

## Zoning Ordinance

### Section 906.00 - Scenic Waterway Overlay District (SW)

[Adopted 12/29/93, Ord. 566]

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#### 906.01 Purpose

The purpose of the Scenic Waterway Overlay District is to reflect the designation of Oregon Scenic Waterways on the Official County Zoning Map. Additionally, the Overlay describes the review process administered by the State Parks and Recreation Department under the Scenic Waterways Act (ORS [390.805-390.925](#)).

#### 906.02 Area of Application

The Scenic Waterway Overlay District applies only to river segments included within the Oregon Scenic Waterways system. Under the provisions of Oregon Revised Statutes, a scenic waterway includes the river and its shoreline and all land and tributaries within one-quarter mile of its banks. The boundaries of the Scenic River Overlay to the Yamhill County Zoning Map are defined to correlate with the boundaries established by the State Parks and Recreation Department.

#### 906.03 Prohibited Uses

To protect the free-flowing character of designated rivers for fish, wildlife and recreation, the Scenic Waterways Act specifically prohibits placer mining and construction of dams, reservoirs, or impoundments within scenic waterways. This statutory prohibition takes precedence over the permitted and conditional uses listed in the underlying zone.

#### 906.04 Allowed Uses

Uses that are not specifically prohibited under the Scenic Waterways Act are allowed as provided in the underlying zone, subject to a notification and review procedure administered by the State Parks and Recreation Department.

#### 906.05 Review Procedure

- A. Property owners wishing to build roads or houses, develop mines, cut timber or make other proposed changes within one-quarter mile of each side of a designated scenic waterway must notify the State Parks and Recreation Department in advance. Within one year of notification, State Parks and Recreation must decide if a proposed change will affect the scenic beauty of the river. The Scenic Waterways Act allows the Parks and Recreation Commission to purchase land or timber if impairment of a river's scenic qualities cannot be prevented by any other means.
- B. Yamhill County will not accept a land use application for a use within the Scenic Waterway Overlay District until the State Parks Department notification and review process is completed.

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