

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

FILED
YAMHILL COUNTY, OREGON
97 APR 11 AM 11:59
CHARLES STERN
COUNTY CLERK

In the Matter of Amending Yamhill County)
Zoning Ordinance No. 310, as Amended,)
to Increase From 25 feet to 35 Feet the)
Height Limitation For Dwellings in the Very)
Low Density Residential (VLDR) Zoning)
District; Docket G-1-97; and Declaring an)
Emergency.)

ORDINANCE NO. 624

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in special session on April 9, 1997, Commissioners Thomas E. E. Bunn, Ted Lopuszynski, and Robert Johnstone being present.

WHEREAS, section 502 of Yamhill County Zoning Ordinance, No. 310, as amended ("the YCZO"), sets forth approval height limitation for dwellings in the Very Low Density Residential (VLDR) zone; and

WHEREAS, the Director of Planning and Development has proposed an increase from 25 feet to 35 feet in the height limitation for dwellings the VLDR zone based on the change in architectural styles during the last ten years, and the fact that the height limitations for residences in the A-10, A-20, A-40, A-80, E-40, and E-80 zones is also 35 feet; and

WHEREAS, the Board desires to amend the YCZO to conform to current architectural standards and to be consistent with height limitations in the other zoning district; and

WHEREAS, on March 6, 1997, a properly notice public hearing was held on this ordinance before the Yamhill County Planning Commission and before the Board on March 19, 1997 and the Board unanimously approved adoption of the ordinance; and

WHEREAS, the Board has determined that adoption of the ordinance provisions in the attached Exhibit "A" will be in the best interest of the citizens of Yamhill County; Now, Therefore,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Section 502.06 of the Yamhill County Zoning Ordinance, No. 310, as amended, is hereby amended as provided and specified in the attached Exhibit "A", which is by this reference made a part of this ordinance. Materials and language contained in brackets are

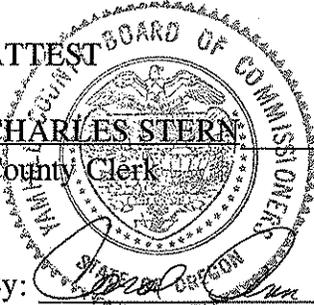
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hereby deleted from Ordinance 310 as amended, and materials underlined are added to those ordinances.

Section 2. 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 3. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

DONE at McMinnville, Oregon this 9th day of April, 1997.

ATTEST

CHARLES STERN
County Clerk

YAMHILL COUNTY BOARD OF COMMISSIONERS

Thomas E.E. Bunn
Chairman THOMAS E. E. BUNN

By: Carol White
Carol White
Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

FORM APPROVED BY:

John C. Pinkstaff
JOHN C. PINKSTAFF
Assistant County Counsel

Robert Johstone
Commissioner ROBERT JOHSTONE

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502.05 Nonconforming Uses.

Nonconforming uses found in the VLDR Districts are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this ordinance.

502.06 Standards and Limitations.

In the VLDR Districts, the following standards and limitations shall apply:

A. Dwelling Density.

1. Permitted Uses.

a. The maximum overall dwelling density for any new development shall not exceed:

(i) one (1) dwelling per five (5) acres in the VLDR-5 District;

(ii) one (1) dwelling per two and one-half (2 1/2) acres in the VLDR-2 1/2 District; and

(iii) one (1) dwelling per acre in the VLDR-1 District.

b. Not more than one (1) principal dwelling shall be permitted on any parcel, except in the case of a planned unit development and except as follows:

(i) one (1) duplex may be allowed on any ten (10) acre parcel in the VLDR-5 District.

(ii) one (1) duplex may be allowed on any five (5) acre parcel in the VLDR-2 1/2 District; and

(iii) one (1) duplex may be allowed on any two (2) acre parcel in the VLDR-1 District.

c. For the division of any contiguous lands under the same ownership, parcel sizes may be averaged provided that the maximum overall density of the applicable VLDR District is not exceeded, and provided that no parcel shall be below the applicable minimum parcel size established by subsection 502.06(B). In the case of parcel-size averaging, the landowner shall record an affidavit with the county clerk specifying the imposed conditions which are applicable to the newly-created parcels, including overall residential density, etc.

2. Conditional Uses.

Not more than one (1) secondary dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

1. VLDR-5 District.

a. Newly-Created Parcels. The minimum size of any newly-created parcel

shall be five (5) acres, except as follows:

- (i) In the case of parcel-size averaging, the minimum parcel size shall be two and one-half (2 1/2) acres;
 - (ii) In the case of a duplex, the minimum parcel size shall be (10) acres; and
 - (iii) In the case of a duplex or multi-family planned unit development, the minimum parcel size shall be twenty (20) acres.
- b. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
 - c. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

2. VLDR-2 1/2.

- a. Newly-Created Parcels. The minimum size of any newly-created parcel shall be two and one-half (2 1/2) acres, except as follows:
 - (i) in the case of parcel-size averaging, the minimum parcel size shall be one (1) acre; and
 - (ii) in the case of a duplex, the minimum parcel shall be five (5) acres; and
 - (iii) in the case of a residential planned unit development, the minimum parcel size shall be ten (10) acres.
- b. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- c. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

3. VLDR-1.

- a. Newly-Created Parcels. The minimum size of any newly-created parcel shall be one (1) acre, except as follows:
 - (i) in the case of parcel-size averaging, the minimum parcel size shall be 20,000 square feet; and
 - (ii) in the case of a duplex, the minimum parcel size shall be two (2) acres; and
 - (iii) in the case of a residential planned unit development, the minimum

parcel size shall be five (5) acres.

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- b. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- c. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

The following setback requirements apply to all VLDR Districts unless varied or waived by a planned unit development, subject to Section 903:

1. Front Yard. The minimum front yard setback shall be thirty (30) feet except as follows:
 - a. No dwelling shall be located within one hundred (100) feet of the property line of an existing extraction or mining operation nor less than two hundred (200) feet from an existing extraction operation.
 - b. The minimum setback for all yards for signs shall be five (5) feet; and
 - c. No structure housing livestock shall be located within fifty (50) feet of any front parcel line, twenty-five (25) feet of any other parcel line, and forty (40) feet of any dwelling.
2. Side and Rear Yard. The minimum side and rear yard setbacks shall be fifteen (15) feet, except as provided above and as provided for accessory uses in subsection 502.06(H).

D. Parcel Coverage.

For any parcel of one (1) acre or more, but less than ten (10) acres, the maximum parcel coverage shall be ten (10) percent. For any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or planting exceeding thirty (30) inches in height within a triangle formed by the lot corner

nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be ~~twenty-five (25)~~ thirty-five (35) feet;
2. The maximum building height for all other structure shall be forty-five (45) feet, except for accessory structures on any parcel of less than ten (10) acres the maximum building height shall be ~~twenty-five (25)~~ thirty-five (35) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.
 - a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.
 - b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
 - c. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.

2. Fences, Walls and Hedges.

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 502.06(F).

3. Storage and Use of Certain Vehicles and Recreational Equipment.

One (1) travel trailer only shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests, subject to the Type A application procedure set forth in Section 1301. In no case shall such a travel trailer be occupied for periods totalling more than three (3) months in any year, and in no case shall any travel trailer be used as a principal dwelling or rented unless and until the necessary permits have been obtained.

I. Off-Street Parking.

1. In the VLDR Districts, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround; and
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the VLDR Districts, including multi-family dwellings, shall be determined by the Director subject to the provisions of Section 1007.

J. Livestock.

The keeping of livestock shall be allowed subject to the following restrictions:

1. On any parcel of one-half (1/2) acre or less, the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25) and no other livestock of any kind shall be permitted;
2. On any parcel of less than ten (10) acres, the total number of horses, cows, sheep, pigs, goats and other similar large animals over the age of six (6) months shall not exceed one (1) for each one (1) acre of parcel area;
3. On any parcel of less than ten (10) acres, the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25), plus one (1) for each five hundred (500) square feet of parcel area in excess of one-half (1/2) acre and the total number of bee colonies shall not exceed one (1) per two thousand (2,000) square feet of parcel area;
4. All livestock shall be properly fenced and contained so as to minimize adverse impacts to surrounding property owners; and
5. All animal food shall be stored in metal or other rodent-proof receptacles.