signs along county roads and local public access roads upon Planning Department permit approval.
- C. OPBI signs along county roads and local public access roads shall be the same or of similar size and material as those provided by the State for signs along State Highways.
- D. Costs for construction, installation and replacement of OPBI signs on county roads or local public access roads shall be determined by and paid to the Department of Public Works.

1006.07 Sign Construction and Maintenance.

A. Construction.

All signs shall be constructed at the expense of the sign or business owner, and shall be erected in conformance with this ordinance and all county-administered Sign, Electrical and Building Code requirements. Except as specified in Subsection 1006.01, all signs shall be required to obtain sign permit approval prior to construction or installation.

B. Maintenance and Removal.

Every sign, including those specifically exempt from permits required by this ordinance, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted,

including all metal parts and supports. The Director may inspect, and shall have the authority to order the painting, repair, alteration or removal of a sign which may constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

1006.08 Temporary Signs for Nonprofit Organizations.

Temporary signs for nonprofit organizations may be allowed to advertise various nonprofit, charitable activities. Signs may be placed upon private property, upon consent of the property owner, but shall not precede the advertised event more than one week. All such signs shall be removed by the sponsoring organization not later than five days following the event. Such signs shall conform to the requirements of the underlying district.

1006.09 Abandonment and Removal.

Any sign which does not contain legibly printed matter on the display surface, or which by its nature has become obsolete for a period of three months, shall be deemed to have been abandoned by the owner thereof and shall be subject to removal by the County Roadmaster or his designate.

1006.10 Prohibited Signs.

The following signs are prohibited in all Zone Districts:

- A. Moving or flashing sign or other signs that may likely cause motorists distraction or be hazardous to public safety.
- B. Banners, pennants, festoons, or searchlights, except that upon receipt of a temporary use permit, such may be allowed for special events, grand openings or similar celebrations. Such signs may be erected 15 days prior to the event/celebration, and shall be removed 15 days hereafter.
- C. Signs imitating or resembling official traffic or government signs.
- D. Temporary posters or signs attached to trees, electrical or telephone poles, or other public property.
- E. Signs attached to a building and exceeding the highest part of the roof.

- F. Off-premise advertising signs and billboards except as approved by the State Highway Division.

EXHIBIT "C"

1010. LANDSCAPING.

1010.01 General Provisions.

A. The following provisions apply to parcels required to be landscaped:

1. Landscaping may be required for privacy, visual screening, sound deadening, appearance enhancement or other purposes determined desirable by the Director for the purpose of insuring compatibility of the proposed use with that of existing and anticipated future uses in the vicinity. Undeveloped and/or unused portions of properties shall either be landscaped, or have other means of weed and erosion control established.
2. Plantings shall comply with clear-vision requirements at all intersections and access locations onto public roads.
3. All landscaping shall be continuously maintained. All plant materials other than trees shall be provided with underground irrigation, unless alternative irrigation is approved by the Director as part of site design plan.

B. Plan Requirements.

Landscape plans with explanatory notes shall accompany all applications for commercial and industrial building permits and all other site design plans. Landscape plans shall be drawn to a scale of 1"=20' or other scale approved by the Director as being appropriate to accurately depict the following:

1. Location and dimensions for existing and proposed structures and roadway entrances onto the site upon which development is being proposed.
2. Existing trees 6 inches or larger in a diameter at 4 feet above grade, including trees proposed to be removed, and existing shrubs or other plant materials to be retained.

3. Type, size and location of trees, shrubs, and other plant materials proposed to be planted, the schedule for planting, and the method and layout of the irrigation system to be installed.
4. Type, height and location of all fencing, trash collection areas, free standing lighting and signage proposed. Unless otherwise provided, the plan shall include a drawing of such signage with dimensions of the size, shape and height thereof. Signage shall be in accord with Section 1006 of this ordinance.
5. Traffic circulation and parking space layout/design including a cross-section or description of materials to be used in all such areas; and sidewalks, walkways and other pedestrian improvements, e.g., benches, recreation equipment, etc.

C. Standards and Requirements.

Landscaping shall be provided as follows in Commercial and Industrial Zones and in all other zones as appropriate:

1. A minimum area of 30 feet in depth measured: (1) from the bottom/centerline of any State highway ditch, and (2) from any property line abutting a residentially planned or zone-designated area, whenever the property is within 60 feet of an off-site residence.
2. A minimum area of 10 feet in depth along all other property lines, except as the Director may determine unnecessary.
3. Adjacent to a State highway, a berm of not more than 18 inches in height above natural grade, and at least 6 feet in width shall be constructed. The berm shall be located entirely on the applicants property and be planted with a combination of trees, shrubs, grass and/or ground over. The berm and plantings at maturity shall not exceed a height of 3 feet at any street intersection or other vehicular access clear vision area.
4. All entrances from public roads or streets shall be designed for safe entry and exit, and landscaped 5 feet wide for a depth of 20 feet onto the property.

D. Plant Material Spacing.

Plant material spacing shall be as follows:

1. Trees approved for a single row shall be a minimum of 6 feet in height, not more than 30 feet apart and approximately 10 feet from the property line.
2. Trees approved for 2 or more rows shall be a minimum of 6 feet in height and not more than 40 feet apart with plantings staggered in adjacent rows. Rows to be not more than 20 feet apart with the outer row approximately 10 feet from the property line.
3. Trees shall be properly installed and staked to industry standards, and shall be located not to interfere with overhead wires and hard surfaced pedestrian and vehicular areas as they mature.
4. Arborvitae shall be used where site-obscuring planting is needed and shall be 3 feet on-center and a minimum of 4 feet high when planted. The plantings shall be watered and fertilized continuously after installation to generate the growth needed for site-obscurity.
5. Shrubs shall be spaced not more than 5 feet apart.
6. Ground cover shall be planted at no more than 30 inch intervals and staggered in sequential rows not more than 20 inches apart.
7. No landscape area shall be less than 5 feet in width.

E. Implementation.

Completion of all landscape plans shall be assured as follows:

1. In the event landscaping is not completed prior to final land use approval or at the time of the request for a development permit, the applicant may post a surety bond or provide other financial assurances, equal to 200% of the estimated cost of materials and installation, or may enter into other implementation agreements as are approved by the Director.

2. Final approval of any land use application or release of any surety for completion of landscaping shall not occur until a final landscape inspection, and a plan completion sign-off has been made by the Director. Any portion of the landscaping not completed in accordance with the approved landscaping plan shall be cause for the plan not to be signed and/or cause for the surety to be used by the county to complete the installation.
- F. At such time as the design is agreed upon by the applicant and Director, both shall sign the Site Design, attesting to that agreement.
 - G. At such time as the landscape improvements have been completed in accordance with the approved plan, the applicant shall notify the Director thereof, and upon satisfactory inspection, the Director shall sign and date the Plan, attesting to its completion.

EXHIBIT "D"

1012.01 COUNTRY INN/BED AND BREAKFAST FACILITIES

1012.02 Standards and Requirements.

- A. The following provisions shall apply to country inn and bed and breakfast facilities:
1. Country inns and bed and breakfast operations that are undertaken from within a residence shall be considered as home occupations, except as specifically permitted by name in respective zones. Where such uses are determined and/or proposed not in conjunction with agriculture, the applicant shall satisfy requirements for taking a Goal 2 "exception" to State Planning Goals 3, 4, 11, and 14, as applicable, and as provided in Section 1204, in addition to addressing provisions of this Section and conditional use procedures.
 2. Water from any source other than a municipal supply shall be tested initially and annually thereafter, and determined safe for public consumption.
 3. An on-site examination of the premises shall be made by a county sanitarian to review food handling and tourist/traveler health and safety practices.
 4. An on-site examination of the premises shall be made by local fire department personnel to advise of appropriate fire and safety code requirements.
- B. Where facilities are approved for three or more guest bedrooms and up to 10 guests, State Administrative Rule and Statutory requirements for Bed and Breakfast and Tourist/Traveler facility licensing shall be satisfied.
- C. Where food service is approved to allow serving of meals other than breakfast to overnight guests, applicable Oregon Administrative Rules or statutory requirements for Tourist and Traveler and Restaurant licensing shall be satisfied.

D. Review of country inn or bed and breakfast facility applications may include but is not limited to consideration of the following:

1. Compatibility Issues
 - a. Signage
 - b. Parking
 - c. Other compatibility considerations
2. Location Suitability:
 - a. Accessibility
 - b. Services
 - c. Impact on vicinity uses
 - d. Other locational considerations
3. Structural Suitability
 - a. Safety and security
 - b. Design and privacy
 - c. Other structural considerations
4. Referral Comments
 - a. Environmental Health Division
 - b. Fire Department
 - c. Other agencies/interests

1012.02 Applications, Permits, and Licenses.

The following applications, permits and licenses shall be obtained as appropriate to satisfy the above requirements:

1. Conditional Use Application
2. Public Water System Approval
3. Site Authorization Permit (where remodeling to add bedrooms or bathrooms)
4. Site Suitability and Septic Authorization Permit (where new construction is provided)
5. Bed and Breakfast License (3 or more bedrooms)
6. Tourist Facility License (3 or more bedrooms)
7. Restaurant License (for food service beyond breakfast meals to overnight guests)
8. Building Permit(s) (any remodeling or new construction)