

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Amending)
Section 401.03 of the Yamhill County)
Zoning Ordinance No. 310, as Amended,)
to delete the Forest Template Dwelling as a type)
of Dwelling Permitted in the F-80 (Forestry))
District; Operative Date January 1, 2000;)
Docket G-02-98.)

ORDINANCE 652
(Superseded by Ordinance 657)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on July 30, 1998, Commissioners Ted Lopuszynski, Thomas E. E. Bunn, and Robert Johnstone, being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. On February 19, 1998, April 2, 1998, and May 7, 1998, the Yamhill County Planning Commission held public hearings on Planning Docket G-2-98 to consider a proposal to amend Yamhill County Zoning Ordinance No. 310, as amended ("the YCZO"), for the purpose of deleting forest template dwellings from the list of dwellings permitted subject to standards in YCZO Section 401.03 for the Forestry District (F-80) as set forth in Exhibit "A" attached hereto and incorporated herein.

B. On June 18, 1998 and July 9, 1998, the Board held public hearings to consider Docket G-2-98, and at the conclusion of the hearing, the Board voted 2 to 1 (Commissioner Johnstone voting no) to modify the YCZO as provided in the operative part of this ordinance.

C. On July 9, 1998 the Board held the first reading of this ordinance and on July 30, 1998 the Board held the second reading of this ordinance and voted 2-1 for adoption based on the findings attached to this ordinance as Exhibit "A"; and

D. The Board has determined that adoption of this ordinance will be in the best interests of the citizens of Yamhill County; Now, Therefore,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Section 401.03 of the Yamhill County Zoning Ordinance, No. 310, as amended, is amended as provided and specified in the attached Exhibit "A", which is by this reference made

B.O. 98-838

a part of this ordinance. Materials and language contained in brackets are hereby deleted from Ordinance 310 as amended, and materials underlined are added to those ordinances.

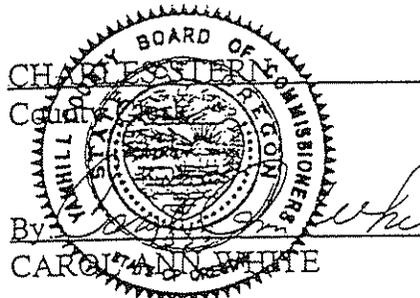
Section 2. This ordinance shall become operative on January 1, 2000.

Section 3. The first reading of this ordinance was made July 9, 1998. The second reading of this ordinance was made July 30, 1998. The ordinance was adopted July 30, 1998 without an emergency clause. This ordinance shall become effective on October 28, 1998, a date at least 90 days after adoption.

DONE at McMinnville, Oregon this 30th day of July, 1998.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS



By: [Signature]
CAROL ANN WHITE

[Signature: Ted Lopuszynski]
Chairman TED LOPUSZYNSKI

[Signature: Robert Johnstone]
Commissioner ROBERT JOHNSTONE

FORM APPROVED BY:

[Signature: John C. Pinkstaff]
JOHN C. PINKSTAFF
Assistant County Counsel

[Signature: Thomas E.E. Bunn]
Commissioner THOMAS E.E. BUNN

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Exhibit "A"
to
Ordinance 652
(B.O. 98-589)

401.03 Dwellings Permitted Subject to Standards.

The following residential uses shall be permitted in the F-80 District subject to the standards and limitations set forth in Sections 401.08 and 401.09 and satisfaction of the criteria specified for each use. Furthermore, the decision-making body may attach reasonable conditions to approvals in order to insure compliance with relevant criteria. The following uses are subject to the Type A notice procedures of Section 1301.

- A. Principal dwelling on a tract of at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are located entirely within Yamhill county or partially in an adjacent county, subject to the following:
 - 1. There are no other dwellings on the parcels which make up the acreage.

2. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions.
3. If the tract consists of more than one lot or parcel, the lots or parcels that are not to support the dwelling are subject to deed restrictions that prohibit residential development or use of the lots or parcels to total acreage for future siting of dwellings for present or future owners. The applicant shall provide evidence that covenants and restrictions, in a form approved by the county, have been recorded with the County Clerk of Yamhill county and the other counties where the property subject to the covenants and restrictions is located. The covenants and restrictions are irrevocable, unless a statement of release is signed by the Planning Director. [Amended 5/22/96, Ord. 607]

B. Principal lot of record dwelling, subject to the following standards and criteria:

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - (a) and has been owned continuously by such owner since prior to January 1, 1985; or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985. [Amended 10/2/96, Ord. 615]
 - (c) For purposes of Section 401.03(B)(1) only, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or business entity owned by any one or combination of these family members. [Added 5/10/95, Ord. 591]
2. The tract on which the dwelling is to be sited does not include a dwelling.
3. The tract on which the dwelling is to be sited is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species.
4. The tract on which the dwelling is to be located is within 1,500 feet of a public road that is maintained and either paved or surfaced with rock. The road shall not be a United States Forest Service road or Bureau of Land Management road.
5. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
6. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions. [Amended 5/10/95, Ord. 591]

7. The county assessor shall be notified that the governing body intends to allow the dwelling.

[C.

Principal forest template dwelling, except as provided in subsection D of this Section, subject to the following standards and criteria:

1. There are no other dwellings on the subject tract; and
2. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed; and
3. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions; and [Added 5/22/96, Ord. 607]
4. The lot or parcel is predominantly composed of soils are capable of producing 0 to 49 cubic feet per acre of wood fiber; and
 - a. All or part of at least three other lots or parcels that existed on January 1, 1993, not inside an Urban Growth Boundary, are within a 160-acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993, on the other lots or parcels; or
5. The lot or parcel is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre of wood fiber; and
 - a. All or part of at least seven other lots or parcels that existed on January 1, 1993, not inside an Urban Growth Boundary, are within a 160-acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993, on the other lots or parcels; or
6. The lot or parcel is predominantly composed of soils that are capable of producing more than 85 cubic feet per acre of wood fiber; and
 - a. All or part of at least 11 other lots or parcels that existed on January 1, 1993, not inside an Urban Growth Boundary, are within a 160-acre square centered on the center of the subject tract; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels.
7. If the tract on which the dwelling will be sited abuts a public road that existed on January 1, 1993, the measurement under subsections 4.a, 5.a, or 6.a may be

made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road.]

[D. Principal forest template dwelling on a tract of 60 or more acres, that abuts a road or perennial stream, subject to the following standards and criteria:

1. There are no other dwellings on the subject tract; and
2. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed, and the tract shall not be eligible for an additional dwelling.
3. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions; and [Addec 5/22/96, Ord. 607]
4. The lot or parcel is predominantly composed of soils are capable of producing 0 to 49 cubic feet per acre of wood fiber; and
 - a. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract; or
5. The lot or parcel is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre of wood fiber; and
 - a. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract; or
6. The lot or parcel is predominantly composed of soils that are capable of producing more than 85 cubic feet per acre of wood fiber; and
 - a. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract.

7. The measurement under subsections 4.a, 5.a, or 6.a of this section shall be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream.
8. The one dwelling required to be on the same side of the road or stream required to be on the same side of the road or stream required in subsections 4.b, 5.b, or 6.b of this section may be outside the width of the rectangle described in subsection 7 of this section if it is within one-quarter mile of the subject tract.
9. If the road crosses the subject tract on which the dwelling is to be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.]