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**BY-LAWS
PLANNING COMMISSION**

RULES TO GOVERN THE CONDUCT OF
BUSINESS OF THE YAMHILL COUNTY PLANNING COMMISSION
AMENDMENT

Article II, "Membership", §4, is amended to read as follows:

- "4. The Commission shall make recommendations to the County Board of Commissioners for appointing members to the Planning Commission. In considering new members the Commission shall strive for geographic balance. Two (2) members shall reside within the corporate limits of a city, five (5) members shall reside within the unincorporated areas of the county. No more than two (2) members shall be engaged in any facet of real estate, nor engaged in the same kind of business, trade, or profession."

All other provisions adopted to govern the conduct of business on August 27, 1980, and as amended December 17, 1980, remain in full force and effect.

APPROVED:

By:

Secretary

Yamhill County Planning Commission

Chairman

Yamhill County Planning Commission

Date: 7-25-05

ADOPTED BY:

YAMHILL COUNTY BOARD OF COMMISSIONERS

MARY P. STERN, Chairman

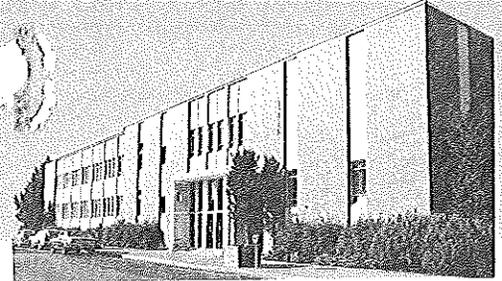
LESLIE LEWIS, Commissioner

KATHY GEORGE, Commissioner

Date: 7/27/05

YAMHILL COUNTY

Oregon



DEPARTMENT OF PLANNING &
DEVELOPMENT

RULES TO GOVERN THE CONDUCT OF BUSINESS OF THE YAMHILL COUNTY PLANNING COMMISSION

Pursuant to the provisions of ORS 215.040(4), the following rules were adopted at a meeting of the Yamhill County Board of Commissioners on August 27, 1980.

Amended December 17, 1980

ARTICLE I. AUTHORITY

The Yamhill County Planning Commission was created by an unnumbered Yamhill County Ordinance on November 6, 1957, in accordance with ORS 215.020.

ARTICLE II. MEMBERSHIP

1. The County Planning Commission shall consist of nine (9) members appointed by the County Board of Commissioners for four-year terms, or until their respective successors are appointed and qualified.
2. Any vacancy shall be filled by the County Board of Commissioners who may after hearing remove any member for misconduct or non-performance of duty. Unexcused absences from three (3) consecutive meetings, including regular and special work sessions, or unexcused absences from more than fifty percent (50%) of such meetings held during a calendar year constitutes nonperformance. An excused absence may be obtained by contacting the Chairman of the Planning Commission or the Planning Director, who shall communicate the request to the Chairman, at least twenty-four (24) hours prior to any scheduled Planning Commission meeting. No member of the Planning Commission may be excused from more than three (3) regular Planning Commission meetings during any calendar year.
3. Members of the Commission shall serve without compensation other than reimbursement for duly authorized expenses.
4. The Commission shall make recommendations to the County Board of Commissioners for appointing members to the Planning Commission. In considering new members the Commission shall strive for geographic balance. Three (3) members shall reside within the corporate limits of a city, five (5) members shall reside within the unincorporated areas of the County; and one (1) member may reside in either. No more than two (2) members shall be engaged in any facet of real estate, nor engaged in the same kind of business, trade or profession.

ARTICLE III. ORGANIZATION

1. The County Planning Commission shall elect a chairman and a vice chairman whose terms shall be for one year. The Commission shall elect a chairman and vice chairman, by ballot, during each December. The Commission members shall forward their ballots to the Secretary of the Planning Commission no later than the 31st day of December of each year. Said Secretary shall tabulate the results and inform the Commission at its first meeting in January each year. The newly elected officers shall assume office at the first meeting in January, and their terms shall commence on January 1 of said year and shall end on the 31st day of December in the year in which they took office.

The Planning Commission may also create and fill such other offices, for such terms as it may deem appropriate.

2. The Chairman of the Planning Commission shall be the presiding officer at all Planning Commission meetings. He is authorized to sign all documents for the Commission.
3. The Vice-Chairman shall be the presiding officer in the absence of the Chairman.
4. The Planning Director shall be requested to serve as Secretary to the Commission and shall keep an accurate, permanent and complete record of all proceedings of the Commission.
5. The Secretary to the Commission shall be responsible for the preparation of Commission minutes.
6. Subject to the direction of the Board of Commissioners, the Planning Director shall be requested to perform the following duties:
 - a. Conduct all correspondence of the Commission, send out all notices required by law or ordinance, attend all meetings and hearings of the Commission unless excused by the Chairman, keep the dockets and minutes of the Commission's proceedings, compile all required records, and maintain the necessary files and indexes.
 - b. Enter in the record the number of appeals or applications, the name of the appellant or applicant, a short description by street number and/or legal description of the premises, the nature of the appeal or application, and the final disposition after the case has been disposed of.
 - c. Enter in the record all continuances, postponements, date of sending notices, and other steps taken or acts don

- c. Enter in the record all continuances, postponements, date of sending notices, and other steps taken or acts done by the Commission or its officers on behalf of the Commission.
 - d. Enter in the minutes the decision relating to each case acted on by the Commission together with the vote of each member of the Commission, those absent or failing to vote being so marked, together with all other actions of the Commission.
 - e. Prepare the agenda for all meetings.
 - f. Coordinate functions with other departments, agencies and officers of the County that are related to planning for the use of lands within the County.
7. The Planning Commission may establish such committees or subcommittees as it deems advisable and assign each committee specific duties or functions. The Chairman shall designate the members of each committee, and shall name the chairman of each committee. The Planning Commission may designate both the chairman and the members by majority vote.

ARTICLE IV. MEETINGS

1. All Planning Commission meetings shall be open to the public.
2. The Planning Commission shall hold public hearings at such times and places as it deems necessary and appropriate, provided that the Planning Commission shall hold a public meeting at least once a month.
3. Special meetings may be held provided each member is notified at least three (3) days in advance. Where three-day notice is not given, eight (8) members shall constitute a quorum.
4. A quorum shall consist of five (5) members of the Commission. Should there not be a quorum present, the members present shall adjourn to the next regular meeting or an earlier date. In case of the absence of both the Chairman and the Vice-Chairman at any meeting, a quorum being present, the office of both or either of them shall be filled pro tem from the members present and the business shall be transacted as if the regular officers were present.
5. The presiding officer of the Commission may limit the time during which persons appearing before the Commission may speak, provided that the minimum limit shall not be less than one (1) minute per person and that said officer shall announce the time limit prior to opening the meeting to the particular items on the agenda to which the time limit applies.

6. The order of business at all meetings shall be as follows:
 - a. Except as provided in subsection (b) hereunder, the order of business shall be as follows:
 - i. Roll Call;
 - ii. Approval of minutes of previous meeting if correction approval is necessary.
 - iii. Communications from the County Board of Commissioners;
 - iv. Public hearings on:
 - (1) Variances;
 - (2) Conditional use permits;
 - (3) Road names;
 - (4) Zone Changes;
 - (5) General.
 - v. Adjournment.
 - b. The Secretary (Planning Director) may, in the preparation of agendas, alter the order of business as designated in subsection (a) (iv) above to better serve the convenience of applicants, officials of agencies who are called upon to testify, and the general public. Reasons for altering the order of business may include lengthy agendas, the need to call upon special or expert testimony, conflicts with other public meetings, special circumstances unique to a particular agenda item, or other conditions which in the opinion of the Secretary warrant the alteration of the order of business.
 - c. No item of business shall be considered unless it appears on the agenda sent to each member by the Secretary.
7. When the Planning Commission considers docket items within one (1) mile of any incorporated area or when the Planning Director considers the docket item to be of critical interest to that city, the chairman of that city's planning body, or his representative, shall be invited to participate in the Planning Commission's deliberations. He shall have all the privileges of Commission members with the exception of making motions, seconding motions, and voting.

8. Minutes of any meeting of the Planning Commission shall be automatically approved if no corrections are noted and reported to the Planning Department staff within seven (7) days of the date the minutes are mailed. If corrections or clarifications are requested, approval of the Minutes shall be an order of business at the next Planning Commission meeting.

ARTICLE V. VOTING

1. Voting on all docket items shall be by roll call. Votes on all procedural items shall be by voice vote or by a show of hands.
2. Each voting member of the Commission shall be entitled to vote at all regular and special meetings of the Commission, except member shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: The member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken. If a member wishes to abstain in a situation where there is no direct pecuniary conflict of interest but a conflict deriving from his relationship with the person involved, he may ask the Commission whether he may abstain. If the Commission says "no," he must vote. This provision is intended to relate to close relatives and to professional relationships as well as to friendships.
3. The Chairman of the Commission or the presiding officer, if another Commission member presides, shall vote with the other Commissioners in the transaction of any business and on all matters coming before the Commission.
4. When a matter is called for a vote, the presiding officer shall, before a vote is taken, state the question before the Planning Commission in exact terms and shall announce the decision of the Planning Commission after each vote.
5. The affirmative vote of at least five (5) members shall be required to pass a Resolution which would constitute a recommendation to the Yamhill County Board of Commissioners to adopt or amend any comprehensive plan prepared under ORS 215.050.
6. The affirmative vote of at least five (5) members shall be required to pass a resolution which would constitute a recommendation to the County Board of Commissioners on any proposed adoption or amendment of any zoning ordinance prepared under ORS 215.104 or 215.110.

ARTICLE VI. PARLIAMENTARY AUTHORITY

In cases not provided for by these rules, the Commission shall be governed by the law and practices laid down in the latest edition of Roberts' Rules of Order Revised.

ARTICLE VII. AMENDMENTS AND SUSPENSION OF BYLAWS

No rule shall be suspended without the concurrence of two-thirds of the members present. No additional rule or amendment shall be made without the concurrence of the Board of Commissioners, and no additional rule or amendment shall be made by the Board of Commissioners without giving at least thirty (30) days notice to the members of the Planning Commission.

APPROVED:

By: DAVE BISHOP
Dave Bishop, Secretary
Yamhill County Planning
Commission

Charles Heckman
Chuck Heckman, Chairman
Yamhill County Planning
Commission

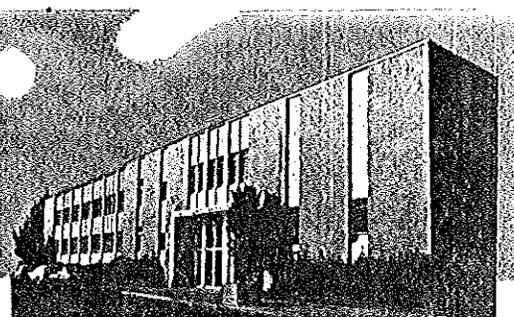
August 27, 1980
Date

ADOPTED BY: YAMHILL COUNTY BOARD OF COMMISSIONERS

Ted Logunyszynski
John P. Macaulay
Colin Armstrong
August 27, 1980
Date

YAMHILL COUNTY

Oregon



DEPARTMENT OF PLANNING &
DEVELOPMENT

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and supercedes the By-Laws adopted by the Yamhill County Planning Commission on May 16, 1973 with subsequent Amendments of August 7, 1973, January 8, 1974, March 4, 1975, October 7, 1975, July 8, 1980 & August 21, 1980

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August 27, 1980
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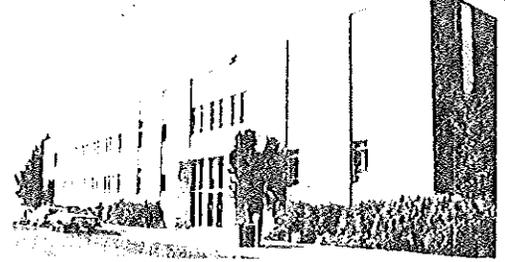
ADOPTED BY: YAMHILL COUNTY BOARD OF COMMISSIONERS

Ted Logunyszynski
John P. Macaulay
Colin Armstrong

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YAMHILL COUNTY

Oregon



DEPARTMENT OF PLANNING &
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APPROVED:

By: DAVE BISHOP
Dave Bishop, Secretary
Yamhill County Planning
Commission

Charles Heckman
Chuck Heckman, Chairman
Yamhill County Planning
Commission

August 27, 1980
Date

ADOPTED BY: YAMHILL COUNTY BOARD OF COMMISSIONERS

Ted Loguzynski

John P. Macaulay

Colin Armstrong

August 27, 1980
Date

Plan *file*

80-744
DEC 24 1980

FOR THE COUNTY OF YAMHILL

FILED
YAMHILL COUNTY, OREGON

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

DEC 23 11 35 1980

YAMHILL COUNTY
DEPT. OF PLANNING AND DEVELOPMENT
An Amendment to)
Article II Section 4 of the Rules)
to Govern the Conduct of Business)
of the Yamhill County Planning)
Commission)

BOARD ORDER NO. 80-744

WALTON GATT
COUNTY CLERK
DEPUTY

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 17th day of December, 1980, sat for the transaction of County business, in regular session, Commissioners Ted Lopuszynski and John P. Macaulay being present.

IT APPEARING TO THE BOARD that, the Board of Commissioners adopted Rules to Govern the Conduct of Business of the Yamhill County Planning Commission (By-Laws) on August 27, 1980; and

IT FURTHER APPEARING TO THE BOARD that, said By-Laws provide that the Planning Commission membership shall be comprised of no fewer than five (5) members residing outside cities and no fewer than four (4) members residing within cities; and

IT FURTHER APPEARING TO THE BOARD that, it is the wish of the Planning Commission membership to allow more flexibility in membership composition and, therefore, amend said By-Laws Article II Section 4 to provide that the Planning Commission membership shall be comprised of no fewer than five (5) members residing outside cities and no fewer than three (3) members residing within cities and one (1) member residing either within or outside cities; and

IT FURTHER APPEARING TO THE BOARD that, 30 days notice has been given to each member of the Planning Commission of the proposed amendment to the above mentioned Rules;

AND THEREFORE, Article II Section 4 of said By-Laws are hereby amended as follows:

1. That the existing Article II, Section 4 be and hereby is repealed.
2. That a new Article II, Section 4 be and hereby is added to said By-Laws to read as follows:

"The Commission shall make recommendations to the County Board of Commissioners for appointing members to the Planning Commission. In considering new members the Commission shall strive for geographic balance. Three (3) members shall reside within the corporate limits of a city, five (5) members shall reside within the unincorporated areas of the County; and one (1) member may reside in either. No more than two (2) members shall be engaged in any facet of real estate, nor engaged in the same kind of business, trade or profession."

DONE this 17th day of December, 1980, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

WANDA CATT
County Clerk

Ted Loguszynski
Chairman Ted Loguszynski

Patricia A. Mullen

Patricia A. Mullen
Deputy
APPROVED AS TO FORM:

John P. Macaulay
Commissioner John P. Macaulay

BY: Daryl S. Garrettson
Daryl S. Garrettson, County Counsel

Colin Armstrong
Commissioner Colin Armstrong

YAMHILL COUNTY

Oregon



COUNTY PLANNING COMMISSION
Department of Planning & Development

RULES TO GOVERN THE CONDUCT OF BUSINESS OF THE YAMHILL COUNTY PLANNING COMMISSION

Pursuant to the provisions of ORS 215.040(4), the following rules were adopted at a meeting of the Yamhill County Planning Commission on May 16, 1973, with Amendments of August 7, 1973, January 8, 1974, March 4, 1975 & October 7, 1975

July 8, 1980

ARTICLE I. AUTHORITY

The Yamhill County Planning Commission was created by an unnumbered Yamhill County Ordinance on November 6, 1957, in accordance with ORS 215.020.

ARTICLE II. MEMBERSHIP

1. The County Planning Commission shall consist of nine (9) members appointed by the County Board of Commissioners for four-year terms, or until their respective successors are appointed and qualified.
2. Any vacancy shall be filled by the County Board of Commissioners who may after hearing remove any member for misconduct or non-performance of duty. Unexcused absences from three (3) consecutive meetings, including regular and special work sessions, or unexcused absences from more than fifty percent (50%) of such meetings held during a calendar year constitutes non-performance. An excused absence may be obtained by contacting the Chairman of the Planning Commission or the Planning Director, who shall communicate the request to the Chairman, at least twenty-four (24) hours prior to any scheduled Planning Commission meeting. No member of the Planning Commission may be excused from more than three (3) Planning Commission meetings during any calendar year.
3. Members of the Commission shall serve without compensation other than reimbursement for duly authorized expenses.
4. The Commission shall make recommendations to the County Board of Commissioners for appointing members to the Planning Commission. In considering new members the Commission shall strive for geographic balance. No fewer than five (5) members shall reside outside

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

80-488

FOR THE COUNTY OF YAMHILL

FILED
YAMHILL COUNTY, OREGON

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS SEP 12 4 12 PM '80

In the Matter of Readjustment of)
Yamhill County Planning Commission)
Term Expiration Dates.)

ORDER NO. 80-488

WANDA CATT
COUNTY CLERK
DEPUTY

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON, (the Board) on the 27th day of August, 1980, sat for the transaction of County business, Commissioners Ted Lopuszynski, John P. Macaulay and Colin Armstrong being present.

IT APPEARING TO THE BOARD that Dave Bishop, Planning Director, has requested that the Yamhill County Planning Commission member's terms of office be changed so that at the most only three terms would expire every fourth year and two terms would expire every year in between, and

IT FURTHER APPEARING TO THE BOARD that due to past errors, the succession of terms is now out of order and that it would be in the best interest of Yamhill County to make the requested changes, and

IT FURTHER APPEARING TO THE BOARD that all the Yamhill County Planning Commission members have been contacted and have agreed to the proposed changes in the terms of office.

IT IS, THEREFORE, HEREBY ORDERED BY THE BOARD that the Yamhill County Planning Commission's terms of office, be and hereby are changed as indicated below:

		<u>TERM EXPIRATION DATE</u>
Charles Heckman	--	July 1, 1984
Dick Sadler	--	July 1, 1981
William Stockhoff	--	July 1, 1984
Joseph Grimm	--	July 1, 1983
Ralph Bunn	--	July 1, 1981
Marilyn Dell	--	July 1, 1983
Tony Bell	--	July 1, 1981
Pat Miller	--	July 1, 1982
Dale Schatz	--	July 1, 1982

RECEIVED

SEP 15 1980

YAMHILL COUNTY
DEPT. OF PLANNING AND DEVELOPMENT

DONE this 27th day of August, 1980, at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

WANDA CATT
County Clerk

Ted Lopuszynski
Chairman
TED LOPUSZYNSKI

Patricia A. Mullen
Patricia A. Mullen
Deputy

John P. Macaulay
Commissioner
JOHN P. MACAULAY

APPROVED AS TO FORM:
BY: *Daryl S. Garrettson*
Daryl S. Garrettson, County Counsel

Colin Armstrong
Commissioner
COLIN ARMSTRONG

THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Amendment to)
Article II Section 4 of the Rules)
to Govern the Conduct of Business)
of the Yamhill County Planning)
Commission)

BOARD ORDER NO. 80-744

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 17th day of December, 1980, sat for the transaction of County business, in regular session, Commissioners Ted Lopuszynski and John P. Macaulay being present.

IT APPEARING TO THE BOARD that, the Board of Commissioners adopted Rules to Govern the Conduct of Business of the Yamhill County Planning Commission (By-Laws) on August 27, 1980; and

IT FURTHER APPEARING TO THE BOARD that, said By-Laws provide that the Planning Commission membership shall be comprised of no fewer than five (5) members residing outside cities and no fewer than four (4) members residing within cities; and

IT FURTHER APPEARING TO THE BOARD that, it is the wish of the Planning Commission membership to allow more flexibility in membership composition and, therefore, amend said By-Laws Article II Section 4 to provide that the Planning Commission membership shall be comprised of no fewer than five (5) members residing outside cities and no fewer than three (3) members residing within cities and one (1) member residing either within or outside cities; and

IT FURTHER APPEARING TO THE BOARD that, 30 days notice has been given to each member of the Planning Commission of the proposed amendment to the above mentioned Rules;

AND THEREFORE, Article II Section 4 of said By-Laws are hereby amended as follows:

1. That the existing Article II, Section 4 be and hereby is repealed.
2. That a new Article II, Section 4 be and hereby is added to said

By-Laws to read as follows:

"The Commission shall make recommendations to the County Board of Commissioners for appointing members to the Planning Commission. In considering new members the Commission shall strive for geographic balance. Three (3) members shall reside within the corporate limits of a city, five (5) members shall reside within the unincorporated areas of the County; and one (1) member may reside in either. No more than two (2) members shall be engaged in any facet of real estate, nor engaged in the same kind of business, trade or profession."

DONE this 17th day of December, 1980, at McMinnville, Oregon.

ATTEST:

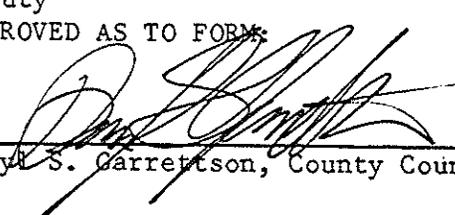
YAMHILL COUNTY BOARD OF COMMISSIONERS

WANDA CATT
County Clerk

Ted Lozuszynski
Chairman Ted Lozuszynski

Patricia A. Mullen
Deputy
APPROVED AS TO FORM:

John P. Macaulay
Commissioner John P. Macaulay

BY: 
Daryl S. Garretson, County Counsel

Colin Armstrong
Commissioner Colin Armstrong

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

FILED
YAMHILL COUNTY, OREGON

80-487

FOR THE COUNTY OF YAMHILL

SEP 12 4 12 PM '80

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

WANDA CATT
COUNTY CLERK
DEPUTY

In the Matter of Approving)
RULES TO GOVERN THE CONDUCT OF)
BUSINESS OF THE YAMHILL COUNTY)
PLANNING COMMISSION.)

ORDER NO. 80-487

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON, (the Board) on the 27th day of August, 1980, sat for the transaction of County business, Commissioners Ted Lopuszynski, John P. Macaulay and Colin Armstrong being present.

IT APPEARING TO THE BOARD that Dave Bishop, Planning Director, has requested approval of the Rules to Govern the Conduct of Business of the Yamhill County Planning Commission, and

IT FURTHER APPEARING TO THE BOARD that it would be in the best interest of Yamhill County to approve the said rules.

IT IS, THEREFORE, HEREBY ORDERED BY THE BOARD that the RULES TO GOVERN THE CONDUCT OF BUSINESS OF THE YAMHILL COUNTY PLANNING COMMISSION, copy of which is attached hereto and by this reference made a part hereof, be and hereby is approved by the Yamhill County Board of Commissioners.

DONE this 27th day of August, 1980, at McMinnville, Oregon.

RECEIVED
SEP 15 1980
YAMHILL COUNTY
DEPT. OF PLANNING AND DEVELOPMENT

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

WANDA CATT
County Clerk

Ted Lopuszynski
Chairman
TED LOPUSZYNSKI

Patricia A. Mullen
Patricia A. Mullen
Deputy

John P. Macaulay
Commissioner
JOHN P. MACAULAY

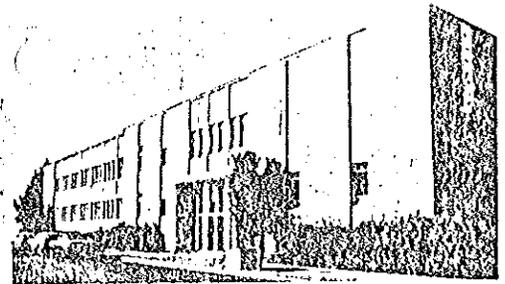
APPROVED AS TO FORM

BY: *Daryl S. Garrettsen*
Daryl S. Garrettsen, County Counsel

Colin Armstrong
Commissioner
COLIN ARMSTRONG

YAMHILL COUNTY

Oregon



DEPARTMENT OF PLANNING &
DEVELOPMENT

RULES TO GOVERN THE CONDUCT OF BUSINESS OF THE YAMHILL COUNTY PLANNING COMMISSION

Pursuant to the provisions of ORS 215.040(4), the following rules were adopted at a meeting of the Yamhill County Board of Commissioners on August 27, 1980.

and supercedes the By-Laws adopted by the Yamhill County Planning Commission on May 16, 1973 with subsequent Amendments of August 7, 1973, January 8, 1974, March 4, 1975, October 7, 1975, July 8, 1980 & August 21, 1980

ARTICLE I. AUTHORITY

The Yamhill County Planning Commission was created by an unnumbered Yamhill County Ordinance on November 6, 1957, in accordance with ORS 215.020.

ARTICLE II. MEMBERSHIP

1. The County Planning Commission shall consist of nine (9) members appointed by the County Board of Commissioners for four-year terms, or until their respective successors are appointed and qualified.
2. Any vacancy shall be filled by the County Board of Commissioners who may after hearing remove any member for misconduct or non-performance of duty. Unexcused absences from three (3) consecutive meetings, including regular and special work sessions, or unexcused absences from more than fifty percent (50%) of such meetings held during a calendar year constitutes nonperformance. An excused absence may be obtained by contacting the Chairman of the Planning Commission or the Planning Director, who shall communicate the request to the Chairman, at least twenty-four (24) hours prior to any scheduled Planning Commission meeting. No member of the Planning Commission may be excused from more than three (3) Planning Commission meetings during any calendar year.
3. Members of the Commission shall serve without compensation other than reimbursement for duly authorized expenses.
4. The Commission shall make recommendations to the County Board of Commissioners for appointing members to the Planning Commission. In considering new members the Commission shall strive for geographic balance. No fewer than five (5) members shall reside outside

cities and no fewer than four (4) members shall reside within cities. No more than two (2) members shall be engaged in any facet of real estate, nor engaged in the same kind of business, trade or profession.

ARTICLE III. ORGANIZATION

1. The County Planning Commission shall elect a chairman and a vice chairman whose terms shall be for one year. The Commission shall elect a chairman and vice chairman, by ballot, during each December. The Commission members shall forward their ballots to the Secretary of the Planning Commission no later than the 31st day of December of each year. Said Secretary shall tabulate the results and inform the Commission at its first meeting in January each year. The newly elected officers shall assume office at the first meeting in January, and their terms shall commence on January 1 of said year and shall end on the 31st day of December in the year in which they took office.

The Planning Commission may also create and fill such other offices, for such terms as it may deem appropriate.

2. The Chairman of the Planning Commission shall be the presiding officer at all Planning Commission meetings. He is authorized to sign all documents for the Commission.
3. The Vice-Chairman shall be the presiding officer in the absence of the Chairman.
4. The Planning Director shall be requested to serve as Secretary to the Commission and shall keep an accurate, permanent and complete record of all proceedings of the Commission.
5. The Secretary to the Commission shall be responsible for the preparation of Commission minutes.
6. Subject to the direction of the Board of Commissioners, the Planning Director shall be requested to perform the following duties:
 - a. Conduct all correspondence of the Commission, send out all notices required by law or ordinance, attend all meetings and hearings of the Commission unless excused by the Chairman, keep the dockets and minutes of the Commission's proceedings, compile all required records, and maintain the necessary files and indexes.
 - b. Enter in the record the number of appeals or applications, the name of the appellant or applicant, a short description by street number and/or legal description of the premises, the nature of the appeal or application, and the final disposition after the case has been disposed of.
 - c. Enter in the record all continuances, postponements, date of sending notices, and other steps taken or acts don

- c. Enter in the record all continuances, postponements, date of sending notices, and other steps taken or acts done by the Commission or its officers on behalf of the Commission.
 - d. Enter in the minutes the decision relating to each case acted on by the Commission together with the vote of each member of the Commission, those absent or failing to vote being so marked, together with all other actions of the Commission.
 - e. Prepare the agenda for all meetings.
 - f. Coordinate functions with other departments, agencies and officers of the County that are related to planning for the use of lands within the County.
7. The Planning Commission may establish such committees or subcommittees as it deems advisable and assign each committee specific duties or functions. The Chairman shall designate the members of each committee, and shall name the chairman of each committee. The Planning Commission may designate both the chairman and the members by majority vote.

ARTICLE IV. MEETINGS

1. All Planning Commission meetings shall be open to the public.
2. The Planning Commission shall hold public hearings at such times and places as it deems necessary and appropriate, provided that the Planning Commission shall hold a public meeting at least once a month.
3. Special meetings may be held provided each member is notified at least three (3) days in advance. Where three-day notice is not given, eight (8) members shall constitute a quorum.
4. A quorum shall consist of five (5) members of the Commission. Should there not be a quorum present, the members present shall adjourn to the next regular meeting or an earlier date. In case of the absence of both the Chairman and the Vice-Chairman at any meeting, a quorum being present, the office of both or either of them shall be filled pro tem from the members present and the business shall be transacted as if the regular officers were present.
5. The presiding officer of the Commission may limit the time during which persons appearing before the Commission may speak, provided that the minimum limit shall not be less than one (1) minute per person and that said officer shall announce the time limit prior to opening the meeting to the particular items on the agenda to which the time limit applies.

6. The order of business at all meetings shall be as follows:
 - a. Except as provided in subsection (b) hereunder, the order of business shall be as follows:
 - i. Roll Call;
 - ii. Approval of minutes of previous meeting if correction approval is necessary.
 - iii. Communications from the County Board of Commissioners;
 - iv. Public hearings on:
 - (1) Variances;
 - (2) Conditional use permits;
 - (3) Road names;
 - (4) Zone Changes;
 - (5) General.
 - v. Adjournment.
 - b. The Secretary (Planning Director) may, in the preparation of agendas, alter the order of business as designated in subsection (a) (iv) above to better serve the convenience of applicants, officials of agencies who are called upon to testify, and the general public. Reasons for altering the order of business may include lengthy agendas, the need to call upon special or expert testimony, conflicts with other public meetings, special circumstances unique to a particular agenda item, or other conditions which in the opinion of the Secretary warrant the alteration of the order of business.
 - c. No item of business shall be considered unless it appears on the agenda sent to each member by the Secretary.
7. When the Planning Commission considers docket items within one (1) mile of any incorporated area or when the Planning Director considers the docket item to be of critical interest to that city, the chairman of that city's planning body, or his representative, shall be invited to participate in the Planning Commission's deliberations. He shall have all the privileges of Commission members with the exception of making motions, seconding motions, and voting.

8. Minutes of any meeting of the Planning Commission shall be automatically approved if no corrections are noted and reported to the Planning Department staff within seven (7) days of the date the minutes are mailed. If corrections or clarifications are requested, approval of the Minutes shall be an order of business at the next Planning Commission meeting.

ARTICLE V. VOTING

1. Voting on all docket items shall be by roll call. Votes on all procedural items shall be by voice vote or by a show of hands.
2. Each voting member of the Commission shall be entitled to vote at all regular and special meetings of the Commission, except member shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: The member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken. If a member wishes to abstain in a situation where there is no direct pecuniary conflict of interest but a conflict deriving from his relationship with the person involved, he may ask the Commission whether he may abstain. If the Commission says "no," he must vote. This provision is intended to relate to close relatives and to professional relationships as well as to friendships.
3. The Chairman of the Commission or the presiding officer, if another Commission member presides, shall vote with the other Commissioners in the transaction of any business and on all matters coming before the Commission.
4. When a matter is called for a vote, the presiding officer shall, before a vote is taken, state the question before the Planning Commission in exact terms and shall announce the decision of the Planning Commission after each vote.
5. The affirmative vote of at least five members shall be required to pass a Resolution which would constitute a recommendation to the Yamhill County Board of Commissioners to adopt or amend any comprehensive plan prepared under ORS 215.050.
6. The affirmative vote of at least five (5) members shall be required to pass a resolution which would constitute a recommendation to the County Board of Commissioners on any proposed adoption or amendment of any zoning ordinance prepared under ORS 215.104 or 215.110.

ARTICLE VI. PARLIAMENTARY AUTHORITY

In cases not provided for by these rules, the Commission shall be governed by the law and practices laid down in the latest edition of Roberts' Rules of Order Revised.

ARTICLE VII. AMENDMENTS AND SUSPENSION OF BYLAWS

No rule shall be suspended without the concurrence of two-thirds of the members present. No additional rule or amendment shall be made without the concurrence of the Board of Commissioners, and no additional rule or amendment shall be made by the Board of Commissioners without giving at least thirty (30) days notice to the members of the Planning Commission.

APPROVED:

By: DAVE BISHOP
Dave Bishop, Secretary
Yamhill County Planning
Commission

Charles Heckman
Chuck Heckman, Chairman
Yamhill County Planning
Commission

August 27, 1980
Date

ADOPTED BY: YAMHILL COUNTY BOARD OF COMMISSIONERS

Ted Logunyszki
John P. Macaulay
Calvin Armstrong

August 27, 1980
Date

cities and no fewer than four (4) members shall reside within cities. No more than two (2) members shall be engaged in any facet of real estate, nor engaged in the same kind of business, trade or profession.

ARTICLE III. ORGANIZATION

1. The County Planning Commission shall elect a chairman and a vice-chairman whose terms shall be for one (1) year, and the Commission may create and fill such other offices as it may determine.
2. The Chairman of the Planning Commission shall be the presiding officer at all Planning Commission meetings. He is authorized to sign all documents for the Commission.
3. The Vice-Chairman shall be the presiding officer in the absence of the Chairman.
4. The Planning Director shall be requested to serve as Secretary to the Commission and shall keep an accurate, permanent and complete record of all proceedings of the Commission.
5. The Secretary to the Commission shall be responsible for the preparation of Commission minutes.
6. Subject to the direction of the Board of Commissioners, the Planning Director shall be requested to perform the following duties:
 - a. Conduct all correspondence of the Commission, send out all notices required by law or ordinance, attend all meetings and hearings of the Commission unless excused by the Chairman, keep the dockets and minutes of the Commission's proceedings, compile all required records, and maintain the necessary files and indexes.
 - b. Enter in the record the number of appeals or applications, the name of the appellant or applicant, a short description by street number and/or legal description of the premises, the nature of the appeal or application, and the final disposition after the case has been disposed of.
 - c. Enter in the record all continuances, postponements, date of sending notices, and other steps taken or acts done by the Commission or its officers on behalf of the Commission.
 - d. Enter in the minutes the decision relating to each case acted on by the Commission together with the vote of each member of the Commission, those absent or failing to vote being so marked, together with all other actions of the Commission.

- e. Prepare the agenda for all meetings.
 - f. Coordinate functions with other departments, agencies and officers of the County that are related to planning for the use of lands within the County.
7. The Planning Commission may establish such committees or subcommittees as it deems advisable and assign each committee specific duties or functions. The Chairman shall designate the members of each committee, and shall name the chairman of each committee. The Planning Commission may designate both the chairman and the members by majority vote.

ARTICLE IV. MEETINGS

1. All Planning Commission meetings shall be open to the public.
2. The Planning Commission shall hold public hearings on the first Tuesday of each month at 7:30 p.m. in the County Courthouse and at such other times as it deems necessary.
3. Special meetings may be held provided each member is notified at least three (3) days in advance. Where three-day notice is not given, eight (8) members shall constitute a quorum.
4. A quorum shall consist of five (5) members of the Commission. Should there not be a quorum present, the members present shall adjourn to the next regular meeting or an earlier date. In case of the absence of both the Chairman and the Vice-Chairman at any meeting, a quorum being present, the office of both or either of them shall be filled pro tem from the members present and the business shall be transacted as if the regular officers were present.
5. The presiding officer of the Commission may limit the time during which persons appearing before the Commission may speak, provided that the minimum limit shall not be less than one (1) minute per person and that said officer shall announce the time limit prior to opening the meeting to the particular items on the agenda to which the time limit applies.
6. The order of business at all meetings shall be as follows:
 - a. Except as provided in subsection (b) hereunder, the order of business shall be as follows:
 - i. Roll Call;
 - ii. Approval of minutes of previous meeting if correction approval is necessary.

iii. Communications from the County Board of Commissioners;

iv. Public hearings on:

- (1) Variances;
- (2) Conditional use permits;
- (3) Road names;
- (4) Zone Changes;
- (5) General.

v. Adjournment.

b. The Secretary (Planning Director) may, in the preparation of agendas, alter the order of business as designated in subsection (a) (iv) above to better serve the convenience of applicants, officials of agencies who are called upon to testify, and the general public. Reasons for altering the order of business may include lengthy agendas, the need to call upon special or expert testimony, conflicts with other public meetings, special circumstances unique to a particular agenda item, or other conditions which in the opinion of the Secretary warrant the alteration of the order of business.

c. No item of business shall be considered unless it appears on the agenda sent to each member by the Secretary.

7. When the Planning Commission considers docket items within one (1) mile of any incorporated area or when the Planning Director considers the docket item to be of critical interest to that city, the chairman of that city's planning body, or his representative, shall be invited to participate in the Planning Commission's deliberations. He shall have all the privileges of Commission members with the exception of making motions, seconding motions, and voting.
8. Minutes of any meeting of the Planning Commission shall be automatically approved if no corrections are noted and reported to the Planning Department staff within seven (7) days of the date the minutes are mailed. If corrections or clarifications are requested, approval of the Minutes shall be an order of business at the next Planning Commission meeting.

ARTICLE V. VOTING

1. Voting on all docket items shall be by roll call. Votes on all procedural items shall be by voice vote or by a show of hands.
2. Each voting member of the Commission shall be entitled to vote at all regular and special meetings of the Commission, except that a member shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: The member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken. If a member wishes to abstain in a situation where there is no direct pecuniary conflict of interest but a conflict deriving from his relationship with the person involved, he may ask the Commission whether he may abstain. If the Commission says "no," he must vote. This provision is intended to relate to close relatives and to professional relationships as well as to friendships.
3. The Chairman of the Commission or the presiding officer, if another Commission member presides, shall vote with the other Commissioners in the transaction of any business and on all matters coming before the Commission.
4. When a matter is called for a vote, the presiding officer shall, before a vote is taken, state the question before the Planning Commission in exact terms and shall announce the decision of the Planning Commission after each vote.
5. The affirmative vote of at least six (6) members shall be required to pass a resolution which would constitute a recommendation to the County Board of Commissioners to adopt or amend any comprehensive plan prepared under ORS 215.050.
6. The affirmative vote of at least five (5) members shall be required to pass a resolution which would constitute a recommendation to the County Board of Commissioners on any proposed adoption or amendment of any zoning ordinance prepared under ORS 215.104 or 215.110.

ARTICLE VI. PARLIAMENTARY AUTHORITY

In cases not provided for by these rules, the Commission shall be governed by the law and practices laid down in the latest edition of Roberts' Rules of Order Revised.

ARTICLE VII. AMENDMENTS AND SUSPENSION OF BYLAWS

No rule shall be suspended without the concurrence of two-thirds of the members present, and no additional rule or amendment shall be made without giving at least thirty (30) days' notice and the concurrence of two-thirds of the members present.

By:

[Handwritten Signature]

APPROVED:

[Handwritten Signature]

3/16/26

Date

YAMHILL COUNTY

Oregon

COUNTY PLANNING COMMISSION
Department of Planning & Development

February 28, 1974

RULES OF PROCEDURE FOR THE CONDUCT OF HEARINGS RELATING TO LAND USE MATTERS

(cf. Planning Commission Rules Governing Conduct of Business,
Article IV (6) (d)-Public Hearings.)

RULE 1. Scope of Rules.

These rules shall govern the conduct of hearings held by the Board of Commissioners or Planning Commission of Yamhill County, hereinafter referred to as "Board" or "Commission," relating to land use matters and shall include, but not be limited to all hearings relating to zone changes, conditional use permits, variances, subdivisions and partitions. Any other matters coming before the Board or Commission for hearing may be governed by any or all of these rules at the discretion of said Board or Commission.

RULE 2. Application.

Application shall be made in the form required by ORS Chapters 215 and 92 and county ordinances adopted pursuant thereto.

RULE 3. Notice.

Notice of hearing shall be provided to the applicant and to other interested persons as provided by ORS 215.223 and county ordinances adopted pursuant to ORS Chapters 215 and 92.

RULE 4. Nature and General Conduct of Hearing.

1. The Board or Commission in conducting a hearing which will result in a determination as to the permissible use of specific property, is acting in an administrative, quasi-judicial capacity and all hearings shall be conducted accordingly. Interested parties are therefore entitled to notice of hearing if required by ordinance or statute, an opportunity to be heard, to present and rebut evidence to a tribunal which is impartial, to have the proceedings recorded, and to have a decision based on evidence offered supported by findings of fact as part of that record.
2. No person shall be disorderly, abusive or disruptive of the orderly conduct of the hearing.
3. No proponent or opponent shall speak more than once without obtaining permission from the presiding officer at the first available opportunity.
4. No person shall testify without first receiving recognition from the presiding officer and stating his full name and residence address.
5. No person shall present irrelevant, immaterial or repetitious testimony or evidence; provided, however, that reports and documents prepared by Yamhill County personnel shall be deemed relevant, material and competent unless objected to by any interested party with good cause and at the first opportunity.
6. There shall be no audience demonstrations, such as applause, cheering, display or signs, or other conduct disruptive of the hearing.
7. The presiding officer, Board or Commission members and, with the approval of the presiding officer, County counsel and any other officer or employe of the County may question and cross-examine any person who testifies.

RULE 5. Challenge for Bias and Disqualification.

1. Any proponent or opponent of a proposal to be heard by the Board or Commission may challenge the qualification of any Commission member to participate in such hearing and decision. Such challenge must state facts in writing, by affidavit, relied upon by the submitting party relating to a Commissioner's bias, prejudice, personal interest, or other facts from which the party has concluded that the Commissioner will not participate and make a decision in an impartial manner.
 - (a) Such written challenge must be delivered by registered mail or personal service to the Planning Director and the Commission member whose qualification is challenged not less than forty-eight (48) hours preceding the time set for public hearing.
 - (b) Such challenge shall be incorporated into the record of the hearing.
2. No Commission member shall participate in discussion of the proposal or vote on the proposal when:
 - (a) Any of the following has a direct or substantial financial interest in the proposal: the Commission member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment;
 - (b) He owns property within the area entitled to receive notice of the public hearing;

- (c) He has a direct personal interest in the proposal; or
 - (d) For any other reason, he has determined that he cannot participate in the hearing and decision in an impartial manner.
3. No other officer or employe of the County who has a financial or other private interest shall participate in discussion with or give an official opinion to the Commission on the proposal without first declaring for the record the nature and extent of such interest.
4. The general public has a right to have Commission members free from pre-hearing or ex-parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, Commission members shall reveal any significant pre-hearing or ex-parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have impaired his impartiality or his ability to vote on the matter, he shall so state and shall abstain therefrom.
5. Notwithstanding any provision of this or any other rule:
- (a) An abstaining or disqualified Commission member may be counted for purposes of forming a quorum, and
 - (b) A Commission member may represent himself, a client or any other member of the public at a hearing, provided he:
 - (i) abstain from the vote on the proposal;
 - (ii) remove himself from the Commission area and joins the audience; and
 - (iii) makes full disclosure of his status and position at the time of addressing the Commission.

RULE 6. Presiding officer.

1. The elected chairman shall be the presiding officer at all hearings. In his absence, the vice-chairman shall act as presiding officer at a hearing. If neither the chairman nor the vice-chairman is present, the Commission shall elect a temporary chairman from the members present. Such chairman shall have all the duties and responsibilities of the chairman for the duration of the meeting.
2. The presiding officer shall have authority to:
 - (a) Regulate the course and decorum of the hearing;
 - (b) Dispose of procedural requests or similar matters;
 - (c) Rule on matters of proof and relevancy of evidence and testimony;
 - (d) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentations, cross-examination of witnesses and rebuttal testimony; and
 - (e) Take such other action authorized by the Commission appropriate for conduct commensurate with the nature of the hearing.

RULE 7. Burden and Nature of Proof.

1. The burden of proof is upon the proponent. The degree of that burden increases proportionately with the degree or impact of the change which is sought.
2. The requested proposal must be supported by proof that:
 - (a) The change is in conformance with the Yamhill County Comprehensive Plan, as amended, including the goals and policies of the Plan, and any other special plan for the area which is based on the Comprehensive Plan. In addition, any conditions attached to the approval must serve to keep or bring the proposed change within the guidelines and provisions of the Comprehensive Plan;

- (b) The change is in conformance with the factors set forth in ORS 215.055, which shall be consciously considered by the Commission;
- (c) There is a public need for the proposal and that that need is best served by changing the zoning classification on the property under consideration;
- (d) The public need is best served by changing the classification of the property in question as compared with other available property; and
- (e) If other areas have been previously designated for a use or development submitted in the proposal, there is a necessity for introducing the proposal into an area not previously contemplated and that the property owners there should bear the burden, if any, of introducing that proposal into their area.

3. The following criteria and factors are deemed relevant and material and shall be considered by the Commission in reaching its decision on a proposal:
- (a) Mistake in the original zoning ordinance;
 - (b) Change of conditions within the immediate neighborhood in which the use or development is proposed;
 - (c) All factors pertinent to the preservation and promotion of the public health, safety and general welfare including, but not limited to, the character of the area involved, its peculiar suitability for particular uses, the conservation of property values and trends in building development.

Rule 8. Order of Procedure.

The presiding officer, in the conduct of the hearing, shall:

1. Commence the Hearing. Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.

2. Call for Abstentions.

(a) Inquire of the Commission whether any member thereof wishes to abstain from participation in the hearing. Any Commission member then announcing his abstention shall identify the reasons for abstaining and shall not participate in discussion of the proposal or vote on the proposal.

(b) Any Commission member whose participation has been challenged by allegation of bias, prejudgment, personal interest, or partiality or who has been subject to significant ex-parte or prehearing contact with proponents or opponents may make a statement in response thereto or in explanation thereof for the record, and his decision to participate in the hearing. This statement shall not be subject to cross examination except upon consent of that member, but shall be subject to rebuttal by the proponent or opponent, as appropriate.

3. Objections to Jurisdiction. Inquire of the audience whether there are any objections to the jurisdiction of the Commission to hear the matter and, if such objections are received, conduct such further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if his inquiry results in substantial evidence that the Commission lacks jurisdiction. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the Commission.

4. Staff or Committee Report. Summarize the nature of the proposal, explain any graphic or pictorial displays which are a part of the record, summarize the staff report, summarize the findings and recommendations of the Planning Advisory Committee(s) and provide such other information as may be requested by the Commission. The presiding officer may then call upon the Planning Department staff or other County employees or officials to provide any additional information on the proposal.
5. Proponent's Case. Determine whether the proponent will conduct his case in person or by representative. The applicant-proponent shall first be heard and persons in favor of the proponent's proposal shall next be heard.
6. Cross-Examination of Proponents. Allow opponents, upon recognition by the presiding officer, to submit questions directly to the proponents. Proponents shall be given a reasonable time to respond solely to the questions.
7. Opponent's Case. Opponents shall be heard in the following order:
 - (a) Neighborhood associations, special organizations formed for the purpose of opposition, or other groups represented by counsel or a spokesman shall be allowed by the presiding officer to proceed first.
 - (b) Persons who received notice of the hearing or who were entitled to receive notice of the hearing are presumed to have an interest in the proposal and shall be heard next.
 - (c) Persons who did not receive notice and who were not entitled to notice shall be heard next.

8. Cross-Examination of Opponents. Allow proponents, upon recognition of the presiding officer, to submit questions to opponents who have testified. Opponents shall be given a reasonable time to respond solely to the questions.
9. Public Agencies. Allow representatives of any city, county, state agency, regional authority, or municipal or quasi-municipal corporation existing pursuant to law to be heard next.
10. Rebuttal Evidence. The presiding officer shall allow the proponent to offer rebuttal evidence and testimony.
11. Staff Recommendation. The staff shall present their final recommendations, if any.
12. Close of Hearing and Deliberation. The presiding officer shall conclude the hearing and the Commission shall deliberate the proposal. The Planning Commission shall either make its decision and state its findings, which may incorporate findings proposed by the proponents, opponents, the staff, Planning Advisory Committee(s), or the Commission, or may continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation and shall not allow for additional submission of testimony, except upon decision of the Commission. The Commission may request specific information from the proponents, opponents, or other officials and members of the audience.

RULE 9. Reapplication.

No reapplication may be made for a period of six (6) months following the date of final action respecting any denial.

10-

RULE 10. Official notice.

1. The Commission may take official notice of the following:
 - (a) All facts which are judicially noticeable; and
 - (b) The ordinances, resolutions, rules, regulations and official policies adopted by Yamhill County.
2. Matters officially noticed need not be established by evidence and may be considered by the Commission in the determination of the proposal.

RULE 11. Appeal.

The applicant shall have the right of appeal as provided for in ORS Chapters 215 and 92 and county ordinances adopted pursuant thereto.

RULE 12. Record of Proceedings.

1. The Planning Director, or a designee of the Planning Director, shall be present at each hearing and shall cause the proceedings to be stenographically or electronically recorded. It shall not be necessary to transcribe testimony unless required for judicial review or unless ordered by the Commission.
2. The presiding officer shall, where practicable, cause to be received all physical and documentary evidence presented which shall be marked to show the identity of the person offering same and whether presented on behalf of proponent or opponent. Unless evidence is capable of being offered and incorporated in the record of the case, it shall not be received. All exhibits received into evidence shall be retained by the Commission until after any applicable appeal period has expired, at which time the exhibits may be released upon written demand to the person identified thereon.

- 3. Any member of the public shall have access to the record of the proceedings at reasonable time, places and circumstances. Any member of the public shall be entitled to make copies of the record at his own expense.

ATTEST:

APPROVED:

Edward J. [Signature]
 Secretary of Planning Commission

John [Signature]
 Chairman of Planning Commission

March 17, 1974
 Date

Francis J. [Signature]
 Secretary of Board of Commissioners

Francis [Signature]
 Chairman of Board of Commissioners

Mar 13 - 74
 Date

Schedule "A" to Board Order No. _____.

RULES TO GOVERN THE CONDUCT OF
BUSINESS OF THE YAMHILL COUNTY
PLANNING ADVISORY COMMITTEES

Pursuant to the provisions of ORS 197.160(2) and
ORS 215.045(1) and (2), the following rules were adopted
by the Board of Commissioners on _____ 1975.

ARTICLE I. AUTHORITY

The Yamhill County Planning Advisory Committees which were created by an unnumbered Board Order, dated October 29, 1969, are hereby established by this Order.

ARTICLE II. MEMBERSHIP

1. Each Planning Advisory Committee shall consist of no fewer than nine (9) and no more than twenty (20) members who shall be appointed by the Board of Commissioners for four (4) year terms or until their respective successors are appointed.
2. A member of a Planning Advisory Committee shall be a resident of the Planning Advisory Committee Study Area of which he is a member. A map, Schedule "E" of Board Order No. _____, identifying the Planning Advisory Committee Study Area boundaries is the official map of said boundaries.
3. Any vacancy shall be filled by the Board of Commissioners. The Board of Commissioners may remove any member for misconduct or non-performance of duty. Unexcused absences from three (3) consecutive meetings or unexcused absences from more than fifty percent (50%) of such meetings held during a calendar year constitutes non-performance. An excused absence may be obtained by contacting the Chairman of the Planning Advisory Committee at least twenty-four (24) hours prior to any scheduled meeting of the Committee.
4. Members of the Planning Advisory Committees shall serve without compensation.

5. In considering new members to the Planning Advisory Committees, the Board of Commissioners shall strive for a balance in geographic, occupational, age, sex and minority representation.
6. No more than one person from a single household may be a member of the same Planning Advisory Committee.
7. No one who holds an office in an association of landowners is eligible to hold an office on the Planning Advisory Committee representing the same area.

ARTICLE III. ORGANIZATION

1. Each Planning Advisory Committee shall select from among its members a chairman and vice-chairman whose terms shall be for one (1) year, and the committee may create and fill such other offices as it may determine.
2. The Chairman of the Planning Advisory Committee shall be the presiding officer at all Planning Advisory Committee meetings. The Chairman or Secretary shall be authorized to sign all documents on behalf of the Committee.
3. The Vice-Chairman shall be the presiding officer in the absence of the Chairman.
4. Each Committee shall select from among its members a Secretary who shall be responsible for the preparation of Committee minutes.
5. The Planning Advisory Committees may establish such sub-committee as it deems advisable and assign each sub-committee specific duties or functions. The Chairman of the Planning Advisory Committee shall designate the members of each sub-committee and shall name the chairman of each sub-committee. Notwithstanding the power granted to the Chairman herein, the Committee may, by simple majority vote, exercise such power.

ARTICLE IV. MEETINGS

1. All Planning Advisory Committee meetings shall be open to the public.
2. The Committee shall hold such meetings as the Committee (and/or Board of Commissioners) deem necessary.
3. Special meetings may be held, provided each member is notified at least three (3) days in advance.
4. A quorum shall consist of a simple majority of members of the Committee. Should there not be a quorum present, the members present shall adjourn to the next regular meeting or an earlier date. In the absence of both the Chairman and the Vice-Chairman at any meeting, a quorum being present, the office of both or either of them shall be filled pro tem from the members present and the business shall be transacted as if the regular officers were present.
5. The presiding officer of the Committee may limit the time during which persons appearing before the Committee may speak, provided that the minimum limit shall not be less than one (1) minute per person and that said officer shall announce the time limit prior to opening the meeting to the particular items on the agenda to which the time limit applies.
6. The order of business at all meetings shall be as follows:
 - a. Except as provided in subsection (b) hereunder, the order of business shall be as follows:
 - i. Roll Call;
 - ii. Approval of minutes of previous meeting;
 - iii. Communications to the Committee;
 - iv. Consideration of matters presented from the Planning Department;
 - v. Other business;
 - vi. Adjournment.

b. The Chairman of the Committee may alter the order of business designated in subsection (a) above to better serve the convenience of applicants, officials of agencies who are called upon to testify, and the general public. Reasons for altering the order of business may include lengthy agendas, the need to consider special or expert testimony, conflicts with other public meetings, special circumstances unique to a particular agenda item, or other conditions which in the opinion of the Chairman warrant the alteration of the order of business.

ARTICLE V. VOTING

1. Voting on all docket and other items shall be by roll call, voice vote or other method as deemed appropriate by the Chairman.
2. Each voting member of the Committee shall be entitled to vote at all regular and special meetings of the Committee, except that a member shall not participate in any Committee proceeding or action in which any of the following has a direct or substantial financial interest: The member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Committee where the action is being taken. If a member wishes to abstain in a situation where there is no direct pecuniary conflict of interest but a conflict deriving from his relationship with the person involved, he may ask the Committee whether he may abstain. If the Committee says "no," he must vote. This provision is intended to relate to close relatives and to professional relationships as well as to friendships.

3. The Chairman of the Committee or the presiding officer, if another Committee member presides, shall vote with the other Committee members in the transaction of any business and on all matters coming before the Committee.
4. When a matter is called for a vote, the presiding officer shall, before a vote is taken, state the question before the Committee in exact terms and shall announce the decision of the Committee after each vote.

ARTICLE VI. PARLIAMENTARY AUTHORITY

In cases not provided for by these rules, the Committee shall be governed by the law and practices laid down in the latest edition of Roberts' Rules of Order Revised.

ARTICLE VII. AMENDMENTS AND SUSPENSION OF BYLAWS

No rule shall be altered without the concurrence of the Board of Commissioners, and no additional rule or rule amendment shall be made without giving at least thirty (30) days' notice to the members of the Planning Advisory Committees

HOME ADDRESS
DELL ISHAM
3210 MUNSSEL LAKE ROAD
FLORENCE, OREGON 97439

SEN. TILLAMOOK: WESTERN
COUNTIES OF WASHINGTON,
AMHILL, POLK, DENTON,
AND LANE COUNTIES
DISTRICT 2



OREGON STATE SENATE
SALEM, OREGON
97310

January 1978

COMMITTEE
VICE CHAIRMAN
LOCAL GOVERNMENT AND
ELECTIONS
MEMBER
ENERGY AND ENVIRONMENT
TRANSPORTATION

RECEIVED

JAN 10 1978

DEPT. OF LAND

DEVELOPMENT

PROPERTY RIGHTS EXPANDED IN OREGON BY DOWNZONING COMPENSATION
by Dell Isham

On October 4, 1977, Senate Bill 827 became law along with hundreds of other bills adopted by the legislative session that had concluded its work 90 days earlier. SB 827 is the first recognition in the State of Oregon that development rights are a part of a landowners property rights.

The battle over this issue has been waged for years in the courts and in the legislature. The battle-worn veteran legislators warned me that it would be folly for a freshman legislator as myself to take on the task.

The courts had determined that restricting use of private property by government action was not a "legal taking" of the property as long as there were some uses of the property remaining. Judges seemed to view the uses of the property as something separate from the property itself. Many doubted the fairness of this concept but each legislative attempt to give ownership recognition to land uses met with defeat from 1969 until 1977. Previously attempted solutions were often too complex to be easily administered or were met with suspicion by land-use planning advocates.

By the end of the 1977 Legislative Session both advocates and opponents of land-use planning were supporting SB 827, the "Downzoning Compensation Act."

The fear and criticism of "downzoning" has fostered much opposition to planning generally. Many believe that a system which can remove some of the uses of land but let the landowner retain the deed and pay the taxes is a violation of basic human rights in a democracy.

Although the storm has subsided somewhat there was a time when not a week went by that a citizen did not contact me to relate with dismay and anguish that a small parcel of land they had purchased years ago with their savings and had scrimped in order to pay the taxes, was suddenly rendered unsuitable for building a modest retirement home. One cannot help but feel compassion for these innocent victims of land-use planning.

Planners and planning commissions not only plan land but also peoples' lives. It is an awesome responsibility.

My Senate Bill 827 is not anti-land-use planning but it does force planners to recognize that human beings are involved and also requires coordination between the offices of the planner and the county assessor.

The bill is a recognition that land-use planning is a social responsibility, the cost of which should be borne by all, not just those who happen to be unfortunate enough to own the property being planned for a more restrictive use.

As a society we recognize that education, social security, law-enforcement, and hundreds of other government services are a social responsibility; we all pay a small portion of the total cost of those programs for the mutual benefit. The same should hold true for land-use planning.

It is easier to agree with this philosophy than it is to write a law to implement this belief. That is what stymied reform advocates in the past.

Previous attempts became entangled in developing a means of administering the program, or on appropriations to fund the program, or on developing a formula for determining the amount of compensation to the landowner.

Or they got involved in trying to answer the most powerful argument against downzoning compensation: "If we are going to compensate people for reductions in land value, shouldn't we make people pay who have their land upzoned?"

The truth is that people do pay higher taxes when the value of their land is increased. They certainly pay higher property taxes and may also pay higher income taxes, inheritance taxes and possibly other forms of taxation. Increases in the value of land occur for many uncontrollable and often unidentifiable reasons beyond the management of government. Devaluation of land, on the other hand, can be easily identified by a single act of government in most cases.

It should also be kept in mind that Senate Bill 827 is not designed to protect real estate investment and does not attempt to compensate an owner for his land. SB 827 does partially compensate the landowner for taxes previously paid on the land by reducing future taxes. It is a recognition that the individual landowner should not have to accept the full brunt of government restrictions designed for the general welfare.

How does the compensation plan actually work? It is so simple that it only takes the existing property assessment and taxation mechanism at the county level to implement the program.

Land values, and thus property taxes, are determined by the "highest and best use" of the land. When government restrictions remove some of these uses and if the restrictions also reduce the assessed value of the land, my compensation formula goes into effect.

The government imposed reduced land value qualifies the owner for a property tax reduction in addition to that brought about by the reassessment of the land. The assessor will subtract the amount of the devaluation from the actual land value for five years when figuring the property taxes on the downzoned property.

Let us take an example. A parcel of land is valued at \$10,000. Then the planning commission places new restrictions on the use of the land. The new planning or zoning requirements reduced the assessed value of the land to \$8,000. The assessor will treat the land as being valued at only \$6,000 when computing the first year's taxes and will subtract \$2,000 from the assessed value when determining property taxes for the next four years.

The forms for applying for downzoning compensation must be furnished by the county assessor and property owners need to apply prior to April 1 of each year to begin the five year tax reduction. To qualify the real property must be reduced in value by adoption or change in the comprehensive plan, zoning ordinances or zoning designation not at the request of the landowner. The assessor is also required under the new law to notify landowners who may qualify under the program.

Although not part of the downzoning compensation program, Senate Bill 827 also directs the assessor to take into account all other government restrictions in determining land values.

So the assessor will be able to carry out his new responsibilities under the law, county and city planning directors will have to notify the assessor of the adoption or change in comprehensive plans, zoning ordinances and zoning designations within 90 days after the date of the change.

Downzoning Compensation -- 4

Compensating a landowner for past property taxes, levied on the false assumption that the land could be developed, is an act of fairness and compassion that has been lacking in Oregon's land-use planning laws. Needed reform has been accomplished.

This act first applies to the assessment year beginning with January 1, 1978, with respect to changes in comprehensive plans and zoning effective on January 1, 1977.

The Downzoning Compensation Act which I sponsored is possibly an important first step. It is more important in concept than it is in actual dollars and cents. The 1979 Legislature may be interested in expanding the recognition of development rights in Oregon.

#

Chapter 215

1977 REPLACEMENT PART

County Planning; Zoning; Housing Codes

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- 215.010 Definitions for ORS 215.020 to 215.190 and 215.402 to 215.422
- 215.020 Authority to establish county planning commissions
- 215.030 Membership of planning commission
- 215.035 Planning commission member conflict of interest activities
- 215.042 County to appoint planning director; term and duties of director
- 215.050 Comprehensive planning, zoning and subdivision ordinances
- 215.060 Procedure for action on plan; notice; hearing
- 215.080 Power to enter upon land
- 215.090 Information made available to commission
- 215.100 Cooperation with other agencies
- 215.110 Preparation of ordinances by commission; submission to county governing body; retroactive ordinances prohibited
- 215.130 Application of ordinances
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- 215.203 Adoption of zoning ordinances establishing farm use zones; definitions for ordinances
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- 215.215 Reestablishment of nonfarm use
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- 215.253 Prohibition against restrictive local ordinances affecting farm use zones;

exemption for exercise of governmental power to protect public health, safety and welfare

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- 215.273 Applicability to Nuclear and Thermal Energy Council power plant siting determinations

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COUNTY PLANNING

215.010 Definitions for ORS 215.020 to 215.190 and 215.402 to 215.422. As used ORS 215.020 to 215.190 and 215.402 to 215.422, the terms defined in ORS 92.010 shall have the meanings given therein.

(Amended by 1955 c.756 §25; 1963 c.619 §1 (1))

215.020 Authority to establish county planning commissions. (1) The governing body of any county may create and provide for the organization and operations of one or more county planning commissions.

(2) This section shall be liberally construed and shall include the authority to create more than one planning commission, or subcommittee of a commission, for a county or the use of a joint planning commission or other intergovernmental agency for planning as authorized by ORS 190.003 to 190.110.

(Amended by 1973 c.552 §1; 1975 c.767 §15)

215.030 Membership of planning commission. (1) The county planning commission shall consist of five, seven or nine members appointed by the governing body for four-year terms, or until their respective successors are appointed and qualified; provided that in the first instance the terms of the initial members shall be staggered for one, two, three and four years.

(2) A commission member may be removed by the governing body, after hearing, for misconduct or nonperformance of duty.

(3) Any vacancy on the commission shall be filled by the governing body for the unexpired term.

(4) Members of the commission shall serve without compensation other than reimbursement for duly authorized expenses.

(5) Members of a commission shall be residents of the various geographic areas of the county. No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit, as individuals, or be members of any partnership or officers or employes of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of occupation, business, trade or profession.

(6) The governing body may designate one or more officers of the county to be nonvoting members of the commission.

(7) Except for subsection (5) of this section, the governing body may provide by

ordinance for alternative rules to those specified in this section.

(Amended by 1963 c.619 §2; 1973 c.552 §2; 1977 c.766 §1)

215.035 Planning commission member conflict of interest activities. A member of a planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: The member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken.

(1973 c.552 §10)

215.040 (Amended by 1973 c.552 §3; repealed by 1977 c.766 §16)

215.042 County to appoint planning director; term and duties of director. (1) The governing body of each county shall designate an individual to serve as planning director for the county responsible for administration of planning. The governing body shall provide employes as necessary to assist the director in carrying out his responsibilities. The director shall be the chief administrative officer in charge of the planning department of the county, if one is created.

(2) The director shall provide assistance, as requested, to the planning commission and shall coordinate the functions of the commission with other departments, agencies and officers of the county that are engaged in functions related to planning for the use of lands within the county.

(3) The director shall serve at the pleasure of the governing body of the county.

(1973 c.552 §9)

215.046 (1973 c.552 §11; repealed by 1977 c.766 §16)

215.050 Comprehensive planning, zoning and subdivision ordinances. (1) The county governing body shall adopt and may from time to time revise a comprehensive plan and zoning, subdivision and other ordinances applicable to all of the land in the county. The plan and related ordinances may be adopted and revised part by part or by geographic area.

(2) Zoning, subdivision or other ordinances

COUNTIES AND COUNTY OFFICERS

ations and any revisions or amendments thereof shall be designed to implement adopted county comprehensive plan.

3) Comprehensive plans adopted by the county governing body after the expiration of one year after the date of the approval of any county-wide planning goals under ORS 197.240 shall be in conformity with the state-wide planning goals and any subsequent revisions and amendments thereof.

Repealed by 1955 c.439 §2; 1963 c.619 §3; 1973 c.552 §4; c.766 §2]

215.055 (1955 c.439 §3; 1963 c.619 §4; 1971 c.13 §2; c.739 §1; 1973 c.80 §43; 1975 c.153 §1; repealed by c.766 §16]

215.060 Procedure for action on plan; notice; hearing. Action by the governing body of a county regarding the plan shall have legal effect unless the governing body first conducts one or more public hearings on the plan and unless 10 days' advance public notice of each of the hearings is published in a newspaper of general circulation in the county in case the plan as it is to be heard concerns only part of the county, is so published in the territory so concerned and unless a majority of the members of the governing body approves the action. The notice provisions of this section shall not restrict the giving of notice by other means, including mail, radio and television.

Repealed by 1963 c.619 §5; 1967 c.589 §1; 1973 c.552 §6]

215.070 (Repealed by 1963 c.619 §16]

215.080 Power to enter upon land. The planning commission, and any of its members, officers and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain the necessary monuments and markers thereon.

215.090 Information made available to planning commission. Public officials, departments and agencies, having information, maps or other data deemed by the planning commission pertinent to county planning shall make such information available for the use of the commission.

Repealed by 1977 c.766 §3]

215.100 Cooperation with other agencies. The county planning commission shall advise and cooperate with other planning commissions within the state, and shall upon request, or on its own initiative, furnish advice or reports to any city, county, officer or department on any problem comprehended in county planning.

215.104 (1955 c.439 §4; 1963 c.619 §6; 1967 c.589 §2; 1973 c.552 §7; repealed by 1977 c.766 §16]

215.108 (1955 c.439 §5; 1961 c.607 §1; repealed by 1963 c.619 §16]

215.110 Preparation of ordinances by commission; submission to county governing body; retroactive ordinances prohibited. (1) A planning commission may recommend to the governing body ordinances intended to implement part or all of the comprehensive plan. The ordinances may provide, among other things, for:

(a) Zoning,

(b) Official maps showing the location and dimensions of, and the degree of permitted access to, existing and proposed thoroughfares, easements and property needed for public purposes,

(c) Preservation of the integrity of the maps by controls over construction, by making official maps parts of county deed records, and by other action not violative of private property rights,

(d) Conservation of the natural resources of the county,

(e) Controlling subdivision and partitioning of land,

(f) Renaming public thoroughfares,

(g) Protecting and assuring access to incident solar energy, and

(h) Numbering property.

(2) The governing body may enact, amend or repeal ordinances to assist in carrying out a comprehensive plan. If an ordinance is recommended by a planning commission, the governing body may make any amendments to the recommendation required in the public interest. If an ordinance is initiated by the governing body, it shall, prior to enactment, request a report and recommendation regarding the ordinance from the planning commission, if one exists, and allow a reasonable time for submission of the report and recommendation.

(3) The governing body may refer to the legal voters of the county for their approval or rejection an ordinance or amendments thereto for which this section provides. If only a part of the county is affected, the ordinance or amendment may be referred to that part only.

(4) An ordinance enacted by authority of this section may prescribe fees and appeal procedures necessary or convenient for carrying out the purposes of the ordinance.

(5) No retroactive ordinance shall be enacted under the provisions of this section. (Amended by 1963 c.619 §7; 1973 c.696 §22; 1975 c.153 §2; 1977 c.766 §4)

215.120 (Amended by 1957 c.568 §2; repealed by 1963 c.619 §16)

215.124 (1955 c.683 §§2, 4; 1957 c.568 §3; repealed by 1959 c.387 §1)

215.128 (1955 c.683 §3; 1957 c.568 §1; 1959 c.387 §2; repealed by 1963 c.619 §16)

215.130 Application of ordinances. (1) Any legislative ordinance relating to land use planning or zoning shall be a local law within the meaning of, and subject to, ORS 254.310.

(2) An ordinance designed to carry out a county comprehensive plan and a county comprehensive plan shall apply to:

(a) The area within the county also within the boundaries of a city as a result of extending the boundaries of the city or creating a new city unless, or until the city has by ordinance or other provision provided otherwise; and

(b) The area within the county also within the boundaries of a city if the governing body of such city adopts an ordinance declaring the area within its boundaries subject to the county's land use planning and regulatory ordinances, officers and procedures and the county governing body consents to the conferral of jurisdiction.

(2) An area within the jurisdiction of city land use planning and regulatory provisions that is withdrawn from the city or an area within a city that disincorporates shall remain subject to such plans and regulations which shall be administered by the county until the county provides otherwise.

(3) County ordinances designed to implement a county comprehensive plan shall apply to publicly owned property.

(4) The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued. Alteration of any such use may be permitted when necessary to reasonably continue the use without increase and alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use.

(5) Restoration or replacement of any use described in subsection (4) of this section may be permitted when the restoration is made necessary by fire, other casualty or natural disaster. Restoration or replacement shall be

commenced within one year from the occurrence of the fire, casualty or natural disaster.

(6) Any use described in subsection (4) of this section may not be resumed after a period of interruption or abandonment unless the resumed use conforms with the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.

(7) Any proposal for the alteration of a use under subsection (4) of this section, for the restoration or replacement of a use under subsection (5) of this section or for the resumption of a use under subsection (6) of this section shall be considered a contested case under subsection (1) of ORS 215.402 subject to such procedures as the governing body may prescribe under ORS 215.412.

(Amended by 1961 c.607 §2; 1963 c.577 §4; 1963 c.619 §9; 1969 c.460 §1; 1973 c.503 §2; 1977 c.766 §5)

215.140 (Repealed by 1963 c.619 §16)

215.150 (Amended by 1955 c.439 §8; repealed by 1963 c.619 §16)

215.160 (Repealed by 1963 c.619 §16)

215.170 Authority of incorporated cities in unincorporated area. The powers of an incorporated city to control subdivision and other partitioning of land and to rename thoroughfares in adjacent unincorporated areas shall continue unimpaired by ORS 215.010 to 215.190 and 215.402 to 215.422 until the county governing body that has jurisdiction over the area adopts regulations for controlling subdivision there. Any part of the area subject to the county regulations shall cease to be subject to the two powers of the city.

(Amended by 1963 c.619 §10)

215.180 (1955 c.439 §6; 1963 c.619 §11; repealed by 1977 c.766 §16)

215.185 Remedies for unlawful structures or land use. In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is, or is proposed to be, used, in violation of an ordinance or regulation designed to implement a comprehensive plan, the governing body of the county or a person whose interest in real property in the county is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use. When a temporary restraining order is granted in a suit instituted by a person who is not exempt

furnishing bonds or undertakings under ORS 22.010, the person shall furnish undertaking as provided in ORS 32.010 to 32.060. (1955 c.439 §7; 1963 c.619 §12; 1977 c.766 §6)

215.190 Violation of regulations. No person shall locate, construct, maintain, repair, alter, or use a building or other structure or use or transfer land in violation of an ordinance or regulation authorized by ORS 215.010 to 215.190 and 215.402 to 215.422. (1955 c.439 §9; 1963 c.619 §13)

215.200 (1957 s.s. c.11 §1; renumbered 215.285)

AGRICULTURAL LAND USE

215.203 Adoption of zoning ordinances establishing farm use zones; definitions for ordinances. (1) Zoning ordinances may be adopted to zone designated areas of land within the county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use except as otherwise provided in ORS 215.213. Farm use zones shall be established only when such zoning is consistent with the comprehensive

(2) (a) As used in this section, "farm use" means the current employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by 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" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS chapter 321, except land zoned exclusively for growing cultured Christmas trees as defined in subsection (3) of this section, or to the construction and use of dwellings customarily provided in conjunction with the farm use.

(b) "Current employment" of land for farm use includes (A) land subject to the title-bank provisions of the Federal Agricultural Act of 1956, as amended (P. L. 84-540, 70 Stat. 188); (B) land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; (C) land planted in orchards or other perennials prior to maturity; and (D) any land constituting a woodlot of less

than 20 acres contiguous to and owned by the owner of land specially assessed at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use.

(c) As used in this subsection, "accepted farming practice" means 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.

(3) "Cultured Christmas trees" means trees:

(a) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

(b) Of a species for which the Department of Revenue requires a "Report of Christmas Trees Harvested" for purposes of ad valorem taxation;

(c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

(d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation. (1963 c.577 §2; 1963 c.619 §1(2), (3); 1967 c.386 §1; 1973 c.503 §3; 1975 c.210 §1; 1977 c.766 §7; 1977 c.893 §17a)

215.205 (1957 s.s. c.11 §2; renumbered 215.295)

215.210 (Amended by 1955 c.652 §6; renumbered 215.305)

215.213 Nonfarm uses permitted within farm use zones. (1) The following nonfarm uses may be established in any area zoned for exclusive farm use:

(a) Public or private schools.

(b) Churches.

(c) The propagation or harvesting of a forest product.

(d) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.

(e) The dwellings and other buildings customarily provided in conjunction with farm use, referred to in paragraph (a) of subsection (2) of ORS 215.203.

(f) Operations for the exploration of geothermal resources as defined by ORS 522.005.

(2) The following nonfarm uses may be established, subject to the approval of the governing body or its designate, in any area zoned for exclusive farm use:

(a) Commercial activities that are in conjunction with farm use.

(b) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, mining and processing of aggregate and other mineral resources or other subsurface resources.

(c) Private parks, playgrounds, hunting and fishing preserves and campgrounds.

(d) Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization.

(e) Golf courses.

(f) Commercial utility facilities for the purpose of generating power for public use by sale.

(g) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

(h) Home occupations carried on by the resident as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm use, referred to in paragraph (a) of subsection (2) of ORS 215.203.

(i) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in subsection (2) of ORS 215.203. Such a facility may be approved for a one-year period which is renewable. These

facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(j) The boarding of horses for profit.

(3) Single-family residential dwellings, not provided in conjunction with farm use, may be established, subject to approval of the governing body or its designate in any area zoned for exclusive farm use upon a finding that each such proposed dwelling:

(a) Is compatible with farm uses described in subsection (2) of ORS 215.203 and is consistent with the intent and purposes set forth in ORS 215.243; and

(b) Does not interfere seriously with accepted farming practices, as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm use; and

(c) Does not materially alter the stability of the overall land use pattern of the area; and

(d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract; and

(e) Complies with such other conditions as the governing body or its designate considers necessary.

(1963 c.577 §3; 1963 c.619 §1a; 1969 c.258 §1; 1973 c.503 §4; 1975 c.551 §1; 1975 c.552 §32; 1977 c.766 §8; 1977 c.788 §2)

Note: Section 3, chapter 577, and section 1a, chapter 619, Oregon Laws 1963, have been compiled as 215.213 because they were virtually identical. Section 3, chapter 577, used the term "properties" instead of "facilities" in subsection (5).

215.215 Reestablishment of nonfarm use. (1) Notwithstanding subsection (4) of ORS 215.130, if a nonfarm use exists in an exclusive farm use zone and is unintentionally destroyed by fire, other casualty or natural disaster, the county may allow by its zoning regulations such use to be reestablished to its previous nature and extent, but the reestablishment shall meet all other building, plumbing, sanitation and other codes, ordinances and permit requirements.

(2) Consistent with ORS 215.243, the county governing body may zone for the

appropriate nonfarm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the nonfarm use prior to the establishment of the exclusive farm use zone. (1977 c.664 §41)

215.220 (Repealed by 1963 c.619 §16)

215.223 Procedure for adopting zoning ordinances; notice. (1) No zoning ordinance enacted by the county governing body shall have legal effect unless prior to its enactment the governing body or the planning commission conducts one or more public hearings on the ordinance and unless 10 days in advance public notice of each hearing is published in a newspaper of general circulation in the county or, in case the ordinance applies to only a part of the county, is so published in that part of the county.

(2) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, radio and television.

(3) In effecting a zone change the proceedings for which are commenced at the request of a property owner, the governing body shall in addition to other notice give individual notice of the request by mail to the record owners of property within 250 feet of the property for which a zone change has been requested. The failure of the property owner to receive the notice described shall not invalidate any zone change.

(1963 c.619 §8; 1967 c.589 §3)

215.230 (Repealed by 1963 c.619 §16)

215.233 Validity of ordinances and development patterns adopted before September 2, 1963. Nothing in ORS 215.010, 215.030, 215.050, 215.060 and 215.110 to 215.213, 215.223 and this section shall impair the validity of ordinances enacted prior to September 2, 1963. All development patterns made and adopted prior to that time shall be deemed to meet the requirements of ORS 215.010, 215.030, 215.050, 215.060 and 215.110 to 215.213, 215.223 and this section concerning comprehensive plans.

(1963 c.619 §14; 1971 c.13 §3)

215.240 (Repealed by 1963 c.619 §16)

215.243 Agricultural land use policy. The Legislative Assembly finds and declares that:

(1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in

rural, urban or metropolitan areas of the state.

(2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.

(3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.

(4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones.

(1973 c.503 §1)

215.250 (Repealed by 1973 c.619 §16)

215.253 Prohibition against restrictive local ordinances affecting farm use zones; exemption for exercise of governmental power to protect public health, safety and welfare. (1) No state agency, city, county or political subdivision of this state may exercise any of its powers to enact local laws or ordinances or impose restrictions or regulations affecting any farm use land situated within an exclusive farm use zone established under ORS 215.203 in a manner that would unreasonably restrict or regulate farm structures or that would unreasonably restrict or regulate accepted farming practices because of noise, dust, odor or other materials carried in the air or other conditions arising therefrom if such conditions do not extend beyond the boundaries of the exclusive farm use zone within which they are created in such manner as to interfere with the use of adjacent lands. "Accepted farming practice" as used in this subsection shall have the meaning set out in ORS 215.203.

(2) Nothing in this section is intended to limit or restrict the lawful exercise by any state agency, city, county or political subdivision of its power to protect the health, safety and welfare of the citizens of this state.

(1973 c.503 §8)

215.260 (Amended by 1955 c.652 §3; repealed by 1957 s.s. c.11 §4 (215.261 enacted in lieu of 215.260))

215.261 (1957 s.s. c.11 §5 (enacted in lieu of 215.260); repealed by 1963 c.619 §16)

215.263 Review of land divisions in exclusive farm use zones; criteria for approval; exemption for cemeteries. (1) Any proposed division of land included within an exclusive farm use zone resulting in the creation of one or more parcels of land of 10 or more acres in size may be reviewed and approved or disapproved by the governing body of the county in which such land is situated. The governing body of a county by ordinance or regulation may require such prior review and approval for such divisions of land within exclusive farm use zones established within the county.

(2) Any proposed division of land included within an exclusive farm use zone resulting in the creation of one or more parcels of land of less than 10 acres in size shall be reviewed and approved or disapproved by the governing body of the county within which such land is situated.

(3) If the governing body of a county initiates a review as provided in subsection (1) or (2) of this section, it shall not approve any proposed division of land unless it finds that the proposed division of land is in conformity with the legislative intent set forth in ORS 215.243.

(4) This section shall not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established. (1973 c.503 §9; 1977 c.766 §9)

215.270 (Repealed by 1963 c.619 §16)

215.273 Applicability to nuclear and thermal energy council power plant siting determinations. Nothing in ORS 118.155, 215.130, 215.203, 215.213, 215.243 to 215.273, 308.395 to 308.401 and 316.081 is intended to affect the authority of the Nuclear and Thermal Energy Council in determining suitable sites for the issuance of site certificates for thermal power plants, as authorized under ORS 469.300 to 469.570. (1973 c.503 §16)

215.280 (Repealed by 1963 c.619 §16)

215.285 (Formerly 215.200; repealed by 1971 c.13 §1)

215.290 (Repealed by 1963 c.619 §16)

215.295 (Formerly 215.205; repealed by 1971 c.13 §1)

215.300 (Repealed by 1963 c.619 §16)

215.305 (Formerly 215.210; repealed by 1971 c.13 §1)

215.310 (Repealed by 1971 c.13 §1)

215.320 (Repealed by 1971 c.13 §1)

215.325 (1953 c.662 §6; 1963 c.9 §4; repealed by 1971 c.13 §1)

215.330 (Repealed by 1971 c.13 §1)

215.340 (Repealed by 1971 c.13 §1)

215.350 (Amended by 1953 c.662 §7; repealed by 1971 c.13 §1)

215.360 (Amended by 1953 c.662 §7; subsection (2) enacted as 1953 c.662 §1; repealed by 1971 c.13 §1)

215.370 (Repealed by 1971 c.13 §1)

215.380 (Amended by 1955 c.652 §4; repealed by 1971 c.13 §1)

215.390 (Repealed by 1971 c.13 §1)

215.395 (1953 c.662 §3; 1955 c.652 §5; repealed by 1971 c.13 §1)

215.398 (1955 c.652 §2; repealed by 1971 c.13 §1)

215.400 (Repealed by 1971 c.13 §1)

PLANNING AND ZONING HEARINGS AND REVIEW

215.402 Definitions for ORS 215.402 to 215.422. As used in ORS 215.402 to 215.422 unless the context requires otherwise:

(1) "Contested case" means a proceeding in which the legal rights, duties or privileges of specific parties under general rules or policies provided under ORS 215.010 to 215.233 and 215.402 to 215.422, or any ordinance, rule or regulation adopted pursuant thereto, are required to be determined only after a hearing at which specific parties are entitled to appear and be heard.

(2) "Hearing" means a quasi-judicial hearing, authorized or required by the ordinances and regulations of a county adopted pursuant to ORS 215.010 to 215.233 and 215.402 to 215.422:

(a) To determine in accordance with such ordinances and regulations if a permit shall be granted or denied; or

(b) To determine a contested case.

(3) "Hearings officer" means a planning and zoning hearings officer appointed or designated by the governing body of a county under ORS 215.406.

(4) "Permit" means discretionary approval of a proposed development of land under ORS 215.010 to 215.090 and 215.402 to 215.422 or county legislation or regulation adopted pursuant thereto. (1973 c.652 §12; 1977 c.654 §1)

215.406 Planning and zoning hearings officers; duties and powers; authority of governing body or planning commission to conduct hearings. (1) A county governing body may authorize appointment of one or more planning and zoning hearings officers, to serve at the pleasure of the appointing authority. The hearings officer shall conduct hearings on applications for such classes of permits and contested cases as the county governing body designates.

(2) In the absence of a hearings officer a planning commission or the governing body may serve as hearings officer with all the powers and duties of a hearings officer.
[1973 c.552 §13; 1977 c.766 §10]

215.410 [Repealed by 1971 c.13 §1]

215.412 Adoption of hearing procedure. The governing body of a county, by ordinance or order shall adopt one or more procedures for the conduct of hearings.
[1973 c.552 §14; 1977 c.766 §11]

215.415 [1953 c.662 §5; repealed by 1971 c.13 §1]

215.416 Application for permits; hearing requirements; criteria for granting permit. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body.

(2) The hearings officer shall hold at least one public hearing on the application and within 90 days after receiving it deny or approve it. However, with the agreement of the county and the applicant, the proceeding on the application may be extended for a reasonable period of time, as determined by the hearings officer, but not to exceed six months from the date of the first public hearing on the application.

(3) The application shall not be approved if the proposed use of land is found to be in conflict with the comprehensive plan of the county and other applicable ordinance provisions. The approval may include such conditions as are authorized by statute or county legislation.

(4) Hearings under this section shall be held only after notice to the applicant and also notice to other persons as otherwise provided by law.

(5) Approval or denial of a permit application shall be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance or

regulation of the county and which shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the county as a whole.

(6) Approval or denial of a permit shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

[1973 c.552 §§15, 16; 1977 c.654 §2; 1977 c.766 §12]

215.420 [Amended by 1955 c.439 §10; repealed by 1971 c.13 §1]

215.422 Review of action of a hearings officer. (1) A party aggrieved by the action of a hearings officer may appeal the action to the planning commission or county governing body, or both, however the governing body prescribes. The appellate authority on its own motion may review the action. The procedure and type of hearing for such an appeal or review shall be prescribed by the governing body. An appeal or review proceeding shall be based upon, but not limited to, the record of the hearings officer's action.

(2) A party aggrieved by the final determination may have the determination reviewed under ORS 34.010 to 34.100.
[1973 c.522 §§17, 18; 1977 c.766 §13]

215.430 [1955 c.682 §2; repealed by 1971 c.13 §1]

215.440 [1955 c.682 §3; repealed by 1971 c.13 §1]

215.450 [1955 c.682 §4; repealed by 1971 c.13 §1]

215.460 [1963 c.619 §15; repealed by 1971 c.13 §1]

NOTICE TO PROPERTY OWNERS

215.503 Legislative act by ordinance; mailed notice to individual property owners required by county for land use actions. (1) As used in this section, "owner" means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll.

(2) Except as otherwise provided by county charter:

(a) All legislative acts relating to comprehensive plans, land use planning or zoning

adopted by the governing body of a county shall be by ordinance.

(b) In addition to the notice required by ORS 215.060, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof or to adopt a new comprehensive plan, the governing body of a county shall cause a written individual notice of land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

(c) In addition to the notice required by subsection (1) of ORS 215.223, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, the governing body of a county shall cause a written individual notice of land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

(3) An additional individual notice of land use change required by paragraph (b) or (c) of subsection (2) of this section shall be approved by the governing body of the county and shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall be mailed by first class mail to the affected owner at the address shown on the last available complete tax assessment roll. (1977 c.664 §37)

215.505 (1969 c.324 §1; repealed by 1977 c.664 §42)

215.508 Individual notice not required if funds not available. Except as otherwise provided by county charter, if funds are not available from the Department of Land Conservation and Development to reimburse a county for expenses incurred in giving additional individual notices of land use change as provided in ORS 215.503, the governing body of the county is not required to give those additional notices. (1977 c.664 §38)

215.510 (1969 c.324 §2; 1973 c.80 §47; repealed by 1977 c.664 §42)

215.513 Notice form; forwarding of notice to property purchaser. (1) A mortgagee, lienholder, vendor or seller of real property who receives a mailed notice required by this chapter shall promptly forward the notice to the purchaser of the property. Each mailed notice required by this chapter shall contain the following statement: "NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES

THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER."

(2) Mailed notices to owners of real property required by this chapter shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of a person named in the affidavit to receive the notice shall not invalidate an ordinance. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

(1977 c.664 §39)

215.515 (1969 c.324 §3; 1973 c.80 §48; repealed by 1977 c.766 §16)

215.520 (1969 c.324 §4; repealed by 1977 c.664 §42)

215.525 (1969 c.324 §6; repealed by 1977 c.664 §42)

215.530 (1969 c.324 §7; repealed by 1977 c.664 §42)

215.535 (1969 c.324 §5; 1973 c.80 §49; repealed by 1977 c.664 §42)

COUNTY HOUSING CODES

215.605 Counties authorized to adopt housing codes. For the protection of the public health, welfare and safety, the governing body of a county may adopt ordinances establishing housing codes for the county, or any portion thereof, except where housing code ordinances are in effect on August 22, 1969, or where such ordinances are enacted by an incorporated city subsequent to August 22, 1969. Such housing code ordinances may adopt by reference published codes, or any portion thereof, and a certified copy of such code or codes shall be filed with the county clerk of said county.

(1969 c.418 §1)

215.610 Procedure for adoption of housing ordinances; referral to voters. (1) An ordinance authorized by ORS 215.605 may be adopted only after a hearing conducted by the board, and shall take effect 30 days after the date of enactment unless a later effective date is specified in the ordinance. Notice of such a hearing shall be published for two successive publication days, not less than 10 days before the hearing, in a newspaper considered by the board to be of general circulation within the county. The board may also cause the notice to be published by radio

and television stations located within the county, or heard or viewed in the county.

(2) The board may refer an ordinance adopted under ORS 215.605 to the voters of the county for their approval or rejection. An ordinance adopted under ORS 215.605 is a local law within the meaning of, and subject to, ORS 254.310, relating to initiative and referendum.
[1969 c.418 §2]

215.615 Application and contents of housing ordinances. The provisions of housing code ordinances authorized by ORS 215.605 to 215.615 shall apply to all buildings or portions thereof used, or designed or intended to be used for human habitation, and shall include, but not be limited to:

(1) Standards for space, occupancy, light, ventilation, sanitation, heating, exits and fire protection.

(2) Inspection of such buildings.

(3) Procedures whereby buildings or portions thereof which are determined to be substandard are declared to be public nuisances and are required to be abated by repair, rehabilitation, demolition or removal.

(4) An advisory and appeals board.
[1969 c.418 §3]

215.990 [Subsections (1) and (2) enacted as 1955 c.439 §11; subsection (5) enacted as 1969 c.324 §8; 1971 c.13 §4; repealed by 1977 c.766 §16]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
October 1, 1977.

Thomas G. Clifford
Legislative Counsel

CHAPTERS 216 TO 220
[Reserved for expansion]