

FILED
YAMHILL COUNTY, OREGON
1993 JUN 29 AM 11:52
CHARLES STERN
COUNTY CLERK

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

93-421

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance)
to Authorize Conditions To)
Ensure Compliance With Approval)
Standards for Dwellings)
Customarily Provided in)
Conjunction with Farm Use)
in the EF-40 Exclusive)
Farm Use and AF-20 Agriculture/)
Forestry Zone, and Declaring an)
Emergency, Docket G-1-93)

ORDINANCE NO. 556

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in special session on June 23, 1993, Commissioners Debi Owens, Dennis L. Goecks, and Ted Lopuszynski being present.

WHEREAS, the Yamhill County Zoning Ordinance, No. 310, as amended ("the YCZO"), allows dwellings customarily provided in conjunction with farm use ("farm dwellings") if certain approval standards ("farm dwelling standards") are satisfied;

WHEREAS, the County desires to be able to impose conditions which ensure compliance with the farm dwelling standards in order to provide the applicant with increased certainty as to specifically what is needed to satisfy the farm dwelling standards before the applicant expends resources on plantings, fencing, stock or other improvements required to satisfy those farm dwelling standards;

WHEREAS, the County currently lacks specific authority under the Yamhill County Zoning Ordinance ("YCZO") to impose conditions on approval of farm dwellings;

WHEREAS, the Board desires to amend the YCZO to authorize conditional approval of farm dwellings, using clear and objective criteria, including but not limited to conditions that the applicant implement particular aspects of a farm management plan; and

WHEREAS, on April 1, 1993 a public hearing was held before the Yamhill County Planning Commission and on April 28, 1993, May 26, and June 2, 1993 public hearings were held before the Board; Now, therefore,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Section 402.06 of Yamhill County Zoning Ordinance, No. 310, as amended by Ordinances 331, 408, 412, 426, 444, 468, 519, 539, 541, 542, and 543 is amended to read:

"402.06 Dwellings in Conjunction with Farm or Forest Uses.

In the EF-40 District, prior to construction or placement of a dwelling customarily provided in conjunction with farm use, the applicant shall demonstrate that:

A. The parcel is a minimum of 40 acres or that size which is appropriate for the continuation of the exiting commercial agricultural enterprise in the area, whichever is greater, consistent with the requirements of OAR 660-05-015 and 660-05-025;

B. The addition and location of new structures and improvements including dwellings, fences, roads, utilities, wells, etc., shall not impose undue limitation upon existing farm or forest uses in the area;

C. The parcel currently supports accepted farming practices, as described in subsection 402.02A: and

D. The day-to-day activities of an owner or manager are required to manage the land for farm use and the activities are principally directed to farm use of the land.

E. An applicant for a dwelling customarily provided in conjunction with farm use may demonstrate that the standards in this section will be satisfied through the imposition of conditions. Any conditions imposed shall be clear and objective.

(a) No building permit shall be issued unless and until all such conditions have been completely satisfied; and

(b) Such conditions shall be consistent with the applicable provisions of ORS Chapter 215 and the requirements of Statewide Planning Goal 3, and may include, but are not limited to, implementation of designated portions of a farm management plan that details such things as crops acreage and timing of establishment.

Section 2. Section 403.06 of Yamhill County Zoning Ordinance, No. 310, as amended by Ordinances 331, 408, 412, 426, 444, 468, 519, 541, 542, and 543 is amended to read:

403.06 Dwellings in Conjunction with Farm or Forest
Uses.

In the AF-20 District, prior to construction or placement of a dwelling customarily provided in conjunction with farm use, the applicant shall demonstrate that:

A. The parcel is a minimum of 20 acres or that size which is appropriate for the continuation of the exiting commercial agricultural enterprise in the area, whichever is greater, consistent with the requirements of OAR 660-05-015 and 660-05-025;

B. The addition and location of new structures and improvements including dwellings, fences, roads, utilities, wells, etc., shall not impose undue limitation upon existing farm or forest uses in the area;

C. The parcel currently supports accepted farming practices, as described in Subsection 402.02A: and

D. The day-to-day activities of an owner or manager are required to manage the land for farm use and the activities are principally directed to farm use of the land.

E. An applicant for a dwelling customarily provided in conjunction with farm use may demonstrate that the standards in this section will be satisfied through the imposition of conditions. Any conditions imposed shall be clear and objective.

(a) No building permit shall be issued unless and until all such conditions have been completely satisfied; and

(b) Such conditions shall be consistent with the applicable provisions of ORS chapter 215 and the requirements of Statewide Planning Goal 3, and may include, but are not limited to, implementation of designated portions of a farm management plan that details such things as crops acreage and timing of establishment.

Section 3. Severability Clause. If any section or subsection contained in 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. Emergency Clause. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective on June 23, 1993.

DONE at McMinnville, Oregon this 23rd day of June, 1993.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



Debi Owens
Chairman DEBI OWENS

By: Jaynie Mitchell
Deputy JAYNIE MITCHELL

Dennis L. Goecks
Commissioner DENNIS L. GOECKS

FORM APPROVED BY:

John C. Pinkstaff
JOHN C. PINKSTAFF
Assistant County Counsel

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

cc\qlu93172.001