

BEFORE 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 Approval of Amendments to the Yamhill )  
County Zoning Ordinance to Conform with Requirements )  
of the Federal Emergency Management Agency's Flood Insurance ) Ordinance 851  
Rate Maps dated March 2, 2010, Planning Docket G-02-09, and )  
Declaring an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on February 24, 2010, Commissioners Kathy George, Leslie Lewis, and Mary P. Stern being present.

IT APPEARING TO THE BOARD that the Federal Emergency Management Agency has promulgated new Flood Insurance Rate Maps dated March 2, 2010, counties are required to conform their local ordinances to the Federal plan, and

IT APPEARING TO THE BOARD that the Planning Commission heard this matter at a duly noticed public hearing on February 4, 2010 and voted to forward the application to the Board with a unanimous recommendation for approval, and the Board held a duly noticed public hearing on February 17, 2010, and, after hearing from Planning staff (there being no members of the public present) voted unanimously to approve the application, NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved and the Yamhill County Zoning Ordinance §200 and §901 are amended to read as appended as Exhibits "A" and "B", which are hereby incorporated into this ordinance by this reference. 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 on March 2, 2010.

DONE this 24th day of February, 2010, at McMinnville, Oregon.

ATTEST: YAMHILL COUNTY BOARD OF COMMISSIONERS

REBEKAH STERN DOUGLAS  
County Clerk

By *Danell Britt*  
Deputy Anne Britt

APPROVED AS TO FORM: *Leslie Lewis*  
Commissioner

*Rick Sanai*  
Rick Sanai, Assistant County Counsel



*Kathy George*  
KATHY GEORGE

*Mary P. Stern*  
MARY P. STERN

*Leslie Lewis*  
LESLIE LEWIS

**SECTION 200 – DEFINITIONS AND RULES OF CONSTRUCTION**

**201. RULES OF CONSTRUCTION**

**201.01 Interpretations.**

For the purposes of this ordinance, all words, terms and expressions contained herein shall be interpreted in accordance with the following rules of construction, unless the context requires otherwise:

- A. The particular controls the general;
- B. The word "shall" is mandatory, the word "may" is permissive;
- C. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;
- D. The words "used for" or "occupied for" include the words "intended for", "designed for", "arranged to be used for", "erected for", "constructed for", "reconstructed for", "repaired for", "moved for", "structurally altered for" or "extended for the purpose of";
- E. The word "person" includes a "firm", "association", "organization", "partnership", "trust", "company", or "corporation" as well as an "individual"; and
- F. Any word or term not defined herein shall be used with a meaning of common standard use. Any words, terms or phrases not defined herein, shall be construed according to their common, ordinary and accepted meaning.

## 202. DEFINITIONS

[Last amended 09/02/04, Ord 746]

**ABANDONMENT OF SURFACE MINING:** A cessation of surface mining operation for more than five (5) consecutive years when the cessation is not part of an approved Department of Geology and Mineral Industries permit.

**ACCEPTED FARMING PRACTICE:** A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use. [Added 7/9/98; Ord.648]

**ACCESS:** A means of egress and ingress for pedestrians and vehicles to the parcel to which access is required.

**ACCESSORY STRUCTURE:** A structure or building, the use of which is incidental and secondary to the principal structure or building on the same parcel.

**ACCESSORY USE:** A use which is incidental and secondary to the principal use on the same parcel. [Amended 8/23/89; Ord.492]

**AIRCRAFT LANDING FIELD:** Any area of land or water used for the landing and take-off of aircraft, any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. Airport buildings include buildings used for maintenance, service or repair of aircraft. [Added 4/15/87; Ord. 444]

**AIRPORT HAZARD:** Any structure, tree, or use of land which exceeds height limits established by the Airport Imaginary Surfaces. [Added 8/17/88; Ord. 468]

**AIRPORT IMAGINARY SURFACES:** Those imaginary areas in space which are defined by the approach zone, transitional zone, horizontal surface, clear zone, and conical surface and in which any object extending above these imaginary surfaces is an obstruction. [Added 8/17/88; Ord. 468]

**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. [Added 8/23/89; Ord. 492]

**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. [Added 8/23/89; Ord. 492]

**APPROACH ZONE:** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach zone is the same width as the primary surface and extends to a width of: 1250 feet for a utility runway having only visual approaches; 1500 feet for a runway other than a utility runway having only visual approaches; 2000 feet for a utility runway having a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile. The approach zone extends for a horizontal distance of 5000 feet at a slope of 20:1, horizontal:vertical for all utility and visual runways and 10,000 feet at a slope of 34:1 for all nonprecision instrument runways other than utility. [Added 8/17/88; Ord. 468]

**AUTOMOBILE SERVICE STATION:** A use which includes the retail sale of motor fuels, lubricating oils and vehicle accessories and may include the servicing and repair of motor vehicles as an accessory use. An automobile service station is not a repair garage nor a body shop. [Amended 8/23/89; Ord. 492]

**AUTOMOBILE REPAIR GARAGE:** A use which provides for the repair and maintenance of motor vehicles, and includes any mechanical and body work. [Amended 8/23/89; Ord. 492]

**AUTOMOBILE WRECKING YARD:** An area of land used for the storage, wrecking, dismantling, disassembling or sale of inoperable motor vehicles, trailers or farm equipment, or parts thereof. [Amended 8/23/89; Ord. 492]

**BASEMENT:** A portion of a building which has more than one (1) foot but not more than one-half (½) of its height measured from finished floor to finished ceiling above the average grade of the ground. For purposes of Section 901, a basement is any area of a building having its floor subgrade (below ground level on all sides).

**BED AND BREAKFAST INN:** A single-family dwelling where lodging is offered for compensation, having no more than nine (9) sleeping rooms for this purpose. A bed and breakfast inn may offer a morning meal for overnight guests only. A bed and breakfast inn is conducted within the residence of the operator. [Added 7/9/98; Ord.648; Amended 09/02/04, Ord 746]

**BILLBOARD:** A pre-existing off-premise sign or sign assemblage maintained as advertising rental space by a business enterprise.

**BLANKETING:** The visual blocking of one sign by another as seen by a motorist traveling a road or highway.

**BOARD:** The Yamhill County Board of Commissioners.

**BOARDING, LODGING OR ROOMING HOUSE:** A building or buildings where lodging with or without meals is provided for compensation for not less than five (5) persons in addition to members of the family occupying such building or buildings.

**BOARDING OF HORSES FOR PROFIT:** The keeping, breeding, rehabilitation, feeding, training and management of horses for a fee. [Amended 8/23/89; Ord. 492]

**BUILDING:** A structure of a permanent nature having a fixed base on, or fixed connection to, the ground. [Amended 8/23/89; Ord. 492]

**BUILDING INSPECTOR:** The Yamhill County Building Official or the official's duly authorized representative. [Amended 8/23/89; Ord. 492]

**CHURCH:** A nonresidential place of worship which may include but is not limited to a synagogue, temple, mosque, chapel or meeting house. Activities customarily associated with the practices of the religious activity, include worship services, religion classes, weddings, funerals, child care and meal programs. These activities may be prohibited or restricted when it is found that the level of service of public facilities including transportation, water supply, sewer and storm drain systems is not adequate to serve the church. [Added 12/05/02; Ord. 720]

**CLEAR ZONE:** Extends at the same slope and horizontal angle as the approach zone from the primary surface to a point where the approach surface is 50 feet above the runway end elevation. [Added 8/17/88; Ord. 468]

**CLERK:** The Yamhill County Clerk or the clerk's duly authorized representative.

**CLINIC:** A place used for the care, diagnosis or treatment of sick, ailing, infirm or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises.

**CLUB OR LODGE:** A building and/or facilities owned and operated for a social, educational, or recreational, scientific, benevolent or charitable purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public or private kindergarten, school, college or research institution, daycare or rehabilitation facility of any kind.

**COMMERCIAL DAIRY FARM:** A dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by OAR 660-033-0135(5)(a) or (7)(a), whichever is applicable, from the sale of fluid milk. [Added 12/05/02; Ord. 720]

**COMMISSION:** The Yamhill County Planning Commission.

**COMMUNITY SANITARY-SEWER SYSTEM:** A public or private sewage collection, treatment and disposal system, and all appurtenant improvements as approved by the Oregon Department of Environmental Quality. A community sanitary sewer system includes a municipal sanitary sewer system. [Added 5/15/85; Ord. 408]

**COMMUNITY WATER-SUPPLY SYSTEM:** A public or private water supply, treatment, storage, transmission and distribution system, and all appurtenant improvements as approved by the Public Health Engineering Branch, Health Division, Oregon Department of Human Resources. A community water supply system includes a municipal water supply system. [Added 5/15/85; Ord. 408]

**COMPREHENSIVE PLAN:** The generalized, coordinated land-use map and policy statement adopted by County Ordinance No. 62 and all subsequent amendments thereto that covers all unincorporated land in Yamhill County and addresses all functional and natural activities and systems in said unincorporated land. "Land" includes water, both surface and subsurface, and the air. "Coordinated" means the needs of all government, semi-public and private agencies, and the citizens of Yamhill County have been considered and accommodated to the greatest extent possible. "Functional and natural activities and systems" include, but are not limited to, sewer and water systems, transportation systems, educational facilities, natural resources and air and water quality management programs and other topics of local importance.

**CONDITIONAL USE:** A use not permitted outright in a zoning district but which may be allowed by 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. [Amended 8/23/89; Ord. 492]

**CONICAL SURFACE:** A surface extending upward at a slope of 20:1 for a distance of 4,000 feet from the periphery of the horizontal surface. [Added 8/17/88; Ord. 468]

**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. [Added 8/23/89; Ord. 492]

**COUNTY:** The unincorporated area of Yamhill County, Oregon.

**DIRECTOR:** The Yamhill County Planning Director or the Director's duly authorized representative.  
[Amended 8/23/89; Ord. 492]

**DWELLING:** A building containing one (1) dwelling unit designed for and occupied by one (1) family only. The term dwelling includes a manufactured dwelling but does not include a hotel, motel, travel trailer, boarding, lodging or rooming house, private hospital, rest home or nursing home or other accommodations used for transient occupancy.  
[Amended 12/05/02; Ord. 720]

**DWELLING, DUPLEX:** A building containing two (2) dwelling units, designed for and occupied by not more than two (2) families.

**DWELLING, MULTI-FAMILY:** A building containing three (3) or more dwelling units, designed and occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units.

**DWELLING UNIT:** One (1) room or rooms connected together, constituting an independent housekeeping establishment designed and used for occupancy by one (1) family, including dependent relatives, caretakers, and servants as appropriate.  
[Amended 8/23/89; Ord. 492]

**FAMILY:** One or more person 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.  
[Amended 8/23/89; Ord. 492]

**FARM USE** - The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" also includes the current employment of land for the primary purpose of obtaining profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in the subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3), or land described in ORS 321.267(1)(e) or 321.415(5).  
[Added 7/9/98; Ord.648]

**FLOOD, BASE:** A flood, the level of which has a one percent chance of being equaled or exceeded in any given year. Commonly referred to as a 100-year flood. Designation on maps always includes the letters A or V.

**FLOOD FRINGE:** The area of the floodplain lying outside of the floodway.  
[Added 8/23/89; Ord. 492]

**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.  
[Added 8/23/89; Ord. 492]

**FLOOD INSURANCE STUDY:** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

**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.  
[Added 8/23/89; Ord. 492]

**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.  
[Added 8/23/89; Ord. 492]

**FLOODPLAIN:** The area adjoining a river, stream, or watercourse which may be subject to periodic inundation of floodwaters and is subject to a one percent or greater chance of flooding in any given year. Also called the area of special flood hazard.

**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.  
[Added 8/23/89; Ord. 492]

**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.

**FLOOR AREA:** The sum of the areas of each story of a building measured between the exterior walls of such building, but excluding garages and attic space providing headroom of less than seven feet.

**GRADE:** The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

**HEARINGS OFFICER:** The Yamhill County Hearings Officer.

**HEIGHT:** The vertical distance from the finished grade to the highest point of the structure.

**HOME OCCUPATION:** An 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. "Home occupation" does not include the retail sale of products unless such sales are secondary to the primary home occupation use.  
[Amended 4/15/87; Ord. 444; Amended 8/23/89; Ord. 492; Amended 7/9/88; Ord. 648]

**HORIZONTAL SURFACE:** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the primary surface of each visual or utility runway, and 10,000 feet from the center of each end of the primary surface of all other runways and connecting the adjacent arcs by lines tangent to those areas.

**HOSPITAL, PRIVATE:** A use which provides for the care of the sick, ailing, infirm, injured or aged other than in a public hospital, and includes convalescent homes and nursing homes.

**KENNEL:** A site providing for the accommodation of four (4) or more dogs of licensable age under the Yamhill County Dog Control Ordinance, where such dogs are kept for board, propagation, training, or sale.

[Amended 8/23/89; Ord. 492]

**LIVESTOCK:** Domestic animals of types customarily raised or kept on farms for profit or other purposes, but not including household pets.

**LIVESTOCK FEEDING YARD:** An enclosure or structure of 1,000 square feet or more in ground area designed or used for the concentrated feeding or fattening of livestock for marketing; or an enclosure or structure of less than 1,000 square feet in ground area designed or used for the concentrated feeding or fattening of five (5) or more head of livestock for marketing.

**LIVESTOCK SALES YARD:** A enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

**LOT:** See "Parcel".

**LOWEST FLOOR, FLOOD:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building or access storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**MANUFACTURED HOME:** Any of the following:

- a. Residential trailer: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed before January 1, 1962.
- b. Mobile home: a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- c. Manufactured home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

- d. A manufactured home does not include any unit identified as a recreational vehicle by the manufacturer.

[Added 7/9/98; Ord.648]

**MINERAL RESOURCE:** Sand, gravel, rock, stone, precious metals, oil, gas, coal, ore, soil or other earth materials.

**MINERAL RESOURCE EXTRACTION:** The initial removal or excavation of a mineral resource from the deposit area by mechanical techniques, including the removal of overburden and stockpiling of the raw material.

**MINERAL RESOURCE PROCESSING:** The blasting, crushing, washing, screening, weighing, sorting, blending or refining of mineral resources.

**MINERAL RESOURCE SITE/OPERATION:** A tract of land from which mineral resources are removed or excavated, stockpiled or processed for sale and intended for use off-premise as commercial or industrial products through retailing, wholesaling, contract purchase or other means. Operation does not include site preparation such as land clearing.

**MOTEL:** One (1) or more attached or detached buildings containing housekeeping or sleeping units designed and used for the temporary accommodation of tourists or transients with off-street parking space for each such unit.

**NONCONFORMING USE:** A building, structure or use which was legally established prior to the adoption of any provision of this ordinance with which the building, structure or use does not comply.

**OAR:** Oregon Administrative Rule

[Added 7/9/98; Ord.648]

**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 302.

[Amended 8/23/89; Ord. 492]

**OPEN SPACE:** Any land so designated by the Comprehensive Plan, or any land area, the preservation of which in its present use would:

- A. Conserve and enhance natural or scenic resources;
- B. Protect air or streams or water supply;
- C. Promote conservation of soils or wetlands;
- D. Conserve landscaped areas, such as public or private golf courses, which reduce pollution and enhance the value of abutting or neighboring property;
- E. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;
- F. Enhance recreation opportunities;

- G. Preserve historic sites;
- H. Promote orderly urban or rural development; or
- I. Retain in their natural state tracts of land, on such conditions as may be reasonably required by Yamhill County.

**ORS:** Oregon Revised Statutes

[Added 7/9/98; Ord.648]

**OWNER:** An owner of land or the authorized agent of an owner.

**PARCEL (or LOT):** A unit of land 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.

[Amended 8/23/89; Ord. 492]

**PARCEL COVERAGE:** The area of a parcel covered by a building or buildings expressed as a percentage of the total parcel area.

**PARCEL DEPTH:** The mean horizontal distance between the front parcel line and the rear parcel line of a parcel.

**PARCEL LINE, FRONT:** Any boundary line separating the parcel from a public road. Where a parcel has no frontage on a public road, the front parcel line is the line of the easement or private road which serves the parcel and which is nearest to the principal dwelling, if any.

**PARCEL LINE, REAR:** The boundary line or lines most distant from the front parcel line and not intersecting a front parcel line.

**PARCEL LINE, SIDE:** Any boundary line not a front or rear parcel line.

**PARCEL SIZE:** The total horizontal area within the parcel lines of a parcel.

**PARCEL, THROUGH:** A parcel, other than a corner parcel, that abuts on two (2) or more roads.

**PARCEL WIDTH:** The mean horizontal distance between the side parcel lines of a parcel measured within the parcel boundaries.

**PARK:** Any public or private land reserved for recreational, educational, cultural, or open space uses.

[Added 7/9/98; Ord.648]

**PARKING SPACE, OFF-STREET:** A space adequate for parking one (1) automobile with room for opening doors on both sides, together with properly related access to a road or alley and maneuvering room.

**PERMITTED USE:** A use permitted outright in a zoning district which complies with all of the regulations applicable in that district.

[Amended 8/23/89; Ord. 492]

**PLACE OF PUBLIC ASSEMBLY:** A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity. [Added 8/17/88; Ord. 468]

**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. [Amended 8/23/89; Ord. 492]

**PRIMARY SURFACE:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 250 feet for utility runways having only visual approaches, 500 feet for utility runways having nonprecision instrument approaches and 500 feet for other than utility runways. [Added 8/17/88; Ord. 468]

**PRINCIPAL DWELLING:** The primary dwelling on any parcel.

**PRINCIPAL USE:** The primary use of a lot or parcel, which may be either a permitted or conditional use. [Amended 8/23/89; Ord. 492]

**PUBLIC WORKS DEPARTMENT:** The Yamhill County Department of Public Works. [Added 8/23/89; Ord. 492]

**RECREATIONAL VEHICLE (or RV):** A travel trailer, camper, motor home, or other unit built on a single chassis, designed to be self-propelled or permanently towable by a light duty truck, and that is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use or emergency purposes, and that has a gross floor area not exceeding 400 square feet. [Added 7/9/98; Ord. 648]

**RECREATIONAL VEHICLE (or RV) PARK:** Any lot or tract developed primarily to provide parking and related services to two or more transient recreational vehicles on a fee basis. [Added 7/9/98; Ord. 648]

**RESIDENTIAL FACILITY:** A residential care, residential training, or residential treatment facility licensed or registered by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460, or licensed by the Children's Services Division under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. [Added 3/19/98; Ord. 643]

**RESIDENTIAL HOME:** A residential treatment or training or an adult foster home licensed under the authority of the Department of Human Resources, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS

443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. [Added 3/19/98; Ord. 643]

**RESORT**: Any area of land or water used for open-land commercial or private recreation where overnight lodging, meals, and related tourist services are provided in conjunction with such recreational use.

**ROAD**: Any public or private access road, street, alley, highway, walkway easement or way platted, recorded or shown on any official map, whether or not such street is actually developed or used.

**ROAD DEPARTMENT**: The Yamhill County Road Department, otherwise referred to as the Public Works Department. [Amended 8/23/89; Ord. 492]

**SANITARIAN**: The Yamhill County Senior Environmental Health Specialist or the Specialist's authorized representative.

**SCHOOL**: A public or private elementary school, grade school, middle school, junior high school, high school, college or university. The term "school", as used in this ordinance, does not include commercial operations which offer classes of a primarily recreational nature. [Added 7/9/98; Ord. 648]

**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. [Amended 8/23/89; Ord. 492]

**SETBACK**: The horizontal distance measured perpendicularly from the property line to the nearest point of any structure on any parcel. Ordinary building projections such as eaves, bay windows, and chimneys, and unroofed decks or porches not more than 30 inches above ground level are not subject to setback requirements. [Amended 1/14/99; Ord. 668]

**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 two (2) square feet in area and bearing only property 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.
- B. Flags and insignia of any government, except when displaced 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.

[Amended 8/23/89; Ord. 492]

**SIGN, FLASHING:** Any illuminated sign within or upon which the illumination is not maintained stationary and constant in intensity and color.

[Amended 8/23/89; Ord. 492]

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

[Amended 8/23/89; Ord. 492]

**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.

[Amended 8/23/89; Ord. 492]

**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.

[Added 8/23/89; Ord. 492]

**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.

[Added 8/23/89; Ord. 492]

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

[Amended 8/23/89; Ord. 492]

**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 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.

[Amended 8/23/89; Ord. 492]

**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.

[Amended 8/23/89; Ord. 492]

**STRUCTURE:** Something constructed or built and having a fixed base on, or fixed construction to the ground or another structure. For purposes of Section 901, a walled and roofed building including a gas or liquid storage tank that is principally above ground.

**STRUCTURAL ALTERATION:** Any change to the supporting members of a building, including foundations, bearing walls or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.

**TRANSITIONAL ZONES:** A surface extending upward at a slope of 7:1 beginning on each side of the primary surface, and from the sides of the approach zones, then extending upward to a height of 150 feet above the airport elevation. [Added 8/17/88; Ord. 468]

**TRAVEL TRAILER:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet. [Amended 7/9/98; Ord.648]

**TRAVEL TRAILER SPACE:** An area in a travel trailer park used for one (1) travel trailer.

**USE:** The purpose for which land or a building or structure is used, designed, arranged or intended, or for which it is occupied or maintained.

**UTILITY:** Any area of land or any structure used for the generation, storage conversion or transfer of energy or for communication facilities, such as telephone, telegraph, radio or television, or for municipal water or wastewater treatment. [Amended 1/14/99; Ord.668]

**UTILITY RUNWAY:** A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less. [Added 8/17/88; Ord. 468]

**VARIANCE, FLOOD:** For purposes of Section 901, a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

**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. For purposes of Section 901, a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

**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. [Amended 8/17/88; Ord. 468]

**YARD:** A required open area unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded parcel upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

**YARD, FRONT:** Any yard abutting a street or lying parallel to the front parcel line.

**YARD, REAR:** Any yard abutting a rear parcel line.

**YARD, SIDE:** Any yard abutting a side parcel line.

**YURT:** A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

[Added 12/05/02; Ord. 720]

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**SECTION 900 – OVERLAY DISTRICTS**

**901. FLOODPLAIN OVERLAY DISTRICT (FP)**

**901.01 Purpose.**

The purpose of the FP Overlay District is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood damage by establishing methods and provisions designed to recognize such hazards.

**901.02 Area of Application**

- A. The provisions of this section shall apply to all areas of special flood hazards in the county identified as the FP Overlay District, and includes those areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Yamhill County, Oregon" dated March 2, 2010, with accompanying Flood Insurance Rate Map (FIRM), which study and map are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and FIRM are on file at the Yamhill County Department of Planning and Development, McMinnville, Oregon.
- B. The FP Overlay District shall be combined with at least one (1) underlying zoning district, and may be combined with any zoning district pursuant to this ordinance. All property within the FP Overlay District shall be subject both to the provisions of this section and to the provisions of the underlying zoning district. Nothing in this section shall be construed as a waiver or suspension of the provisions of any underlying zoning district.

**901.03 Use of Other Base Flood Data.**

In areas of the FP Overlay District for which flood elevation data are not provided by the FIRM in accordance with subsection 901.02, the applicant shall supply to the county other base flood elevation and floodway data or any other evidence available from governmental or private sources that is identified by the county as data appropriate to demonstrate compliance with subsection 901.10 and the flood protection standards of this section.

**901.04 Floodplain Overlay District Use Provisions.**

All uses of land and water provided for in the underlying zoning district may be permitted in the FP Overlay District, with the provisions that those uses shall require a floodplain development permit, and shall be subject to the provisions set forth in subsection 901.05 through 901.14. The following uses shall not require a floodplain development permit unless the uses involve fill or are otherwise determined to constitute construction or development:

- A. Residential uses such as lawns, gardens, parking areas and play areas.
- B. Agricultural uses such as farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry sod farming and wild crop harvesting.

**901.05 Floodplain Development Permit Application.**

Except as provided in subsection 901.04, a floodplain development permit shall be obtained before the start of any construction or development within the FP Overlay District. In the event a variance is necessary for construction within the floodplain, such application shall be processed in conjunction with the floodplain permit application, and shall be subject to the provisions of subsection 901.18.

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

- A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
- B. Elevation, expressed in feet above mean sea level, to which any structure has been floodproofed.
- C. Certification by a registered professional engineer or architect that the proposed floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 901.08.
- D. Specific data regarding the extent to which any watercourse will be altered or relocated as a result of the proposed development.

**901.06 Floodplain Development Permit Criteria.**

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

- A. The proposed development conforms with the permit requirements and conditions of this section and the use provisions, standards and limitations of the underlying zoning district and other overlay district.
- B. The proposed development, if located within the floodway, satisfies the provisions of subsection 901.09.
- C. The proposed development will not increase the water surface elevation of the base flood more than one (1) foot at any point.
- D. All applicable permits have been obtained from federal, state or local governmental agencies, and all applicable National Flood Insurance Program requirements have been satisfied.
- E. The proposed development is consistent with policies j. and k. of the Comprehensive Plan, as amended by ordinance 471.

**901.07 Floodplain Overlay District General Standards.**

In all areas within the FP Overlay District the following standards shall apply:

- A. Manufactured Homes.
  - 1. Manufactured homes shall be anchored in accordance with subsection 901.07 B.
  - 2. No manufactured home park or mobile home subdivision shall be developed in the FP Overlay District.
- B. Anchoring.
  - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure. Except in the case of a manufactured home, elevation of a structure on fill above the base flood level shall be considered to satisfy the anchoring requirement.
  - 2. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors, subject to the following specifications:
    - (a) Over-the-top ties shall be provided at each corner of the manufactured home, with two (2) additional ties per side at intermediate points, or with one (1) additional tie per side for manufactured homes less than fifty (50) feet in length.
    - (b) Frame ties shall be provide at each corner of the manufactured home, with five (5) additional ties per side at intermediate points, or with four (4) additional ties per side for manufactured home less than fifty (50) feet in length.

- (c) All components of the anchoring system shall be capable of withstanding a force of 4,800 pounds per square inch.
- (d) Any structure appurtenant to the manufactured home shall be similarly anchored.

C. Construction Materials Methods and Certification.

- 1. All new construction and substantial improvements to existing structures shall be constructed with materials and utility equipment resistant to flood damage.
- 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- 3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 4. All new construction and substantial improvements with fully enclosed areas below the floor and subject to flooding shall be designed to automatically equalize the hydrostatic forces to exterior walls by allowing entry and exit of floodwaters. A minimum of two openings having a total net area of not less than one square inch for every square foot of floor area subject to the flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade, and may be equipped with screens, louvers, or other devices that automatically permit entry and exit of floodwaters.
- 5. All nonresidential construction shall include certification by a registered professional engineer or architect that the standards of this subsection subsection 901.08 (A) are satisfied based on their development and/or review of the structural design, specifications and plans.

D. Utilities and Services.

- 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- 2. New and replacement sanitary sewage systems shall be designed and located to minimize or eliminate flood water infiltration and contamination resulting from discharge of effluent consistent with the requirements of the Oregon Department of Environmental Quality (DEQ).
- 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the DEQ.

E. Subdivision Proposals.

No new subdivisions shall be allowed in floodway areas. New subdivisions in flood fringe areas shall be subject to the following:

1. All subdivision proposals shall be consistent with the requirement to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Base flood elevations in feet above mean sea level shall be provided for all subdivisions and other proposed developments which contain at least 50 lots or 5 acres, whichever is less, in the FP Overlay District.

F. Fills and Levees.

Except for approved relocation of a water course, no fill or levee shall extend into a floodway area. Fills or levees in a flood fringe area shall be subject to the following:

1. Fills shall consist only of natural materials such as earth or soil aggregate and including sand, gravel and rock, concrete and metal.
2. Any fill or levee must be shown to have a beneficial purpose and therefore to be no greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled or diked land will be put and the final dimensions of the proposed fill.
3. Such fill or levee shall be protected against erosion by vegetative cover, rip-rap, bulkheading or similar provisions.

**901.08 Specified Standards for Areas Where Base Flood Elevation Data are Available.**

In the FP Overlay District where base flood elevation data have been provided, as set forth in subsection 901.02 or 901.03, the following standards shall apply:

- A. For any new residential construction and substantial improvement of any residential structure, the lowest floor level shall be one (1) foot above the base flood elevation. New construction and substantial improvement of any commercial, industrial or other nonresidential structures and accompanying utility and sanitary facilities shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or be subject to the following:
  1. Be floodproofed so that all portions of the structure below the base flood level are watertight, with walls that are substantially impermeable to the passage of water.
  2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- B. For the placement of a manufactured home the lowest floor level shall be one (1) foot above the base flood elevation, and the above basement provisions shall be satisfied, if applicable. In addition, the mobile home must be elevated on a permanent foundation and is subject to the anchoring requirements in subsection 901.07 (B).

- C. Recreational vehicles placed on sites are required to either:
  - 1. Be on the site for fewer than 180 consecutive days; or
  - 2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type security devices, and has no permanently attached additions.

**901.09 Floodway or Watercourse Development Provisions.**

- A. The placement of any dwelling in the floodway shall be prohibited.
- B. Except those uses provided for in subsection 901.04, all development in the floodway shall be prohibited unless certification is provided by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in conformance with standard engineering practice that the proposal will not result in any increase in flood levels during the occurrence of the base flood discharge.
- C. For any proposed alteration or relocation of a floodway, or watercourse a floodplain development permit shall be required, and approval of the permit shall be subject to the following additional requirements:
  - 1. Adjacent communities, the State Department of Land Conservation and Development, and other appropriate state and federal agencies shall be notified by the Director of any proposed alteration or relocation of a watercourse, and evidence of such notification shall be submitted to the Federal Insurance Administration.
  - 2. All appropriate state and federal permits shall be obtained.
  - 3. It shall be the applicant's responsibility to maintain the altered or relocated portion of said watercourse so that its flood carrying capacity is not diminished.

**901.10 Review of Permits in Generalized Floodplain Areas.**

Where specific flood elevation data are not available, pursuant to subsections 901.03 and 901.04, applications for floodplain development permits shall be reviewed to ensure that the proposed development will be reasonably safe from flooding or resistant to flood damage. In determining whether the proposed floodplain development is reasonably safe, historical data, high water marks, photographs of past flooding, etc. shall be utilized, where available. In addition to the applicable requirements of this section, the following factors shall be considered when reviewing a floodplain development permit for any proposal in an area where specific flood elevation data are not available:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of those systems to prevent disease, contamination and unsanitary conditions.
- D. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage. The importance of the services provided by the proposed facility to the community.

- E. The compatibility of the proposed use with existing and anticipated development. The requirements of the facility for a waterfront location.
- F. The relationship of the proposed use to the Comprehensive Plan and any floodplain management program of the area.
- G. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- H. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

**901.11 Conditions of Approval.**

In approving an application for a floodplain development permit, the decision-making body may impose such conditions as it deems appropriate to ensure the intent of this section is carried out. Such conditions shall be reasonably related to the applicable criteria and standards set forth in subsections 901.08 through 901.10.

**901.12 General Requirements.**

Any floodplain development permit authorized pursuant to this ordinance shall be subject to the following additional requirements:

- A. An authorized floodplain development permit is not personal to the applicant and shall be deemed to run with the land, provided the subsequent owner or developer adheres to the specific proposal originally approved and complies with conditions of approval.
- B. A floodplain development permit involving construction shall become null and void one (1) year from the date it is granted unless substantial construction has taken place. The Director may extend the permit for an additional one (1) year period upon receipt of a written request for extension 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 the expiration date of the permit. In the event that a permit expires prior to renewal, the Director may require a new application fee.
- C. Where base flood elevation data has been provided, as set forth in subsection 901.02 or 901.03, the actual elevation (in relation to mean sea level) of the lowest floor, including basements and below-grade crawl-spaces, of all new or substantially improved structures must be obtained from the applicant and the elevation, together with information regarding whether the structure contains a basement, must be recorded on the building permit and or the Elevation Certificate provided by FEMA.
- D. For all new or substantially improved floodproofed structures, the Planning Director must verify and record the actual elevation of the structure (in relation to mean sea level) and maintain the floodproofing certifications required in subsection 901.07(C)(5).
- E. All records pertaining the provisions of this section are to be maintained for public inspection.

**901.13 Appeals.**

Appeal of any decision made pursuant to this section shall be as provided in Section 1404 of this ordinance.

**901.14 Warning and Disclaimer of Liability.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that areas outside of the FP Overlay District or uses permitted within such district will be free from flooding or flood damages. This section shall not create liability on the part of Yamhill County or any officer or employee thereof, for any flood damages that result from reliance on this Section or any decision lawfully made thereunder.

**901.15 Map Revisions.**

Floodplain/floodway maps may be revised in accordance with provisions of the National Flood Insurance Program outlined in the Federal Register 44 CRF Part 70, upon approval of the Federal Emergency Management Agency.

**901.16 Denial of Flood Insurance Coverage.**

In the event that the county finds a violation of floodplain ordinance provisions or a violation of other National Flood Insurance Program requirements, a declaration shall be submitted to the Federal Emergency Management Agency, according to the provisions of 44 CRF Part 70, notifying them of the violation(s), and resulting in the denial of floodplain insurance eligibility for the property in violation.

**901.17 Rate Criteria and Notice.**

In the event that the lowest floor of proposed construction is not elevated at least two feet above the highest adjacent grade in floodplain areas where elevation data is not available, higher insurance rates may result.

Applicants floodproofing non-residential buildings are hereby notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level.

**901.18 Floodplain Variance Criteria**

A variance to this Section may be authorized, pursuant to the Type B application procedure set forth in Section 1301 and upon consideration of the factors listed in subsection 901.10.

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