

FILED
YAMHILL COUNTY, OREGON

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON ⁹⁷ MAY 29 AM 10:15

FOR THE COUNTY OF YAMHILL

CHARLES STINI
COUNTY CLERK

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Amending)
Sections 404 (Mineral Resource Zone))
and 802 (Public Works/Safety Zone) of)
Yamhill County Zoning Ordinance No. 310,)
as Amended, to Allow Establishment of a)
Park as a Conditional Use in Such Zones;)
Docket G-2-97; and Declaring an Emergency.)

ORDINANCE NO 630

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on May 28, 1997, Commissioners Thomas E. E. Bunn, Robert Johnstone, and Ted Lopuszynski, being present.

WHEREAS, sections 404 and 802 of the Yamhill County Zoning Ordinance, No. 310, as amended ("the YCZO"), sets forth approval standards for conditional uses in the Mineral Resource Zone and the Public Works/Safety Zone, respectively; and

WHEREAS, neither of these zones presently permits establishment of park facilities; and

WHEREAS, the Department of Planning and Development has received a request to allow the expansion of a county park (Roger's Landing) into an adjacent Mineral Resource Zone and a Public Works/Safety Zone; and

WHEREAS, the Board of Commissioners believes that it is desirable to allow establishment or expansion of parks as conditional uses in mineral resource and public works/safety zones, and that it is therefore necessary to amend pertinent conditional use provisions in YCZO sections 404 and 802; and

WHEREAS, properly noticed public hearings were held on this ordinance on April 3, 1997 before the Yamhill County Planning Commission, which voted unanimously to recommend approval of the ordinance, and subsequently, before the Board on May 14, 1997 and the Board unanimously approved the 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,

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THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Sections 404.04 and 802.03 of the Yamhill County Zoning Ordinance, No. 310, as amended, are 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 hereby deleted from Ordinance 310 as amended, and materials underlined are added to those ordinances.

Section 2. The explanation of the amendments under this ordinance set forth in Exhibit "B", which is attached hereto and incorporated into this ordinance by reference, is hereby adopted to support the Board's determination that this ordinance is necessary and proper.

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. 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 28th day of May, 1997.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

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

By *Carol White*
Carol White

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

FORM APPROVED BY:

John C. Pinkstade
JOHN C. PINKSTADE
Assistant County Counsel

Robert Johnstone
Commissioner ROBERT JOHSTONE

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YCZO Section 404.04 is amended to read:

404.04 Conditional Uses.

In the MR District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Manufacture and storage of concrete and aggregate products such as preformed steps, beams, fences, vaults and similar products, provided that the aggregate needs are supplied from the same site where storage and manufacturing takes place;
- B. Extraction and development of oil, natural gas or geothermal resources, subject to the requirements of subsection 404.10;
- C. Coal and precious metals extraction, processing and stockpiling from the same site where extraction takes place;
- D. Any structure necessary and appurtenant to the above uses;
- E. Permanent concrete batching or hot-mix batching plants;
- F. The following additional use may be allowed conditionally in the MR-2 District:
 1. Portable concrete batching or portable hot-mix batching plants.
- G. Parks or playgrounds owned and operated by a governmental agency or a nonprofit community organization, subject to Section 1101, Site Design Review.

YCZO Section 802.03 is amended to read:

802.03 Conditional Uses.

~~In the PWS District, no use may be allowed as a conditional use.~~

In the PWS District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this Ordinance, the following use may be allowed conditionally:

Parks or playgrounds owned and operated by a governmental agency or a nonprofit community organization, subject to Section 1101, Site Design Review.

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STAFF REPORT
YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

HEARING DATE: April 3, 1997

DOCKET NO.: G-2-97

REQUEST: Amendments to Sections 404 (Mineral Resource Zone) and 802 (Public Works/Safety Zone) of the *Yamhill County Zoning Ordinance* to allow establishment of a park as a conditional use in each of these zones. The purpose of the amendments is to allow for eventual expansion of Roger's Landing.

APPLICANT: Yamhill County

LOCATION: The amendments would apply to all Mineral Resource and Public Works/Safety zoned properties in Yamhill County

REVIEW CRITERIA: ORS 215, OAR 660-06, OAR 660-33 and Section 1207 of the *Yamhill County Zoning Ordinance*.

COMMENTS: Memo from Jaynie Mitchell

FINDINGS:

A. Analysis of Proposed Amendments

Exhibit A, as attached, contains proposed amendments to Sections 404 and 802 of the Yamhill County Zoning Ordinance. The intent of the zoning ordinance revisions is to allow establishment of a park as a conditional use in the Mineral Resource (MR) and Public Works Safety (PWS) zones. The purpose of the amendment is to allow the eventual expansion of Roger's Boat Landing. Presently the landing is on property zoned AF-20. The Yamhill County Park Board has applied to the Marine Board for a grant to expand Roger's Landing. The proposed expansion would be to the west of the existing site and is planned to be placed on land included in the Mineral Resource and Public Works Safety zones. Neither of these zones allows the establishment nor expansion of park facilities. Therefore, the Board of Commissioners has requested that the zoning ordinance be amended to include parks as a conditional use in these zones.

B. Zoning Ordinance Provisions and Analysis

1. Section 1207.02 of the Yamhill County Zoning Ordinance (YCZO) contains the review criteria pertinent to the proposed zoning ordinance text amendments, stating:

A legislative amendment shall satisfy all applicable requirements of this ordinance in addition to the following:

- A. *An amendment to the text of this ordinance shall be based upon a need for such an amendment identified by the Board, the Commission, or the Director.*
- B. *The amendment shall be consistent with the Comprehensive Plan, and with all other provisions of this ordinance, and with federal, state, or local government statutes, rules and regulations.*

2. Regarding criterion (A), the Board of Commissioners requested that the Planning Director initiate the process to add parks as a conditional use in the MR and PWS zones. As explained above, a grant has been applied for to expand Roger's Boat Landing. The proposed expansion area is partially on property zoned MR and PWS. Presently those zones do not allow the establishment of a park. The amendments would provide a land use process to potentially allow the expansion of Roger's Boat Landing.

3. Regarding criterion (B), the Yamhill County Goals and Policies Section IV B lists Parks and Recreation. The summary of this section includes the statement, "There is a lack of water-based recreational opportunities in Yamhill County." Policy statement (c) of this section states:

"Yamhill County will seek to offer greater opportunities for water-based recreation on the Willamette and South Yamhill Rivers and their tributaries."

There are no goals and policies listed under Section IV Public Land, Facilities, and Services that prohibit the establishment of a park in a PWS zone. Goals and policies related to mineral and aggregate resources are listed in Section II F. Goal Statement 2 of this section directs the county:

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To ensure that irreparable environmental damage or the creation of safety hazards does not result from mining, quarrying or extractive activities; and to ensure that reclamation of mining, quarrying and extraction sites accomplished according to an approved reclamation plan.

Allowing a park as a conditional use in the mineral resource zone would allow one more option in future reclamation of an abandoned quarry site.

C. Conclusions:

1. The proposal is to amend the text of the Yamhill County Zoning Ordinance.
2. The proposed text language complies with the review criteria for a legislative amendment in Section 1207.02 of the Yamhill County Zoning Ordinance.
3. The proposed amendments comply with the Yamhill County Comprehensive Plan goals and policies and state statutes

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Rec'd 5/28/97

Oregon Commission on Children & Families

YAMHILL COUNTY CLERK

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COUNTY CARRY OVER PLAN AMENDMENT, 1995-97 BIENNIUM

Date: May 14, 1997
(Due May 31, 1997)

Mail form to: OCCF, Fiscal Section, 530 Center Street NE, Suite 300, Salem, OR 97310

PROGRAMS/PROJECTS TO BE FUNDED	FUNDING TYPE	BUDGET AMOUNT	CONTRACT PERIOD START DATE	CONTRACT END DATE (Limit 12/31/97)	PROPOSED USE/OTHER COMMENTS
Family Friendly Business	JS GS	900 600	7/1/97	12/31/97	Establish a Family Friendly Business Program to enlist businesses in caring for families
Parent Education Campaign	JS GS	700 550	7/1/97	12/31/97	Coordinate a campaign that promotes the idea of parenting education as an accepted and valuable activity. Direct efforts to families of infants.
Commission Marketing	GS	500	7/1/97	12/31/97	Develop and market the Commission in Yamhill County
Amity Community Progress Team	JS GS	1560 1560	07/01/97	12/31/97	Increase community spirit, involvement, support and awareness; provide and coordinate human services and become focal point of community activities through development of family resource center
Homeless/Runaway Youth Respite Care	YI-Gen	4542	07/01/97	12/31/97	Provide respite care for homeless and runaway youth

97-307

Oregon Commission on Children & Families

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PROGRAMS/PROJECTS TO BE FUNDED	FUNDING TYPE	BUDGET AMOUNT	CONTRACT PERIOD START DATE	CONTRACT END DATE (Limit 12/31/97)	PROPOSED USE/OTHER COMMENTS
Community Response Team	JS SRI	22398 4850	07/01/97	09/31/97	Develop community capacity to meet their own needs and provide pre-crisis response in the communities of Newberg, Yamhill and Carlton ✓
Volunteers of Willamina	JS GS	4130 1000	07/01/97	12/31/97	Promote a community that cares about children & families; coordinate human services with other groups, agencies and organizations; provide useful, fun, productive and educational activities for the children in the community. ✓
McMinville Community Progress Team	JS GS	5700 5700	07/01/97	12/31/97	Promote a safe, nurturing, supportive environment for families and individuals; take a leadership role in promoting coordination/collaboration for all community services; address the issues of youth & families that leads to homelessness ✓

Oregon Commission on Children & Families

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Newberg Community Progress Team	JS	6242.65	07/01/97	12/31/97	Make Newberg inviting and welcoming to newcomers in the community; Create opportunities for belonging and practical support for all families in newberg by assisting community members to access local resources and to interact with one another and local service groups; Celebrate and support the contributions of the diverse cultures represented in the Newberg community.
	GS	4153.35			
Dundee Community Progress Team	JS	5222	07/01/97	12/31/97	Develop a community center to serve as an information and referral site; become a focal point of community activities; create useful, fun and educational opportunities for all members of the community. Build collaborative and supportive relationships among all members of the community including, but not limited to law enforcement, government, school, business, churches and service organizations.
	GS	5589			
	SRI	420			

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Lafayette Community Action Team	JS	2832	07/01/97	12/31/97	Maintain and further develop a communication plan which furthers better understanding among all members of the Lafayette community; Create useful, fun and educational opportunities for all members of the Lafayette community; Build a supportive relationship among all members of the Lafayette community including law enforcement, schools, businesses and government. ✓
Carlton Together Progress Team	JS GS	3500 3500	07/01/97	12/31/97	Increase neighborhood attachment and support by offering community/family resources and activities; To involve children of the community in useful and productive activities; Develop and maintain a community outreach center ✓

Oregon Commission on Children & Families

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PROGRAMS/PROJECTS TO BE FUNDED	FUNDING TYPE	BUDGET AMOUNT	CONTRACT PERIOD START DATE	CONTRACT END DATE <small>(Limit: 12/31/97)</small>	PROPOSED USE/OTHER COMMENTS
Sheridan Community Progress Team	GS JS	735 735	07/01/97	12/31/97	Develop community spirit, involvement, support and awareness and to promote an environment that values and supports all of its members; Assist in the development and implementation of a parenting education plan for the community to strengthen families. ✓

LOCAL CCF CHAIR APPROVAL: *[Signature]* 5/14/97 Date: _____

COUNTY BOARD APPROVAL: *Thomas C.C. Smith* 97-307 Date: 5-21-97

REGIONAL COORDINATOR APPROVAL: *Constance G. Carley* Date: 5-28-97