

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 Amendment to Ordinance 654,)
the Yamhill County Transportation System Develop-)
ment Charge Ordinance, to Establish an Exemption) ORDINANCE No. 675
for the Temporary Placement of Hardship Dwellings)
and to Clarify Requirements for Capital Improvement)
Plans; Declaring an Emergency; Effective Immediately.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on December 9, 1999, commissioners Robert Johnstone, Thomas E.E. Bunn and Ted Lopuszynski being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. On August 13, 1998 the Board adopted Ordinance 654 to establish transportation system development charges in unincorporated Yamhill County. Ordinance 654 is entitled the "Yamhill County Transportation System Development Charge Ordinance."

B. On June 17, 1999 the Board adopted Board Order 99-424 to impose transportation system development charges as authorized by Ordinance 654. The transportation system development charges adopted by Board Order 99-424 went into effect July 1, 1999. In accordance with Section 3.1(1) of Ordinance 654, transportation system development charges were imposed against "all new development for which a building permit or mobile home placement permit or manufactured home placement permit is required with unincorporated Yamhill County." Because there was no exemption for temporary hardship dwellings allowed as a conditional use under the Yamhill County Zoning Ordinance, transportation system development charges have been imposed against temporary hardship dwellings.

C. Since Board Order 99-424 went into effect on July 1, 1999, the Board has received several requests for exemptions from transportation system development charges by persons who received conditional use approval for temporary hardship dwellings under the Yamhill County Zoning Ordinance. In accordance with the clear criteria for exemptions stated in Ordinance 654, all requests for such exemptions have been denied by the Board.

D. The Board has determined it is fair and just to create a category of exemption in the Yamhill County Transportation System Development Charge Ordinance for temporary hardship dwellings. In order to do so, it is necessary to amend Ordinance 654.

E. The county's system development charge consultant has also recommended certain modifications to Section 4.4 of Ordinance 654 relating to contents of Capital Improvement Plans.

F. This Ordinance is adopted to add a category of exemption to transportation system development charges for temporary hardship dwellings and to modify required contents of Capital Improvement Plans.

G. Because this ordinance does not modify transportation system development charges established under Board Order 99-424, no public hearing is required under ORS 223.304(5).
NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

**SECTION 1 AMENDMENT OF ORDINANCE 654 TO CREATE EXEMPTION
FOR TEMPORARY HARDSHIP DWELLINGS.**

Section 3.5 of Ordinance 654 is hereby amended to add the following language as subsection (5):

“(5) Temporary placement of a hardship dwelling authorized under the Yamhill County Zoning Ordinance as a conditional use where the placement is allowed in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative.”

**SECTION 2 AMENDMENT OF ORDINANCE 654 TO MODIFY
REQUIREMENTS FOR CAPITAL IMPROVEMENT PLANS.**

Section 4.4 of Ordinance 654 is hereby deleted in its entirety and replaced with the following language.

“4.4 -- AUTHORIZED CAPITAL IMPROVEMENTS; CONTENTS OF CAPITAL IMPROVEMENT PLANS. Should the Board adopt transportation system development charges for different areas of the County under authority of Section 3.2, any capital improvements being funded wholly or in part with transportation system development charge revenues shall be included in the County's adopted transportation capital improvement plan (CIP). The CIP shall:

“(1) List the specific capital improvement projects that may be funded with improvement fee system development charges revenues;

“(2) List the specific capital improvement projects that may be funded with reimbursement fee system development charges revenues;

“(3) Provide the cost of each capital improvement project; and

“(4) Provide the estimated timing of each capital improvement project.”

SECTION 3

REFUND OF TRANSPORTATION SYSTEM DEVELOPMENT CHARGES PAID ON TEMPORARY HARDSHIP DWELLINGS.

Within 30 days of the effective date of this Ordinance, the Planning Director shall cause a refund of the transportation system development charge to be made to the following persons: Any person who paid a transportation system development charge as a condition of obtaining a manufactured home placement permit for a temporary hardship dwelling authorized under the Yamhill County Zoning Ordinance as a conditional use where the placement was allowed in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative.

SECTION 4

SEVERABILITY CLAUSE.

All sections, subsections and paragraphs of this ordinance are severable. If any section, subsection or paragraph is ruled invalid for any reason by the court of last resort, the other portions of this ordinance shall be unaffected.

SECTION 5

EFFECTIVE DATE; EMERGENCY CLAUSE.

This ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency being declared to exist, shall become effective upon passage.

AYES: Commissioners Johnstone, Bunn and Lopuszynski.

NAYS: None.

DONE at McMinnville, Oregon on December 9, 1999.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN

County Clerk

Robert Johnstone

Chairman

ROBERT JOHNSTONE

By: Kellye H. Fetters
Deputy KELYE FETTERS

Thomas E. E. Bunn

Commissioner

THOMAS E. E. BUNN

FORM APPROVED BY:

John M. Gray, Jr.

JOHN M. GRAY, JR.

Yamhill County Counsel

Ted Lopuszynski

Commissioner

TED LOPUSZYNSKI

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