

IN 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 Ordinance to )  
Amend the Yamhill County Zoning )  
Ordinance #83, 1976 to provide ) ORDINANCE NO. 102  
for a New Procedure for Considering )  
Applications for Lot Size Variances)

WHEREAS, the Board of Commissioners enacted the Yamhill County Zoning Ordinance, Ordinance No. 83, 1976, on the 11th day of February, 1976, and

WHEREAS, the Yamhill County Board of Commissioners applied for an amendment to Section 37.200 of said ordinance to provide for a new procedure for considering applications for lot size variances to allow issuance of building permits for mobile homes and for single-family dwellings on non-conforming lots of record, and

WHEREAS, the Yamhill County Planning Commission reviewed the proposal as amended for processing lot size variance application and voted to approve the said procedure but the vote failed due to lack of majority vote, and

WHEREAS, the Board of Commissioners, on the 21st day of July, 1976, held a public hearing on the proposed amendment to said zoning ordinance and voted to approve the proposal.

NOW THEREFORE, IT IS HEREBY ORDAINED that Section 37.200 of the Yamhill County Zoning Ordinance, Ordinance No. 83, 1976, be and the same hereby is amended to read as follows:

"37.200 Non-Conforming Lots of Record. (1) Subject to subsection (2) of this Section, in any zoning district in which single family dwellings or mobile homes are permitted or authorized as a conditional use, such uses and customary accessory buildings may be erected or placed on any single lot of record in the Yamhill County Clerk's office on or before August 20, 1975, notwithstanding limitations on minimum lot or site requirements imposed by other provisions of this ordinance. Such lots must be in separate ownership as provided hereinafter in this Section. The only provisions or requirements of this ordinance being excepted by this section are the minimum lot or site requirements of the various zoning districts.

(2) As a condition precedent to the erection or placement of a single family dwelling or mobile home on a non-conforming lot of record pursuant to subsection (1) of this section, a variance shall be obtained:

(a) on all lots of less than forty (40) acres in the F-40 district, and

- (b) on all lots of less than twenty (20) acres in the EF-40 district, and
  - (c) on all lots of less than twenty (20) acres in the AF-20 district, and
  - (d) on all lots of less than ten (10) acres in the AF-10 district, and
  - (e) on all lots of less than one-half ( $\frac{1}{2}$ ) acre in the VLDR districts, and
  - (f) on all lots of less than five thousand (5,000) square feet in the LDR districts, and
  - (g) on all lots of less than three thousand six hundred (3,600) square feet in the MDR districts. Such variance shall be applied for and obtained in the manner provided in Subsection (3) of this section.
- (3) The procedure for reviewing and granting variances pursuant to this Section shall be as follows:
- (a) an application shall be made to the Director on a form prescribed by the Director together with a \$25.00 filing fee, and shall state the reasons therefor;
  - (b) adjacent owners of land shall be notified of the application in writing as required in ORS 215.223(3) for effecting a zone change. Persons other than adjacent owners of land who have a substantial interest affected by the application shall be given notice of the application by publication, in a newspaper of general circulation in the County. The appropriate Planning Advisory Committee shall also be notified in writing of all applications.
  - (c) if the Director determines that notice has been mailed and published as provided hereinabove, and that approval would be in compliance with Section 41 of this Ordinance and with State laws in such cases made and provided, the Director shall issue a permit pursuant to subsection 1 of this Section unless a request in writing for a public hearing is received by the Director within fifteen (15) days of the last notice given pursuant to subparagraph (b) of this Section. A request for a hearing may be made by:
    - (i) an adjoining land owner, or
    - (ii) a person who has a substantial interest that is affected by the application, or
    - (iii) the Commission, or
    - (iv) the Board, or
    - (v) the Director, or
    - (vi) the applicant.

- (d) any notice required hereinabove shall include notice of the right of any adjoining land owner or any person who has a substantial interest that is affected by the application to request a public hearing on or before a date specified in the notice.
- (e) if a written request for a public hearing is received by the Director pursuant to subsection (c) above, or if the Commission, Board or Director or the applicant requests a public hearing pursuant to subsection (c) above, the Director shall collect an additional \$20.00 filing fee and shall schedule a public hearing before the Commission, and the Commission shall hear and decide the application in the same manner as provided in Section 41 for variances;
- (f) any permit issued hereunder shall be null and void one year after the date it was granted unless completion or a substantial construction has taken place.
- (g) any permit issued hereunder is not personal to the applicant and shall be deemed to run with the land.
- (4) If there are more than five (5) contiguous non-conforming lots of record in a single ownership on the date the application is made, some or all of which lots do not meet the minimum lot or site requirements of the zoning districts involved, the Director, or the Commission or Board if there is a public hearing, shall require all but five (5) such lots to be used or sold in a manner which complies with or diminishes non-compliance with the minimum lot or site requirements. Further, the Director, in his discretion, or the Commission or Board where appropriate, shall designate which particular five (5) lots shall be exempt from this requirement.

Done this 21st day of July, 1976, at McMinnville, Oregon.

ATTEST:

WAHDA CATT  
County Clerk

*Patricia A. Mullen*  
Patricia A. Mullen  
Deputy

APPROVED AS TO FORM:

*Robert S. Willoughby*  
Robert S. Willoughby, Legal Counsel

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