

BEFORE 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 Approval of Zoning Ordinance Text)
Amendments Required by State Law to Allow Accessory)
Dwelling Units on Parcels Within an Urban Growth) Ordinance 906
Boundary Where Single-Family Dwellings are an Allowed)
Use; Planning Docket G-02-18; Applicant Yamhill)
County; and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on June 28, 2018, Commissioners Mary Starrett, Richard L. "Rick" Olson and Stan Primozych being present.

WHEREAS, under Section 7 of Enrolled House Bill 4031 (Oregon Legislative Assembly, 2018 Regular Session) ORS 197.321 was amended to read (in relevant part):

"(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection, 'accessory dwelling unit' means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling."

WHEREAS, the above referenced amendment to ORS 197.312 becomes operative on July 1, 2018;

WHEREAS, the Planning Commission heard this matter at a duly noticed public hearing on June 7, 2018 and voted 8-0 to approve the county's application, NOW, THEREFORE,

THE BOARD ORDAINS AS FOLLOWS:

Section 1. The county's application is approved for the reasons stated in the findings attached as Exhibit "A" and incorporated into this ordinance by this reference;

Section 2. The Yamhill County Zoning Ordinance (Ordinance No. 310, as amended) is hereby amended as specified in the attached Exhibit "B," incorporated into this ordinance by reference, with new language underlined, and deleted language designated by strikeout;

Section 3. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective immediately.

DONE this 28th day of June, 2018, in McMinnville, Oregon.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN

County Clerk

Handwritten signature of Mary Starrett in black ink.

Chair
MARY STARRETT

By: Carolina Rook

Deputy Carolina Rook

Rick Olson

Commissioner RICHARD L. "RICK" OLSON

FORM APPROVED BY:

Timothy S. Sadlo

Timothy S. Sadlo
Senior Assistant County Counsel

Handwritten signature of Stan Primozych in black ink.

Commissioner STAN PRIMOZICH

Ordinance 906
EXHIBIT A
DOCKET G-02-18 (ADU Amendments)
Findings in Support of Approval

DOCKET NO.: G-02-18

REQUEST: To add Section 1014 to the Yamhill County Zoning Ordinance (YCZO), which establishes development standards for Accessory Dwelling Units. To add the definition of Accessory Dwelling Unit and add clarification to current dwelling definitions in the YCZO. To add Accessory Dwelling Units as a permitted use in rural residential, commercial and industrial zones located within Urban Growth Boundaries.

APPLICANT: Yamhill County

CRITERIA: Section 1207.01 of the Yamhill County Zoning Ordinance.

FINDINGS:

A. Analysis of the Proposed Amendments

Exhibit B contain proposed amendments to the county's zoning ordinance, including the definition of "Accessory Dwelling Units (ADU's)" and amendments to other ordinance sections stating where ADUs are permitted. Amendments are being made to *Section 200 Definitions) and Rules of Construction* of the Yamhill County Zoning Ordinance (YCZO); *Section 501 Agriculture/Forestry Small Holding District*; *Section 502 Very Low Density Residential District*; *Section 503 Low Density Residential District*; *Section 601 Rural Commercial District*; *Section 602 Neighborhood Commercial District*; *Section 603 Highway Commercial District*; *Section 701 Rural Industrial District*; *Section 702 Light Industrial District*; and *Section 703 Heavy Industrial District*. A new *Section 1014 Accessory Dwelling Units* to the YCZO is also added, including standards, limitations, and requirements related to ADU's. The intent of the zoning ordinance revisions are to comply with Senate Bill 1051 which requires subject cities and counties, starting July 1, 2018, to allow at least one ADU per single-family dwelling in every zone that allows single-family dwellings. House Bill 4031, approved during the February 2018 session, clarified that ADU's were only allowed within Urban Growth Boundaries (UGB's). The standards are to be clear and objective and designed to not create additional barriers to development of ADU's.

B. ZONING ORDINANCE PROVISIONS AND ANALYSIS

1. Section 1207.01 of the Yamhill County Zoning Ordinance (YCZO) contains the process and review criteria pertinent to the proposed zoning ordinance text amendments. The ordinance standards are as follows:

A. An amendment may be initiated by the Board, the Commission, or the Director.

Exhibit "A"

Regarding the above criterion (A), the proposed amendments are a response to Senate Bill 1051 (2017) and House Bill 4031(2018) which amended ORS 197.312 to address the state's housing crisis. This amendment requires subject cities and counties, starting July 1, 2018, to allow at least one Accessory Dwelling Unit (ADU) per single-family dwelling in every zone that allows single-family dwellings within an Urban Growth Boundary. The Planning Director initiated the ordinance amendment process and sent the required 35-day notice to the Department of Land Conservation and Development. Therefore, the proposed amendments comply with criterion (A).

2. *B. An owner of land may petition the Board, the Commission, or the Director to initiate such an amendment, but may not initiate the amendment by making such an application.*

Regarding criterion (B), as mentioned above the process was initiated by the Director in response to amendments to ORS 197.312 by the State Senate, Senate Bill 1051 (2017), and House of Representatives, House Bill 4031 (2018). An owner of land did not petition the Board, Commission, or Director for the proposed amendments therefore criterion (B) is not applicable.

3. *C. Such amendments shall be made only by the Board after review and recommendation by the Commission, and after public hearings have been held by both the Commission and Board, pursuant to Section 1402 of this ordinance.*

Regarding criterion (C), Section 1402.02 states: *Notice of any legislative public hearing authorized or required by this ordinance shall be published in a newspaper of general circulation in the county at least ten (10) days prior to the hearing date.* A newspaper notice was printed in the News Register on May 22, 2018. In addition, the required 35-day notice was also sent to the Department of Land Conservation and Development. On June 7th, 2018, the Planning Commission unanimously (8-0) passed the motion to approve the proposed text amendments to the Yamhill County Zoning Ordinance to allow Accessory Dwelling Units on parcels that allow single family dwellings and are located within an Urban Growth Boundary. The Planning Commission also unanimously approved the addition of language to the ADU ordinance, Section 1014.01(4), that "ADU's shall, if possible, utilize the same driveway as the principal dwelling." The proposed amendments comply with criterion (C).

4. *D. Approval of a legislative ordinance amendment shall include findings showing the amendment is consistent with any applicable federal, state and local government rules and statutes, and comprehensive plan goals and policies.*

Regarding criterion (D), the ordinance amendments are required to be consistent with the state legislature's amendments to the Oregon Revised Statutes, Chapter 197.312 by section 6, chapter 745, Oregon Laws 2017, which will become operative July 1, 2018. This amendment pertains to the limitations on city and county authority to prohibit certain kinds

of housing; zoning requirements for farmworker housing; real estate sales office. The amendments to ORS 197.312 were drafted in response to the state's housing crisis and allows for the development of at least one ADU per single-family dwelling in every zone that allows single-family dwellings within an Urban Growth Boundary (UGB). The proposed ordinance amendment is consistent with the County's Comprehensive Planning Goal Statement regarding housing, Section (I.)(E.) (1.), which states that the county should aspire "To assure the provisions of safe, sanitary and decent housing for all residents of the county at a reasonable cost." The proposed amendment has the potential to appreciably increase the number of safe and sanitary homes available within the county, therefore the proposed ordinance amendments comply with criterion (D).

5. *E. Changes to the County zoning map which result from legislative ordinance amendments shall be made and become effective upon filing said ordinance with the County Clerk.*

Regarding criterion (E) above, the request does not involve a map amendment so this criterion does not apply.

CONCLUSIONS:

1. The proposal is to amend the text of the Yamhill County Zoning Ordinance.
2. The proposed text language complies with the review criteria for a legislative amendment in Section 1207.02 of the Yamhill County Zoning Ordinance.
3. The proposed amendments comply with the Yamhill County Comprehensive Plan goals and policies and state statutes.

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EXHIBIT B
DOCKET G-02-18 (ADU Amendments)
Language to be added is underlined and language to be deleted is ~~crossed out~~.

SECTION 200 – DEFINITIONS AND RULES OF CONSTRUCTION

201. RULES OF CONSTRUCTION

[Last Amended 10/17/2013; Ord.884]

201.01 Interpretations.

For the purposes of this ordinance, all words, terms and expressions contained herein shall be interpreted in accordance with the following rules of construction, unless the context requires otherwise:

- A. The particular controls the general;
- B. The word "shall" is mandatory, the word "may" is permissive;
- C. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;
- D. The words "used for" or "occupied for" include the words "intended for", "designed for", "arranged to be used for", "erected for", "constructed for", "reconstructed for", "repaired for", "moved for", "structurally altered for" or "extended for the purpose of";
- E. The word "person" includes a "firm", "association", "organization", "partnership", "trust", "company", or "corporation" as well as an "individual"; and
- F. Any word or term not defined herein shall be used with a meaning of common standard use. Any words, terms or phrases not defined herein, shall be construed according to their common, ordinary and accepted meaning.

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202. DEFINITIONS

[Last amended 10/17/13, Ord 884]

ABANDONMENT OF SURFACE MINING: A cessation of surface mining operation for more than five (5) consecutive years when the cessation is not part of an approved Department of Geology and Mineral Industries permit.

ACCEPTED FARMING PRACTICE: 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. [Added 7/9/98; Ord.648]

ACCESS: A means of egress and ingress for pedestrians and vehicles to the parcel to which access is required.

ACCESSORY STRUCTURE: A structure or building, the use of which is incidental and secondary to the principal structure or building on the same parcel.

ACCESSORY USE: A use which is incidental and secondary to the principal use on the same parcel. Amended 8/23/89; Ord.492]

AIRCRAFT LANDING FIELD: Any area of land or water used for the landing and take-off of aircraft, any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. Airport buildings include buildings used for maintenance, service or repair of aircraft. [Added 4/15/87; Ord. 444]

AIRPORT HAZARD: Any structure, tree, or use of land which exceeds height limits established by the Airport Imaginary Surfaces. [Added 8/17/88; Ord. 468]

AIRPORT IMAGINARY SURFACES: Those imaginary areas in space which are defined by the approach zone, transitional zone, horizontal surface, clear zone, and conical surface and in which any object extending above these imaginary surfaces is an obstruction. [Added 8/17/88; Ord. 468]

AMENDMENT, LEGISLATIVE: A legislative amendment is an amendment to the zoning ordinance to establish or change a specific policy related to uses, criteria, procedure or other ordinance provisions of substantial general applicability. A legislative amendment may apply to the zone map or text of the zoning ordinance. Added 8/23/89; Ord. 492]

AMENDMENT, QUASI-JUDICIAL: A quasi-judicial amendment is a zone map amendment changing the zone map from one zone designation to another. A quasi-judicial amendment applies to a specified tax lot or lots and results in the realignment of zone district boundaries. [Added 8/23/89; Ord. 492]

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APPROACH ZONE: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach zone is the same width as the primary surface and extends to a width of: 1250 feet for a utility runway having only visual approaches; 1500 feet for a runway other than a utility runway having only visual approaches; 2000 feet for a utility runway having a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile. The approach zone extends for a horizontal distance of 5000 feet at a slope of 20:1, horizontal:vertical for all utility and visual runways and 10,000 feet at a slope of 34:1 for all nonprecision instrument runways other than utility.

[Added 8/17/88; Ord. 468]

AREAS OF SPECIAL FLOOD HAZARD: The land in a floodplain subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V (see also definition of floodplain). [Added 10/17/13; Ord. 884]

AUTOMOBILE SERVICE STATION: A use which includes the retail sale of motor fuels, lubricating oils and vehicle accessories and may include the servicing and repair of motor vehicles as an accessory use. An automobile service station is not a repair garage nor a body shop.

[Amended 8/23/89; Ord. 492]

AUTOMOBILE REPAIR GARAGE: A use which provides for the repair and maintenance of motor vehicles, and includes any mechanical and body work.

[Amended 8/23/89; Ord. 492]

AUTOMOBILE WRECKING YARD: An area of land used for the storage, wrecking, dismantling, disassembling or sale of inoperable motor vehicles, trailers or farm equipment, or parts thereof.

[Amended 8/23/89; Ord. 492]

BASEMENT: A portion of a building which has more than one (1) foot but not more than one-half (1/2) of its height measured from finished floor to finished ceiling above the average grade of the ground. For purposes of Section 901, a basement is any area of a building having its floor subgrade (below ground level on all sides).

[Last Amended 2/24/2010; Ord.851]

BED AND BREAKFAST INN: A single-family dwelling where lodging is offered for compensation, having no more than nine (9) sleeping rooms for this purpose. A bed and breakfast inn may offer a morning meal for overnight guests only. A bed and breakfast inn is conducted within the residence of the operator.

Added 7/9/98; Ord.648; Amended 09/02/04, Ord 746]

BILLBOARD: A pre-existing off-premise sign or sign assemblage maintained as advertising rental space by a business enterprise.

BLANKETING: The visual blocking of one sign by another as seen by a motorist traveling a road or highway.

BOARD: The Yamhill County Board of Commissioners.

BOARDING, LODGING OR ROOMING HOUSE: A building or buildings where lodging with or without meals is provided for compensation for not less than five (5) persons in addition to members of the family occupying such building or buildings.

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BOARDING OF HORSES FOR PROFIT: The keeping, breeding, rehabilitation, feeding, training and management of horses for a fee. [Amended 8/23/89; Ord. 492]

BUILDING: A structure of a permanent nature having a fixed base on, or fixed connection to, the ground. [Amended 8/23/89; Ord. 492]

BUILDING INSPECTOR: The Yamhill County Building Official or the official's duly authorized representative. [Amended 8/23/89; Ord. 492]

CHURCH: A nonresidential place of worship which may include but is not limited to a synagogue, temple, mosque, chapel or meeting house. Activities customarily associated with the practices of the religious activity, include worship services, religion classes, weddings, funerals, child care and meal programs. These activities may be prohibited or restricted when it is found that the level of service of public facilities including transportation, water supply, sewer and storm drain systems is not adequate to serve the church. [Added 12/05/02; Ord. 720]

CLEAR ZONE: Extends at the same slope and horizontal angle as the approach zone from the primary surface to a point where the approach surface is 50 feet above the runway end elevation. [Added 8/17/88; Ord. 468]

CLERK: The Yamhill County Clerk or the clerk's duly authorized representative. [Amended 8/23/89; Ord. 492]

CLINIC: A place used for the care, diagnosis or treatment of sick, ailing, infirm or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises.

CLUB OR LODGE: A building and/or facilities owned and operated for a social, educational, or recreational, scientific, benevolent or charitable purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public or private kindergarten, school, college or research institution, daycare or rehabilitation facility of any kind.

COMMERCIAL DAIRY FARM: A dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by OAR 660-033-0135(5)(a) or (7)(a), whichever is applicable, from the sale of fluid milk. [Added 12/05/02; Ord. 720]

COMMISSION: The Yamhill County Planning Commission.

COMMUNITY SANITARY-SEWER SYSTEM: A public or private sewage collection, treatment and disposal system, and all appurtenant improvements as approved by the Oregon Department of Environmental Quality. A community sanitary sewer system includes a municipal sanitary sewer system. [Added 5/15/85; Ord. 408]

COMMUNITY WATER-SUPPLY SYSTEM: A public or private water supply, treatment, storage, transmission and distribution system, and all appurtenant improvements as approved by the Public

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Health Engineering Branch, Health Division, Oregon Department of Human Resources. A community water supply system includes a municipal water supply system. [Added 5/15/85; Ord. 408]

COMPREHENSIVE PLAN: The generalized, coordinated land-use map and policy statement adopted by County Ordinance No. 62 and all subsequent amendments thereto that covers all unincorporated land in Yamhill County and addresses all functional and natural activities and systems in said unincorporated land. "Land" includes water, both surface and subsurface, and the air. "Coordinated" means the needs of all government, semi-public and private agencies, and the citizens of Yamhill County have been considered and accommodated to the greatest extent possible. "Functional and natural activities and systems" include, but are not limited to, sewer and water systems, transportation systems, educational facilities, natural resources and air and water quality management programs and other topics of local importance.

CONDITIONAL USE: A use not permitted outright in a zoning district but which may be allowed by permit, subject to review for compatibility with existing and anticipated future uses, and compliance with Section 1202 and any other applicable provisions of this ordinance. [Amended 8/23/89; Ord. 492]

CONICAL SURFACE: A surface extending upward at a slope of 20:1 for a distance of 4,000 feet from the periphery of the horizontal surface. [Added 8/17/88; Ord. 468]

CONSTRUCTION: The placement of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition, or removal of an existing structure has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be construction, provided that work shall be carried on diligently. Installation of a septic tank/drainfield shall be considered construction. [Added 8/23/89; Ord. 492]

COUNTY: The unincorporated area of Yamhill County, Oregon.

DEVELOPMENT: For purposes of Section 901, any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials located within the area of special flood hazard. [Added 10/17/13; Ord. 884]

DIRECTOR: The Yamhill County Planning Director or the Director's duly authorized representative. [Amended 8/23/89; Ord. 492]

DWELLING: A building containing one (1) dwelling unit designed for and occupied by one (1) family only. The term dwelling includes a manufactured dwelling but does not include a hotel, motel, travel trailer, boarding, lodging or rooming house, private hospital, rest home or nursing home or other accommodations used for transient occupancy. [Amended 12/05/02; Ord. 720]

DWELLING, ACCESSORY: An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling. The accessory dwelling includes its own independent living facilities with provisions for sleeping, cooking and sanitation; designed for residential occupancy independent of the principal dwelling.

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DWELLING, DUPLEX: A building containing two (2) dwelling units, designed for and occupied by not more than two (2) families.

DWELLING, MULTI-FAMILY: A building containing three (3) or more dwelling units, designed and occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units.

DWELLING UNIT: One (1) room or rooms connected together, constituting an independent housekeeping establishment designed and used for occupancy by one (1) family, including dependent relatives and caretakers, and servants as appropriate includes permanent provisions for living, sleeping, cooking (limited to one kitchen only) and sanitation (full bathroom). [Amended 8/23/89; Ord. 492]

FAMILY: One or more person related by blood, marriage, legal adoption or legal guardianship plus not more than five (5) additional persons, including foster and shelter care persons or, up to five (5) unrelated persons, all living together as a single housekeeping unit. [Amended 8/23/89; Ord. 492]

FARM USE - The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or 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" also includes the current employment of land for the primary purpose of obtaining profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in the subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3), or land described in ORS 321.267(1)(e) or 321.415(5). [Added 7/9/98; Ord.648]

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of runoff of surface waters from any source. [Added 10/17/13; Ord. 884]

FLOOD, BASE: A flood, the level of which has a one percent chance of being equaled or exceeded in any given year. Commonly referred to as a 100-year flood. Designation on maps always includes the letters A or V. [Amended 2/24/10; Ord. 851]

FLOOD FRINGE: The area of the floodplain lying outside of the floodway. [Added 8/23/89; Ord. 492]

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (floodplain) and the risk premium zones. Added 8/23/89; Ord. 492]

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FLOOD INSURANCE STUDY: The official report provided by the Federal Insurance Administration that includes flood profiles and the water surface elevation of the base flood. [Added 2/24/10; Ord. 851; Modified 10/17/13; Ord. 884]

FLOOD LEVEE: Earthen embankment or other manmade structure designed and constructed to contain, control or divert the flow of water so as to provide protection from temporary flooding. [Added 8/23/89; Ord. 492]

FLOOD OBSTRUCTION: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, structure, or matter which is in, along, across, or projecting into any channel, watercourse, or floodplain area; which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water; or which is placed where the flow of water might carry the same downstream to the damage of life or property. [Added 8/23/89; Ord. 492]

FLOODPLAIN: The area adjoining a river, stream, or watercourse which may be subject to periodic inundation of floodwaters and is subject to a one percent or greater chance of flooding in any given year. Also called the area of special flood hazard. [Added 2/24/10; Ord. 851]

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures primarily for the reduction or elimination of flood damage potential to lands, water and sanitary facilities, structures and contents of buildings. [Added 8/23/89; Ord. 492]

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Added 10/17/13; Ord. 884]

FLOOR AREA: The sum of the areas of each story of a building measured between the exterior walls of such building, but excluding garages and attic space providing headroom of less than seven feet.

GRADE: The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

HEARINGS OFFICER: The Yamhill County Hearings Officer.

HEIGHT: The vertical distance from the finished grade to the highest point of the structure.

HOME OCCUPATION: An activity involving off-site sales, the manufacture of a product or the provision of a service carried on in compliance with Section 1004 of this ordinance by a resident of the property on which the business is located. "Home occupation" does not include the retail sale of products unless such sales are secondary to the primary home occupation use. [Amended 4/15/87; Ord. 444; Amended 8/23/89; Ord. 492; Amended 7/9/88; Ord. 648]

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HORIZONTAL SURFACE: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the primary surface of each visual or utility runway, and 10,000 feet from the center of each end of the primary surface of all other runways and connecting the adjacent arcs by lines tangent to those areas.
[Added 8/17/88; Ord. 468]

HOSPITAL, PRIVATE: A use which provides for the care of the sick, ailing, infirm, injured or aged other than in a public hospital, and includes convalescent homes and nursing homes.

KENNEL: A site providing for the accommodation of four (4) or more dogs of licensable age under the Yamhill County Dog Control Ordinance, where such dogs are kept for board, propagation, training, or sale.
[Amended 8/23/89; Ord. 492]

KITCHEN: Any area designed or used for preparation or cooking of food, and including any of the following: a sink larger than 18 inches by 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.

KITCHEN, WET BAR: an area within a dwelling unit, other than a kitchen, that contains a sink with a maximum size of 18 inches by 18 inches. The maximum size of the trap arm and drain for the wet bar sink must not exceed 1.5 inches. The area is not a wet bar if any of the following is also present: a sink larger than 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.

LIVESTOCK: Domestic animals of types customarily raised or kept on farms for profit or other purposes, but not including household pets.

LIVESTOCK FEEDING YARD: An enclosure or structure of 1,000 square feet or more in ground area designed or used for the concentrated feeding or fattening of livestock for marketing; or an enclosure or structure of less than 1,000 square feet in ground area designed or used for the concentrated feeding or fattening of five (5) or more head of livestock for marketing.

LIVESTOCK SALES YARD: A enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

LOT: See "Parcel".

LOWEST FLOOR, FLOOD: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building or access storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
Added 2/24/10; Ord. 851]

MANUFACTURED HOME: Any of the following:

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- a. Residential trailer: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed before January 1, 1962.
- b. Mobile home: a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- c. Manufactured home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.
- d. A manufactured home does not include any unit identified as a recreational vehicle by the manufacturer. [Added 7/9/98; Ord.648]

MINERAL RESOURCE: Sand, gravel, rock, stone, precious metals, oil, gas, coal, ore, soil or other earth materials.

MINERAL RESOURCE EXTRACTION: The initial removal or excavation of a mineral resource from the deposit area by mechanical techniques, including the removal of overburden and stockpiling of the raw material.

MINERAL RESOURCE PROCESSING: The blasting, crushing, washing, screening, weighing, sorting, blending or refining of mineral resources.

MINERAL RESOURCE SITE/OPERATION: A tract of land from which mineral resources are removed or excavated, stockpiled or processed for sale and intended for use off-premise as commercial or industrial products through retailing, wholesaling, contract purchase or other means. Operation does not include site preparation such as land clearing.

MOTEL: One (1) or more attached or detached buildings containing housekeeping or sleeping units designed and used for the temporary accommodation of tourists or transients with off-street parking space for each such unit.

NEW CONSTRUCTION: For purposes of Section 901, structures for which the "start of construction" commenced on or after the effective date of this ordinance and any subsequent improvements to such structures. [Added 10/17/13; Ord. 884]

NONCONFORMING USE: A building, structure or use which was legally established prior to the adoption of any provision of this ordinance with which the building, structure or use does not comply.

OAR: Oregon Administrative Rule

[Added 7/9/98; Ord.648]

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EXHIBIT B
DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed out~~.

OFFICIAL ZONING MAP: That zoning map and any amendments thereto adopted as part of the Yamhill County Zoning Ordinance, No. 310, 1982, as amended, as described in Section 302.
[Amended 8/23/89; Ord. 492]

OPEN SPACE: Any land so designated by the Comprehensive Plan, or any land area, the preservation of which in its present use would:

- A. Conserve and enhance natural or scenic resources;
- B. Protect air or streams or water supply;
- C. Promote conservation of soils or wetlands;
- D. Conserve landscaped areas, such as public or private golf courses, which reduce pollution and enhance the value of abutting or neighboring property;
- E. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;
- F. Enhance recreation opportunities;
- G. Preserve historic sites;
- H. Promote orderly urban or rural development; or
- I. Retain in their natural state tracts of land, on such conditions as may be reasonably required by Yamhill County.

ORS: Oregon Revised Statutes [Added 7/9/98; Ord.648]

OWNER: An owner of land or the authorized agent of an owner.

PARCEL (or LOT): A unit of land created by an authorized subdivision or partitioning of land or that was created by deed or land sale contract on or prior to October 3, 1975. A lot or parcel does not include a unit of land created on or after October 4, 1975 solely to establish a separate tax account or to obtain financing for construction or other purposes.
[Amended 8/23/89; Ord. 492]

PARCEL COVERAGE: The area of a parcel covered by a building or buildings expressed as a percentage of the total parcel area.

PARCEL DEPTH: The mean horizontal distance between the front parcel line and the rear parcel line of a parcel.

PARCEL LINE, FRONT: Any boundary line separating the parcel from a public road. Where a parcel has no frontage on a public road, the front parcel line is the line of the easement or private road which serves the parcel and which is nearest to the principal dwelling, if any.

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Language to be added is underlined and language to be deleted is ~~crossed-out~~.

PARCEL LINE, REAR: The boundary line or lines most distant from the front parcel line and not intersecting a front parcel line.

PARCEL LINE, SIDE: Any boundary line not a front or rear parcel line.

PARCEL SIZE: The total horizontal area within the parcel lines of a parcel.

PARCEL, THROUGH: A parcel, other than a corner parcel, that abuts on two (2) or more roads.

PARCEL WIDTH: The mean horizontal distance between the side parcel lines of a parcel measured within the parcel boundaries.

PARK: Any public or private land reserved for recreational, educational, cultural, or open space uses.
[Added 7/9/98; Ord. 648]

PARKING SPACE, OFF-STREET: A space adequate for parking one (1) automobile with room for opening doors on both sides, together with properly related access to a road or alley and maneuvering room.

PERMITTED USE: A use permitted outright in a zoning district which complies with all of the regulations applicable in that district.
[Amended 8/23/89; Ord. 492]

PLACE OF PUBLIC ASSEMBLY: A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.
[Added 8/17/88; Ord. 468]

PLANNED UNIT DEVELOPMENT: A development approved as a zone overlay to combine a site-specific design with underlying zone provisions, the purpose of which is to allow design flexibility, application of new technology and/or other ordinance modifications in exchange for providing site improvements, administrative mechanisms, and other amenities not required of typical development. PUD's are intended to accomplish substantially the same objectives as are intended by Comprehensive Plan and underlying Zone provisions applicable to the specific property.
Added 8/23/89; Ord. 492]

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 250 feet for utility runways having only visual approaches, 500 feet for utility runways having nonprecision instrument approaches and 500 feet for other than utility runways.
[Added 8/17/88; Ord. 468]

PRINCIPAL DWELLING: The primary dwelling on any parcel.

PRINCIPAL USE: The primary use of a lot or parcel, which may be either a permitted or conditional use.
Amended 8/23/89; Ord. 492]

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Language to be added is underlined and language to be deleted is ~~crossed out~~.

PUBLIC WORKS DEPARTMENT: The Yamhill County Department of Public Works.
[Added 8/23/89; Ord. 492]

RECREATIONAL VEHICLE (or RV): A travel trailer, camper, motor home, or other unit built on a single chassis, designed to be self-propelled or permanently towable by a light duty truck, and that is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use or emergency purposes, and that has a gross floor area not exceeding 400 square feet.
[Added 7/9/98; Ord.648 Amended 2/24/10; Ord. 851]

RECREATIONAL VEHICLE (or RV) PARK: Any lot or tract developed primarily to provide parking and related services to two or more transient recreational vehicles on a fee basis.
Added 7/9/98; Ord.648]

RESIDENTIAL FACILITY: A residential care, residential training, or residential treatment facility licensed or registered by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460, or licensed by the Children's Services Division under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.
[Added 3/19/98; Ord. 643]

RESIDENTIAL HOME: A residential treatment or training or an adult foster home licensed under the authority of the Department of Human Resources, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.
[Added 3/19/98; Ord. 643]

RESORT: Any area of land or water used for open-land commercial or private recreation where overnight lodging, meals, and related tourist services are provided in conjunction with such recreational use.

ROAD: Any public or private access road, street, alley, highway, walkway easement or way platted, recorded or shown on any official map, whether or not such street is actually developed or used.

ROAD DEPARTMENT: The Yamhill County Road Department, otherwise referred to as the Public Works Department.
[Amended 8/23/89; Ord. 492]

SANITARIAN: The Yamhill County Senior Environmental Health Specialist or the Specialist's authorized representative.

SCHOOL: A public or private elementary school, grade school, middle school, junior high school, high school, college or university. The term "school", as used in this ordinance, does not include commercial operations which offer classes of a primarily recreational nature.
[Added 7/9/98; Ord.648]

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Language to be added is underlined and language to be deleted is ~~crossed-out~~.

SECONDARY DWELLING: A dwelling other than a principal dwelling, used for a caretaker, health care or farmworker residence, guest house or similar use accessory to the principal residence.
[Amended 8/23/89; Ord. 492]

SETBACK: The horizontal distance measured perpendicularly from the property line to the nearest point of any structure on any parcel. Ordinary building projections such as eaves, bay windows, and chimneys, and unroofed decks or porches not more than 30 inches above ground level are not subject to setback requirements.
[Amended 1/14/99; Ord. 668]

SIGN: An identification, description, illustration or device which is affixed to or represented directly or indirectly, upon land, or a building or structure, and which attracts the attention of, or conveys a message to any person not on the premises on which the sign is located in respect to a product, service, activity, person, institution, place or business; provided, however, that the following shall not be included in the application of sign regulations herein:

- A. Signs not more than two (2) square feet in area and bearing only property numbers, postal box numbers, names of occupants of premises or other identification of premises, or traffic directional signs, providing such signs do not have commercial connotations.
- B. Flags and insignia of any government, except when displaced in connection with commercial promotion.
- C. Legal notices, or identification, informational or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights; and sculpture and other work of fine art created for appreciation rather than advertising.
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

[Amended 8/23/89; Ord. 492]

SIGN, FLASHING: Any illuminated sign within or upon which the illumination is not maintained stationary and constant in intensity and color.
[Amended 8/23/89; Ord. 492]

SIGN, ILLUMINATED: Any sign designated to give forth any artificial light or designed to be illuminated by artificial light from another source, and does not include a flashing sign.
Amended 8/23/89; Ord. 492]

SIGN, OFF-PREMISE: A sign which advertises goods, products, services, accommodations or activities which are not sold, manufactured, distributed or made available on or from the premises.
[Amended 8/23/89; Ord. 492]

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Language to be added is underlined and language to be deleted is ~~crossed-out~~.

SIGN, OFF-PREMISE/BUSINESS IDENTIFICATION: Small off-premise, blue and white reflective signs located in public road rights-of-way for the purpose of advising motorists of the locations of parks, restaurants, wineries or other places of interest. Added 8/23/89; Ord. 492]

SIGN, OFF-PREMISE/ADVERTISING: An attached or detached sign or billboard which advertises goods, products, services, accommodations or activities which are not sold, manufactured, distributed or made available on the property where the sign is located. Added 8/23/89; Ord. 492]

SIGN, PROJECTING: Any sign attached to a structure and projecting perpendicularly out from the wall or roof to which it is attached. [Amended 8/23/89; Ord. 492]

SIGN, SURFACE AREA: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area on one side of any free standing sign or roof or wall mounted sign with backing, or the area resulting from encircling the lettering and all of the other elements of signage displayed on roof or wall mounted signs without backing. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. [Amended 8/23/89; Ord. 492]

SIGN WITH BACKING: Any sign that is displayed upon, against or through any material or colored surface or backing that forms an integral part of such display, and that differentiates the overall display from the background against which it is placed. Words, letters, and other advertising elements attached directly to a roof or wall shall not be considered a sign with backing. [Added 8/23/89; Ord. 492]

START OF CONSTRUCTION: For purposes of Section 901, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Added 10/17/13; Ord. 884]

STRUCTURE: Something constructed or built and having a fixed base on, or fixed construction to the ground or another structure. For purposes of Section 901, a walled and roofed building including a gas or liquid storage tank that is principally above ground. [Amended 2/24/10; Ord. 851]

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Language to be added is underlined and language to be deleted is ~~crossed-out~~.

STRUCTURAL ALTERATION: Any change to the supporting members of a building, including foundations, bearing walls or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.

SUBSTANTIAL DAMAGE: For purposes of Section 901, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value before the damage occurred. [Added 10/17/13; Ord. 884]

SUBSTANTIAL IMPROVEMENT: For purposes of Section 901, any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term can exclude; any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. [Added 10/17/13; Ord. 884]

TRANSITIONAL ZONES: A surface extending upward at a slope of 7:1 beginning on each side of the primary surface, and from the sides of the approach zones, then extending upward to a height of 150 feet above the airport elevation. [Added 8/17/88; Ord. 468]

TRAVEL TRAILER: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet. [Amended 7/9/98; Ord.648]

TRAVEL TRAILER SPACE: An area in a travel trailer park used for one (1) travel trailer.

USE: The purpose for which land or a building or structure is used, designed, arranged or intended, or for which it is occupied or maintained.

UTILITY: Any area of land or any structure used for the generation, storage conversion or transfer of energy or for communication facilities, such as telephone, telegraph, radio or television, or for municipal water or wastewater treatment. [Amended 1/14/99; Ord.668]

UTILITY RUNWAY: A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less. [Added 8/17/88; Ord. 468]

VARIANCE, FLOOD: For purposes of Section 901, a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance. [Added 2/24/10; Ord. 851]

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WATER DEPENDENT USE: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreating, energy production or source of water. For purposes of Section 901, a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. [Amended 2/24/10; Ord. 851]

WATER-RELATED USE: A use which is not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, road and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs. [Added 8/23/89; Ord. 492]

YARD: A required open area unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded parcel upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT: Any yard abutting a street or lying parallel to the front parcel line.

YARD, REAR: Any yard abutting a rear parcel line.

YARD, SIDE: Any yard abutting a side parcel line.

YURT: A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance. [Added 12/05/02; Ord. 720]

SECTION 500 – RURAL RESIDENTIAL DISTRICTS

501. AGRICULTURE/FORESTRY SMALL HOLDING DISTRICT (AF-10)

[Last amended 09/02/04; Ord. 746]

501.01 Purpose.

The purpose of the AF-10 District is to provide for low density rural residential development on selected lands identified as Agricultural/Forestry Small Holding in the Comprehensive Plan; and, at the same time, to encourage small-scale or more intensive farm and forestry activities. Within this District, no limitations shall be placed on farm and forestry uses of the scale, type and performance characteristics commonly found in the F-80, EF-20, -40 or -80 and AF-20, -40 or -80 Districts. In areas immediately adjacent to urban centers, the AF-10 District is intended to be a transitional zone between F-80, EF-20, -40 or -80 and AF-20, -40 or -80 Districts and higher-density VLDR and LDR Districts or urban districts identified in city comprehensive plans. [Amended 12/05/02; Ord. 720]

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501.02 Permitted Uses.

In the AF-10 District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 501.06:

- A. Farm uses; [Amended 7/9/98; Ord. 648]
- B. Propagation and harvesting of forest products;
- C. The boarding of horses for profit, subject to Section 1101 for site design review;
- D. Principal dwelling;
- E. Park or open space which is publicly or privately owned, operated or maintained, including fishing and wildlife preserves but excluding hunting preserves;
- F. Subdivisions, subject to the land division requirements set forth in Ordinance 205;
- G. Residential Planned Unit Developments, subject to Section 903 of this Ordinance and the land division requirements set forth in Ordinance 205;
- H. Accessory uses;
- I. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301;
- J. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- K. Manufactured home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;
- L. Signs, pursuant to the sign provisions set forth in Section 1006; and
- M. Residential home. [Added 3/19/98; Ord. 643]
- N. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014.

501.03 Conditional Uses.

In the AF-10 District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

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- A. Secondary dwelling, for persons engaged full-time in farm activities on the premises for at least six (6) months in each year, in conjunction with a principal dwelling on the same parcel, and provided that:
1. The applicant demonstrates that the nature of the farm activities on the premises makes it necessary for the occupants of the secondary dwelling to reside there.
 2. The occupants of the secondary dwelling will perform work related to the management of the farm that the occupants of other dwellings on the property cannot perform.
 3. If the occupants of a secondary dwelling approved hereunder have no proprietary interest in the land, the dwelling shall be a manufactured home. In such a case, if at any time the requirements of this Section can no longer be satisfied, the manufactured home shall be removed.
- B. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative, as defined in ORS 215, of the resident, subject to the following:
1. The resident or relative of the resident is aged, infirm, or for health-related reasons, is incapable of maintaining a complete separate residence.
 2. The permit for the manufactured dwelling for the term of hardship shall be valid for a period of two years or a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time, if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated.
 3. The permit for the temporary dwelling for the term of hardship shall be granted to the applicant only and shall not be deemed to run with the land.
 4. The temporary dwelling shall use the same subsurface sewage disposal system as the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.
 5. When a recreational vehicle is allowed to be used as a temporary structure the recreational vehicle site shall have services, inspected and approved by the building department which includes electricity, plumbing and connection to an approved septic system.
 6. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. In the case of a

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recreational vehicle, within three months of the end of the hardship, it shall be removed, demolished or may remain on the property and used in accordance with Section 501.06(H). A temporary residence approved under this paragraph is not eligible for replacement. [Amended 07/29/04; Ord. 743]

- C. Home occupation, as defined by this ordinance, subject to the standards and limitations set forth in Section 1004;
- D. Mineral resource extraction, subject to the applicable criteria in Section 404;
- E. Extraction and development of oil, natural gas or geothermal resources, subject to the criteria specified in subsection 404.10;
- F. Personal use airports or helicopter pads, including associated hangars, maintenance and service facilities. For the purpose of this section, a personal use airport is defined as an airstrip restricted, except for aircraft emergencies, to use by the owner or by his invited guests, on an infrequent and occasional basis, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based or stored at a personal use airport except those owned or controlled by the owner of the airstrip;
- G. Kindergarten, day nursery or day care facility in conjunction with a principal dwelling on the same parcel, subject to the standards for day care facilities set forth in Section 1008;
- H. Veterinary hospital;
- I. Kennel;
- J. Community or municipal water-supply system, except within acknowledged service boundaries;
- K. Community or municipal sewer system;
- L. Utility facility, subject to Section 1101 for Site Design Review;
- M. Public or private school, including all buildings essential to the operation of the school; and
- N. Church
- O. A church may offer overnight camping space on institution property to homeless persons living in vehicles provided there are three or fewer vehicles and campers have access to sanitary facilities including but not limited to toilet, hand washing and trash disposal facilities. [Amended 12/05/02; Ord. 720]
- P. Winery, including production and wholesale and retail sale of wine, subject to Section 1101 site design review and the following:

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1. A winery shall be permitted to conduct on-site marketing activities events such as festivals and group tastings that are directly related to promotion and sale of the wine produced on-site with an anticipated maximum of 750 daily visitors. Only three such events may be conducted in one calendar year, and the events shall not exceed a duration of three days. The frequency and duration of these events may be further limited through site design review approval based on the adequacy of public facilities.
2. The winery shall allow only the sale of:
 - (a) Wines produced in conjunction with the winery;
 - (b) Items directly related to wine, the sales of which are incidental to the retail sale of wine on-site and do not exceed 25 percent of the total sales gross receipts of the retail facility. Such items include those served by a limited service restaurant, as defined in ORS 624.010, and local agricultural products commonly sold in conjunction with wine; and
 - (c) Wines not produced in conjunction with the winery, the sales of which are incidental to the sale of wine produced on-site; [Amended 12/05/02; Ord. 720]

Q. Community Centers. [Added 09/02/04; Ord. 746]

R. Residential facility as defined in ORS 197.660. [Added 09/02/04; Ord. 746]

501.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this section are prohibited in the AF-10 District.

501.05 Nonconforming Uses.

Nonconforming uses found in the AF-10 District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

501.06 Standards and Limitations.

In the AF-10 District, the following standards and limitations shall apply:

- A. Dwelling Density.
 1. Permitted Uses.
 - (a) The overall dwelling density shall not exceed one (1) principal dwelling per ten (10) acres; and
 - (b) Not more than one (1) principal dwelling shall be permitted on any parcel except in the case of a planned unit development.

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B. Parcel Size and Dimension.

1. Newly-Created Parcels.

Except as provided in Subsection 4 below, the minimum size of any newly-created parcel shall be ten (10) acres, except in the case of parcel size averaging the minimum parcel size shall be five (5) acres.

2. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section.

3. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 4:1.

4. Division of Pre-existing Dwellings. A division of a lot or parcel may be allowed if:

(a) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(b) Each dwelling complies with the criteria for a replacement dwelling under 403.02(N);

(c) Except for one lot or parcel, each lot or parcel created under this paragraph is between two and five acres in size; and

(d) At least one dwelling is located on each lot or parcel created under this paragraph.

[501.06(B)(4) added 09/02/04, Ord 746]

C. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows:

1. No dwelling shall be located within one hundred (100) feet of the property line of an existing extraction or mining operation nor less than two hundred (200) feet from an existing extraction operation;
2. The minimum setback for a kennel and a veterinary hospital shall be fifty (50) feet;
3. The minimum setback for signs shall be five (5) feet; and
4. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.

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5. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.

6. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 501.06(F).

[Amended 7/9/98; Ord. 648]

D. Parcel Coverage.

Not applicable, except that for any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads; public roads; private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Occupancy of Recreational Vehicles

Ordinance 906

EXHIBIT B

DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed out~~.

One (1) recreational vehicle shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests for a period of up to 30 days total in any year. In no case shall any recreational vehicle be used as a principal dwelling or rented unless the necessary permits have been obtained.

[Amended 7/9/98; Ord. 648]

I. Off-street Parking.

1. In the AF-10 District, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround; and
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the AF-10 District shall be determined by the Director subject to the provisions of Section 1007.

SECTION 500 – RURAL RESIDENTIAL DISTRICTS

502. VERY LOW DENSITY RESIDENTIAL DISTRICTS (VLDR-5, VLDR-2 ½, VLDR-1)

[Last Amended 5/24/12; Ord. 872]

502.01 Purpose.

The purpose of the VLDR Districts is to provide for medium-to-high density rural residential development on selected lands identified as Very Low Density Residential in the Comprehensive Plan. The VLDR Districts are intended to accommodate rural residential development at an anticipated magnitude or density level that does not require more than a very basic level of services, such as single local-road access, individual domestic wells and sewage-disposal systems, and rural fire protection. Ultimate density limitations in VLDR Districts shall be determined in part by prevailing lot sizes, and limitations of domestic water sources or soil conditions for subsurface sewage disposal. Opportunities for small-scale or intensive farm and forestry activities compatible with rural residential uses shall be encouraged in the VLDR Districts. In areas immediately adjacent to urban centers, the VLDR Districts are intended as transitional zones between F-80, EF-20, -40 or -80, AF-20, -40 or -80 and AF-10 Districts and higher-density LDR Districts or urban districts identified in city comprehensive plans.

[Amended 12/05/02; Ord. 720]

502.02 Permitted Uses.

In the VLDR Districts, the following uses shall be permitted subject to the standards and limitations set forth in subsection 502.06:

- A. Farm uses. The number of livestock and other animals that may be raised on a parcel is subject to the limitations in subsection 502.06(J).

[Amended 3/19/98, Ord. 643; 7/9/98, Ord 648]

Ordinance 906
EXHIBIT B
DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed out~~.

- B. Propagation and harvesting of Christmas trees;
- C. Principal Dwelling;
- D. Subdivisions, subject to the land division requirements set forth in Ordinance 205;
- E. Residential planned unit developments, subject to Section 903 of this ordinance and the land division requirements set forth in Ordinance 205;
- F. Accessory uses;
- G. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- H. Manufactured home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;
- I. Signs, pursuant to the sign provisions set forth in Section 1006;
- J. Residential home or a registered or certified family child care home; and [Amended 5/24/12; Ord. 872]
- K. Propagation and harvesting of forest products; [Added 12/05/02; Ord. 720]
- L. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014.

502.03 Conditional Uses.

In the VLDR Districts, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative, as defined in ORS 215, of the resident, subject to the following:
 - 1. The resident or relative of the resident is aged, infirm, or for health-related reasons, is incapable of maintaining a complete separate residence.
 - 2. The permit for the manufactured dwelling for the term of hardship shall be valid for a period of two years or a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time, if any of the

Ordinance 906

EXHIBIT B

DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed-out~~.

reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated.

3. The permit for the temporary dwelling for the term of hardship shall be granted to the applicant only and shall not be deemed to run with the land.
 4. The temporary dwelling shall use the same subsurface sewage disposal system as the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.
 5. When a recreational vehicle is allowed to be used as a temporary structure the recreational vehicle site shall have services, inspected and approved by the building department which includes electricity, plumbing and connection to an approved septic system.
 6. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. In the case of a recreational vehicle, within three months of the end of the hardship, it shall be removed, demolished or may remain on the property and used in accordance with Section 501.06(H). A temporary residence approved under this paragraph is not eligible for replacement. [Amended 07/29/04; Ord. 743]
-
- B. Home occupation, as defined by this ordinance, subject to the standards and limitations set forth in Section 1004.
 - C. Operations conducted for the exploration of oil, natural gas or geothermal resources subject to the requirements in subsection 404.10;
 - D. Kindergarten in conjunction with a principal dwelling on the same parcel, subject to the standards for day care facilities set forth in Section 1008; [Amended 5/24/12; Ord. 872]
 - E. Community or municipal water-supply system, except within acknowledged service boundaries;
 - F. Community or municipal sanitary-sewer system;
 - G. Utility facility, subject to Section 1101 for site design review;
 - H. Public or private school, including all buildings essential to the operation of a school, subject to Section 1101, Site Design Review; and [Amended 8/13/98, Ord. 657]
 - I. Church, subject to Section 1101, Site Design Review. [Amended 8/13/98, Ord. 657]

Ordinance 906

EXHIBIT B

DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed-out~~.

- J. A church may offer overnight camping space on institution property to homeless persons living in vehicles provided there are three or fewer vehicles and campers have access to sanitary facilities including but not limited to toilet, hand washing and trash disposal facilities. [Added 12/05/02; Ord. 720]
- K. Park, playground, recreational area or open space which is publicly or privately owned, operated or maintained, including fishing and wildlife preserves but excluding hunting preserves. [Added 05/25/04; Ord. 741]
- L. Community Centers. [Added 09/02/04; Ord. 746]
- M. Residential facility as defined in ORS 197.660. [Added 09/02/04; Ord. 746]

502.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this section shall be prohibited in the VLDR Districts.

502.05 Nonconforming Uses.

Nonconforming uses found in the VLDR Districts are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this ordinance.

502.06 Standards and Limitations.

In the VLDR Districts, the following standards and limitations shall apply:

- A. Dwelling Density.
 - 1. Permitted Uses.
 - (a) The maximum overall dwelling density for any new development shall not exceed:
 - i. one (1) dwelling per five (5) acres in the VLDR-5 District;
 - ii. one (1) dwelling per two and one-half (2 ½) acres in the VLDR-2 ½ District; and
 - iii. one (1) dwelling per acre in the VLDR-1 District.
 - (b) Not more than one (1) principal dwelling shall be permitted on any parcel, except in the case of a planned unit development and except as follows:
 - i. one (1) duplex may be allowed on any ten (10) acre parcel in the VLDR-5 District.

Ordinance 906

EXHIBIT B

DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined> and language to be deleted is ~~crossed-out~~.

- ii. one (1) duplex may be allowed on any five (5) acre parcel in the VLDR-2 ½ District; and
 - iii. one (1) duplex may be allowed on any two (2) acre parcel in the VLDR-1 District.
- (c) For the division of any contiguous lands under the same ownership, parcel sizes may be averaged provided that the maximum overall density of the applicable VLDR District is not exceeded, and provided that no parcel shall be below the applicable minimum parcel size established by subsection 502.06(B). In the case of parcel-size averaging, the landowner shall record an affidavit with the county clerk specifying the imposed conditions which are applicable to the newly-created parcels, including overall residential density, etc.

2. Conditional Uses.

Not more than one (1) secondary dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

1. VLDR-5 District.

- (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be five (5) acres, except as follows:
 - i. In the case of parcel-size averaging, the minimum parcel size shall be two and one-half (2 ½) acres;
 - ii. In the case of a duplex, the minimum parcel size shall be (10) acres; and
 - iii. In the case of a duplex or multi-family planned unit development, the minimum parcel size shall be twenty (20) acres.
- (b) Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

2. VLDR-2 ½.

Ordinance 906
EXHIBIT B
DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed-out~~.

- (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be two and one-half (2 ½) acres, except as follows:
 - i. in the case of parcel-size averaging, the minimum parcel size shall be one (1) acre; and
 - ii. in the case of a duplex, the minimum parcel shall be five (5) acres; and
 - iii. in the case of a residential planned unit development, the minimum parcel size shall be ten (10) acres.
- (b) Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

3. VLDR-1.

- (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be one (1) acre, except as follows:
 - i. in the case of parcel-size averaging, the minimum parcel size shall be 20,000 square feet; and
 - ii. in the case of a duplex, the minimum parcel size shall be two (2) acres; and
 - iii. in the case of a residential planned unit development, the minimum parcel size shall be five (5) acres.
- (b) Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

Ordinance 906
EXHIBIT B
DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed-out~~.

The following setback requirements apply to all VLDR Districts unless varied or waived by a planned unit development, subject to Section 903:

1. Front Yard. The minimum front yard setback shall be thirty (30) feet except as follows:
 - (a) No dwelling shall be located within one hundred (100) feet of the property line of an existing extraction or mining operation nor less than two hundred (200) feet from an existing extraction operation.
 - (b) The minimum setback for all yards for signs shall be five (5) feet; and
 - (c) No structure housing livestock shall be located within fifty (50) feet of any front parcel line, twenty-five (25) feet of any other parcel line, and forty (40) feet of any dwelling.
2. Side and Rear Yard. The minimum side and rear yard setbacks shall be fifteen (15) feet, except as provided in this subsection.
3. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
4. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
5. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 502.06(F).
[Subsection C amended 7/9/98, Ord. 648]

D. Parcel Coverage.

For any parcel of one (1) acre or more, but less than ten (10) acres, the maximum parcel coverage shall be ten (10) percent. For any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

Ordinance 906

EXHIBIT B

DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed-out~~.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or planting exceeding thirty (30) inches in within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
[Amended 4/9/97; Ord. 624]
2. The maximum building height for all other structures shall be forty-five (45) feet, except for accessory structures on any parcel of less than ten (10) acres the maximum building height shall be thirty-five (35) feet; and
[Amended 4/9/97; Ord. 624]
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Occupancy of Recreational Vehicles.

One (1) recreational vehicle shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests for a period of up to 30 days total in any year. In no case shall any recreational vehicle be used as a principal dwelling or rented unless and until the necessary permits have been obtained.
[Amended 7/9/98, Ord. 648]

I. Off-Street Parking.

1. In the VLDR Districts, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround; and
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the VLDR Districts, including multi-family dwellings, shall be determined by the Director subject to the provisions of Section 1007.

J. Livestock.

The keeping of livestock shall be allowed subject to the following restrictions:

Ordinance 906

EXHIBIT B

DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed-out~~.

1. On any parcel of one-half (½) acre or less, the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25) and no other livestock of any kind shall be permitted;
2. On any parcel of less than ten (10) acres, the total number of animal units shall not exceed one (1) for each one (1) acre of parcel area. Animal units shall be counted as follows: horse 1.0, cow over 18 months old 1.0, calf 0.6, cow and calf pair 1.35, sheep 0.2, pig 0.5 and goat 0.2. [Amended 12/05/02; Ord. 720]
3. On any parcel of less than ten (10) acres, the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25), plus one (1) for each five hundred (500) square feet of parcel area in excess of one-half (½) acre and the total number of bee colonies shall not exceed one (1) per two thousand (2,000) square feet of parcel area;
4. All livestock shall be properly fenced and contained so as to minimize adverse impacts to surrounding property owners; and
5. All animal food shall be stored in metal or other rodent-proof receptacles.

SECTION 500 – RURAL RESIDENTIAL DISTRICTS

503. LOW DENSITY RESIDENTIAL DISTRICTS (LDR-12,000, LDR-9,000, LDR-6,750

[Last amended 8/13/98, Ord. 657]

503.01 Purpose.

The purpose of the LDR Districts is to provide for high-density rural residential development on selected lands identified as Low Density Residential in the Comprehensive Plan. The LDR Districts are intended to accommodate rural residential development in locations generally adjacent to urban centers and are characterized by patterns of subdivision or partitioning creating a scale of service and access requirements that are complementary or similar to city residential zones. Depending upon location, LDR Districts may be converted in a timely and orderly manner through annexation to city residential lands. The LDR Districts shall apply only to those lands zoned LDR at the time of adoption of this ordinance.

503.02 Permitted Uses.

In the LDR Districts, the following uses shall be permitted subject to the standards and limitations set forth in subsection 503.06:

- A. Principal Dwelling;
- B. Subdivisions, subject to the land division requirements set forth in Ordinance 205;

Ordinance 906
EXHIBIT B
DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed out~~.

- C. Residential planned unit developments, subject to Section 903 of this ordinance and the land division requirements set forth in Ordinance 205;
- D. Accessory uses;
- E. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- F. Manufactured home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;
- G. Signs, pursuant to the sign provisions set forth in Section 1006;
- H. Residential home. [Added 3/19/98; Ord. 643]
- I. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014.

503.03 Conditional Uses.

In the LDR Districts, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Home occupation, as defined by this ordinance, subject to the standards and limitations set forth in Section 1004;
- B. Kindergarten, pre-school nursery, or day care facility in conjunction with a principal dwelling on the same parcel, subject to the standards for day care facilities set forth in Section 1008;
- C. Utility facilities, subject to Section 1101 for site design review;
- D. Duplex or multi-family dwelling, subject to the planned unit development requirements in Section 903; and
- E. Residential facility, subject to the planned unit development requirements in Section 903. [Added 8/13/98, Ord. 657]

503.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this section are prohibited in the LDR Districts.

503.05 Nonconforming Uses.

Ordinance 906
EXHIBIT B
DOCKET G-02-18 (ADU Amendments)
Language to be added is underlined and language to be deleted is ~~crossed out~~.

Nonconforming uses found in the LDR Districts are subject to the provisions of Section 1205 as well as any other applicable provisions of this ordinance.

503.06 Standards and Limitations.

In the LDR Districts, the following standards and limitations shall apply:

A. Dwelling Density.

1. The maximum overall dwelling density for any new development shall not exceed:
 - (a) One (1) dwelling per twelve thousand (12,000) square feet in the LDR-12,000 District;
 - (b) One (1) dwelling per nine thousand (9,000) square feet in the LDR-9,000 District; and
 - (c) One (1) dwelling per six thousand seven hundred fifty (6,750) square feet in the LDR-6,750 District.
2. Not more than one (1) principal dwelling shall be permitted on any parcel, except in the case of a planned unit development, and except as follows:
 - (a) For the division of any contiguous lands under the same ownership, parcel sizes may be averaged provided that the maximum overall density of the applicable LDR District is not exceeded and provided that no parcel shall be below the applicable minimum parcel size established by subsection 503.06(B). In the case of parcel-size averaging, appropriate conditions shall be imposed to prevent redivision of oversized parcels which would exceed the maximum overall residential density requirements of the applicable LDR District.

B. Parcel Size and Dimension.

1. LDR-12,000 District.
 - (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be twelve thousand (12,000) square feet, except as follows:
 - i. in the case of parcel-size averaging, the minimum parcel size shall be nine thousand (9,000) square feet; and
 - ii. in the case of a duplex or multi-family planned unit development, the minimum parcel size shall be two (2) acres.

Ordinance 906
EXHIBIT B
DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed out~~.

- (b) Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

2. LDR-9,000 District.

- (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be nine thousand (9,000) square feet, except as follows:
 - i. in the case of parcel-size averaging, the minimum parcel size shall be six thousand seven hundred fifty (6,750) square feet; and
 - ii. in the case of a duplex or multi-family planned unit development, the minimum parcel size shall be two (2) acres.
- (b) Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

3. LDR-6,750 District.

- (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be six thousand seven hundred fifty (6,750) square feet, except as follows:
 - i. in the case of parcel-size averaging, the minimum parcel size shall be six thousand (6,000) square feet; and
 - ii. in the case of duplex or multi-family planned unit development, the minimum parcel size shall be one (1) acre.
- (b) Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.

Ordinance 906

EXHIBIT B

DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined> and language to be deleted is ~~crossed-out~~.

- (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

The following setback requirements apply to all LDR Districts unless varied or waived under a Planned Unit Development, subject to Section 903:

1. Front Yard. The minimum front yard setback shall be thirty (30) feet except as follows:
 - (a) No dwelling shall be located within one hundred (100) feet of the property line of an existing extraction or mining operation nor less than two hundred (200) feet from an existing extraction operation; and
 - (b) The minimum setback for all yards for signs shall be five (5) feet.
2. Side and Rear Yard. The minimum side and rear yard setbacks shall be ten (10) feet except as provided in this subsection.
3. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
4. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
5. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 503.06(F).

[Subsection C amended 7/19/98, Ord. 648]

D. Parcel Coverage.

For any parcel of one (1) acre or more, but less than ten (10) acres, the maximum parcel coverage shall be ten (10) percent. For any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet.

Ordinance 906
EXHIBIT B
DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed-out~~.

Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be twenty-five (25) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet, except for accessory structures on any lot of less than ten (10) acres the maximum building height shall be twenty-five (25) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Occupancy of Recreational Vehicles

One (1) recreational vehicle shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests for a period of up to 30 days total in any year. In no case shall any recreational vehicle be used as a principal dwelling or rented unless and until the necessary permits have been obtained.

[Amended 7/9/98; Ord. 648]

I. Off-Street Parking.

1. In the LDR Districts, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround; and
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the LDR Districts shall be determined by the Director subject to the provisions of Section 1007.

Ordinance 906

EXHIBIT B

DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed out~~.

SECTION 600 – COMMERCIAL DISTRICTS

601. RECREATION COMMERCIAL DISTRICT (RC) [Last Amended 12/05/02; Ord. 720; 5/24/12; Ord. 872]

601.01 Purpose.

The purpose of the RC District is to provide specialized commercial services in conjunction with a recreational use. This district is intended to meet present foreseeable demand for recreational commercial services both inside and outside urban growth boundaries where special location and space requirements are necessary for the recreational use. The size and intensity of development or facilities and uses within this district shall be commensurate with the capability of land and water areas to support the uses intended, and shall not result in any unusual service demands on nearby urban centers.

601.02 Permitted Uses.

In the RC District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 601.07, and pursuant to Section 1101 for site design review.

- A. Resort;
- B. Entertainment facility, food store (maximum floor area of two thousand (2,000) square feet), gift, souvenir or antique shop, motel, restaurant or other similar uses in conjunction with a resort;
- C. Indoor commercial recreation facility;
- N. Golf course, golf course and driving range or driving range, not in conjunction with a golf course; [Golf Course Added 12/05/02; Ord. 720]
- E. Miniature golf;
- F. RV park, subject to the RV park provisions of Section 1003;
- G. Dwelling in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]
- H. Accessory uses;
- I. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- J. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10;

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Language to be added is underlined and language to be deleted is ~~crossed out~~.

- K. Community or municipal water supply system;
- L. Community or municipal sewer system; and
- M. Signs, pursuant to the sign provisions set forth in Section 1006.
- N. Country inn. [Added 5/24/12; Ord. 872]
- O. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit.

601.03 Conditional Uses.

In the RC District, pursuant to the Type B application procedure as set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Drive-in theater;
- B. Open-land commercial or private recreation use, such as zoo, racing circuit, motorcycle hill climb, skydiving facility and similar uses;
- A. Home occupation, subject to the standards and limitations set forth in Section 1004;
- D. Utility facility, subject to Section 1101 for site design review.

601.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 601.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

601.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the RC District.

601.06 Nonconforming Uses.

Nonconforming uses found in the RC District are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this ordinance.

601.07 Standards and Limitations.

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DOCKET G-02-18 (ADU Amendments)
Language to be added is underlined and language to be deleted is ~~crossed out~~.

In the RC District, the following standards and limitations shall apply:

A. Dwelling Density.

1. Not more than one (1) dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

1. Minimum Parcel Size. The minimum parcel size for any use, including a PUD, shall be two (2) acres.
2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

1. Front Yard. The minimum front yard setback shall be thirty (30) feet, except as follows:
 - (a) The minimum setback for all yards for an RV park shall be twenty (20) feet when abutting a road and otherwise shall be ten (10) feet for all yards; and
 - (b) The minimum setback for all yards for signs shall be five (5) feet.
2. Side and Rear Yard. The minimum side and rear yard setbacks shall be thirty (30) feet, except as provided in this subsection.
3. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
4. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
5. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 601.07(E).
[Amended 7/9/98, Ord. 648]

D. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

E. Clear-Vision Areas.

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EXHIBIT B

DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed out~~.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

G. Off-street Parking.

Off-street parking and loading requirements for any use in the RC District shall be as provided in Section 1007.

SECTION 600 -- COMMERCIAL DISTRICTS

602. NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

[Last amended 7/9/98, Ord. 648]

602.01 Purpose.

The purpose of the NC District is to provide limited convenience commercial services for a specific residential market area outside urban growth boundaries. This district is intended to maintain the service function of rural hamlets in the county; or to locate a present foreseeable demand for small-scale, local convenience centers in an area where access, traffic-turning movement and off-street parking can be provided in a convenient and economic manner. The size of such centers shall reflect real market demand in the residential areas to be served and the spacing of such centers shall be commensurate with the spacing of existing centers and arterial or collector intersections. In areas adjacent to Highways 99W and 18, the layout and design of such centers shall ensure that the view from the highway and rural atmosphere of the county are not impaired and that the scale and service requirements of the facilities do not have an adverse impact on, unduly compete with, or place any unusual service demands on nearby urban centers.

602.02 Permitted Uses.

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EXHIBIT B
DOCKET G-02-18 (ADU Amendments)
Language to be added is underlined and language to be deleted is ~~crossed-out~~.

In the NC District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 602.07 and pursuant to Section 1101 for site design review:

- A. Automobile service station;
- B. Automobile repair garage;
- C. Drive-in restaurant, restaurant, or refreshment stand;
- D. Food store, maximum floor area of two thousand (2,000) square feet;
- E. Dwelling in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]
- F. Accessory uses;
- G. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector.
- H. Community or municipal water supply system;
- I. Community or municipal sewer system; and
- J. Signs, pursuant to the sign provisions set forth in Section 1006.
- K. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit.

The following uses have been approved as similar uses in the NC district:

- axle and hitch assembly shop
- beauty salon
- tavern
- farm equipment sales
- furniture sales
- lumber sales

602.03. Conditional Uses.

In the NC District, pursuant to the Type B application procedure as set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

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Language to be added is underlined and language to be deleted is ~~crossed-out~~.

- A. Home occupation, subject to the standards and limitations set forth in Section 1004;
- B. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10;
- C. Utility facility, subject to Section 1101 for site design review.

602.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 602.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

602.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the NC District.

602.06 Nonconforming Uses.

Nonconforming uses found in the NC District are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this ordinance.

602.07 Standards and Limitations.

In the NC District, the following standards and limitations shall apply:

A. Dwelling Density.

Not more than one (1) dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

- 1. **Minimum Parcel Size.** The minimum parcel size for any use shall be 20,000 square feet, except the minimum parcel size for a planned unit development shall be two (2) acres.
- 2. **Depth-to-Width Ratio.** The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

- 1. **Front Yard.** The minimum front yard setback shall be thirty (30) feet, except that the minimum setback for all yards for signs shall be five (5) feet.

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Language to be added is underlined and language to be deleted is ~~crossed-out~~.

2. Side and Rear Yard. The minimum side and rear yard setbacks shall be ten (10) feet, except as follows:

(a) An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.

(b) A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.

3. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 602.07(F).

[Amended 7/9/98, Ord. 648]

D. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels, and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;

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Language to be added is underlined and language to be deleted is ~~crossed out~~.

2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Off-street Parking.

Off-street parking and loading requirements for any use in the NC District shall be as provided in Section 1007.

SECTION 600 – COMMERCIAL DISTRICTS

603. HIGHWAY/TOURIST COMMERCIAL DISTRICT (HC)

[Last amended 7/9/98, Ord. 648]

603.01 Purpose.

The purpose of the HC District is to provide limited small-scale highway and tourist commercial services for the traveling public in specially designated highway-service centers where access, traffic-turning movements and off-street parking can be provided in a safe, convenient, economic and attractive manner. The establishment of an HC District shall be based on present foreseeable demand for limited services to the traveling public. In areas adjacent to Highways 99W and 18, the size, spacing, layout and design of such centers shall ensure that the view from the highway and the rural atmosphere of the county are not impaired; and that the scale and service requirements of the facilities do not have an adverse impact on, unduly compete with, or place any unusual service demands on nearby urban centers.

603.02 Permitted Uses.

In the HC District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 603.07 and pursuant to Section 1101 for site design review:

- A. Automobile service station;
- B. Drive-in restaurant, restaurant, or refreshment stand;
- C. Food store, maximum floor area of two thousand (2,000) square feet;
- D. Fruit or vegetable stand, commercial;
- E. Gift, souvenir or antique shop;

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DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed-out~~.

- F. Motel;
- G. Dwelling in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]
- H. Accessory uses;
- I. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- J. Community or municipal water supply system;
- K. Community or municipal sewer system; and
- L. Signs, pursuant to the sign provisions set forth in Section 1006.
- M. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit.

The following use has been approved as a similar use in the HC district:-

- RV sales

603.03 Conditional Uses.

In the HC District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Home occupation, subject to the standards and limitations set forth in Section 1004;
- B. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements of subsection 404.10;
- C. Utility facility, subject to Section 1101 for site design review.

603.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted used specified in subsection 603.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

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EXHIBIT B
DOCKET G-02-18 (ADU Amendments)
Language to be added is underlined and language to be deleted is ~~crossed out~~.

603.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the HC District.

603.06 Nonconforming Uses.

Nonconforming uses found in the HC District are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provision of this ordinance.

603.07 Standards and Limitations.

In the HC District, the following standards and limitations shall apply:

A. Dwelling Density.

No more than one (1) dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

1. Minimum Parcel Size. The minimum parcel size shall be 20,000 square feet for any use, except the minimum parcel size for a motel shall be one (1) acre and the minimum parcel size for a planned unit development shall be two (2) acres.
2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

1. Front Yard. The minimum front yard setback shall be thirty (30) feet, except that the minimum setback for all yards for signs shall be five (5) feet.
2. Side and Rear Yard. The minimum side and rear yard setbacks shall be ten (10) feet, except as follows:
 - (a) An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.

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DOCKET G-02-18 (ADU Amendments)

Language to be added is underlined and language to be deleted is ~~crossed out~~.

(b) A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.

3. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 603.07(F).
[Amended 7/9/98, Ord. 648]

D. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any land division ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels, and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

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Language to be added is underlined and language to be deleted is ~~crossed out~~.

H. Off-street Parking.

Off-street Parking and loading requirements for any use in the HC District shall be as provided in Section 1007.

SECTION 700 – INDUSTRIAL DISTRICTS

701. RESOURCE INDUSTRIAL DISTRICT (RI)

[Last amended 7/9/98, Ord. 648]

701.01 Purpose.

The purpose of the RI District is to accommodate the present foreseeable demand for food-packaging and processing industries in areas close to the resources utilized, where high weight or bulk, low-value, perishable produce must be transported short distances in short time to processing plants. Such uses shall be compatible with existing or projected urban development, and shall not require municipal water supply, municipal sewage services, or other municipal services, and shall coordinate site and building design through application of the site design review process.

701.02 Permitted Uses.

In the RI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 701.07, and pursuant to Section 1101 for site design review:

- A. Fruit, nut or vegetable packing, processing, warehousing or cold storage operations;
- B. Winery, including production and wholesale and retail sale of wine, subject to the following:
 - 1. A winery shall be permitted to conduct on-site marketing activities events such as festivals and group tastings that are directly related to promotion and sale of the wine produced on-site with an anticipated maximum of 750 daily visitors. Only three such events may be conducted in one calendar year, and the events shall not exceed a duration of three days. The frequency and duration of these events may be further limited through site design review approval based on the adequacy of public facilities.
 - 2. A winery shall be permitted to rent or lease facilities, with or without a fee, within or adjacent to the winery for events such as parties, receptions, and banquets that are not directly related to winery promotional activities, only at the frequency customary prior to January 1, 1994.
 - 3. The winery shall allow only the sale of:
 - (a) Wines produced in conjunction with the winery;

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Language to be added is underlined and language to be deleted is ~~crossed out~~.

- (b) Items directly related to wine, the sales of which are incidental to the retail sale of wine on-site and do not exceed 25 percent of the total sales gross receipts of the retail facility. Such items include those served by a limited service restaurant, as defined in ORS 624.010, and local agricultural products commonly sold in conjunction with wine; and
- (c) Wines not produced in conjunction with the winery, the sales of which are incidental to the sale of wine produced on-site; [Amended 11/30/94; Ord. 582]
- C. Wholesale nursery;
- D. Dwelling for caretaker or watchman in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]
- E. Accessory uses;
- F. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- G. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10;
- H. Community or municipal sewer system; and
- I. Signs, pursuant to the sign provisions set forth in Section 1006.
- J. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit.

701.03 Conditional Uses.

In the RI District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Home occupation, subject to the standards and limitations set forth in Section 1004;
- B. Livestock packing, processing and warehousing;
- C. Utility facility, subject to Section 1101 for site design review; [Added 3/15/85; Ord. 408]

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Language to be added is underlined and language to be deleted is ~~crossed out~~.

- D. Rental or lease of facilities, with or without a fee, in conjunction with an agricultural use for events such as parties, receptions, and banquets with the primary intent of indirect promotion of the product harvested or processed on the site. [Added 11/30/94; Ord. 582]

- E. Four or more promotional events in a calendar year that are directly related to the marketing of products harvested or processed on the site that are reasonably expected to attract more than daily 750 visitors. [Added 11/30/94; Ord. 582]

701.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 701.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

701.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the RI District.

701.06 Nonconforming Uses.

Nonconforming uses found in the RI District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

701.07 Standards and Limitations.

In the RI District, the following standards and limitations shall apply:

A. Dwelling Density.

1. Permitted Uses.

Not more than one (1) dwelling, as allowed for a caretaker or watchman in conjunction with a permitted use, shall be allowed on any parcel.

2. Conditional Uses.

The maximum overall dwelling density for any dwelling allowed by conditional use shall be established by the decision-making body subject to Section 1101 for site design review.

B. Parcel Size and Dimension.

1. Minimum Parcel Size.

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Language to be added is underlined and language to be deleted is ~~crossed-out~~.

The minimum parcel size for any use shall be one (1) acre.

2. Depth-to-Width Ratio.

The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows:

1. The minimum setback shall be five (5) feet for all yards for signs.
2. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
3. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 701.07 (F).
[Amended 7/9/98, Ord. 648]

D. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

E. Access.

Before a dwelling may be established on any lot or parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

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Language to be added is underlined and language to be deleted is ~~crossed out~~.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Off-street Parking.

Off-street parking and loading requirements for any use in the RI District shall be as provided in Section 1007.

SECTION 700 – INDUSTRIAL DISTRICTS

702. LIGHT/GENERAL INDUSTRIAL DISTRICT (LI)

[Last Amended 7/9/98, Ord 648]

702.01 Purpose.

The purpose of the LI District is to provide for light and general industrial uses with similar service needs within urban growth boundaries and in other locations which are or will be compatible with adjacent urban development. Such areas shall maintain high performance standards for light and general industrial uses and shall coordinate site and building design through application of the site design review process.

702.02 Permitted Uses.

In the LI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 702.07 and pursuant to Section 1101 for site design review:

- A. Manufacture of machine tools, medical and dental equipment, electronic instruments, mobile homes, and food products not generating noxious odors;
- B. Farm, industrial or contractor's equipment or materials manufacture, storage, sales, repair or service, including automobile repair garage;
- C. Warehousing, wholesale storage and distribution, and motor freight terminals contained only within a building;

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Language to be added is underlined and language to be deleted is ~~crossed-out~~.

- D. Fruit, nut or vegetable packing, processing warehousing or cold storage operations;
- E. Winery;
- F. Veterinary hospital;
- G. Accessory uses;
- H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- I. Community or municipal water supply system;
- J. Community or municipal sewer system; and
- K. Signs, pursuant to the sign provisions set forth in section 1006;
- L. Dwelling for a caretaker or watchman in conjunction with permitted use. Site design review is not required for the dwelling. [Amended 7/9/98, Ord 648]
- M. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit.

The following uses have been approved as a similar use in the LI district:

- RV storage (Docket SU-01-91 in TL File 5405-1001)
- Mini-storage

702.03 Conditional Uses.

In the LI District pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10.
- B. Utility facility, subject to Section 1101 for site design review. [Added 5/15/85; Ord. 408]

702.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district, that is similar in character, scale and performance to the permitted uses specified in subsection 702.02 may be allowed

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as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

702.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the LI District.

702.06 Nonconforming Uses.

Nonconforming uses found in the LI District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

702.07 Standards and Limitations.

In the LI District, the following standards and limitations shall apply:

A. Parcel Size and Dimension.

1. Minimum Parcel Size. The minimum parcel size for any use shall be 20,000 square feet.
2. Depth-to-width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

B. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows: as follows:

1. The minimum setback shall be five (5) feet for all yards for signs.
2. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
3. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 702.07 (D).
[Amended 7/9/98, Ord 648]

C. Parcel Coverage.

The maximum parcel coverage shall be thirty (30) percent for any use.

D. Access.

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Before a dwelling may be established on any lot or parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by butting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

E. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads; public roads, private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or planting exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

1. The maximum building height for any dwelling shall be forty-five (45) feet; and
2. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Off-street Parking.

Off-street parking and loading requirements for any use in the LI District shall be as provided in Section 1007.

SECTION 700 – INDUSTRIAL DISTRICTS

703. HEAVY INDUSTRIAL DISTRICT (HI)

[Last Amended 12/5/02, Ord 720]

703.01 Purpose.

The purpose of the HI District is to provide for industrial uses with high-nuisance characteristics that are incompatible with adjacent urban residential uses or for industrial uses where space or performance characteristics demand a specialized locale. All required services shall be available to the site, including necessary major utility lines and sewer and water facilities. Whenever appropriate, heavy industrial uses shall be located within urban growth boundaries so that necessary urban-level services can be provided in an efficient and economic manner.

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703.02 Permitted Uses.

In the HI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 703.07, and pursuant to Section 1101 for site design review:

- A. Grain elevators, feed mills and seed cleaning plants;
- B. Manufacture of forest products, including sawmills, planing mills, plywood and particle board plants and pulp and paper mills;
- C. Auto wrecking yards;
- D. Animal slaughtering, meat-packing and rendering plants;
- E. Facilities for the processing or production of oil, natural gas, geothermal resources or other hydrocarbons;
- F. Manufacture of clay products, brick, tile and cement and including mining of materials used in production;
- G. Outdoor storage of raw materials or finished products associated with any permitted use;
- H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- I. Community or municipal water supply system;
- J. Community or municipal sewer system; and
- K. Signs, pursuant to the sign provisions set forth in Section 1006.
- L. Dwelling for caretaker or watchman in conjunction with permitted use. Site design review is not required for the dwelling. [Added 6/5/85, Ord. 409; Amended 7/9/98, Ord. 648]
- O. Utility facility. [Added 12/05/02; Ord. 720]
- P. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit.

The following uses have been approved as a Similar Use in the HI district:

- Asphalt batch plant (SU-01-98),
- Cell Tower (SU-01-99)

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703.03 Conditional Uses.

In the HI District, no use may be allowed as a conditional use.

703.04 Similar Uses.

Any use not specifically listed as a permitted use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 703.02, may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

703.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the HI District.

703.06 Nonconforming Uses.

Nonconforming uses found in the HI District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

703.07 Standards and Limitations.

In the HI District, the following standards and limitations shall apply:

A. Parcel Size and Dimensions.

1. Minimum Parcel Size. The minimum parcel size for any use shall be two (2) acres.
2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

B. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses, except as follows:

1. The minimum setback shall be five (5) feet for all yards for signs.
2. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
3. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 703.07 (E).

[Amended 7/9/98, Ord. 648]

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C. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

D. Access.

Before a principal use may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

E. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: county roads; public roads; private roads serving four or more parcels; and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

1. The maximum building height for all structures shall be sixty (60) feet; and
2. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

G. Off-street Parking.

Off-street parking and loading requirements for any use in the HI District shall be as provided in Section 1007.

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SECTION 1000 – SPECIAL USE REQUIREMENTS

1014. ACCESSORY DWELLING UNITS

1014.01 General Provisions

A. The following provisions shall apply to accessory dwelling units (ADU's):

1. The lot or parcel shall be located within an Urban Growth Boundary (UGB).
2. A maximum of one ADU is allowed per principal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a garage or shop), or a unit attached or interior to the primary dwelling (e.g. an addition or the conversion of an existing floor).
3. A recreational vehicle is not permitted to be used as an ADU.
4. ADU's shall, if possible, utilize the same driveway as the principal dwelling.
5. ADU's are exempted from the parcel coverage and dwelling density standards.
6. Short-term rental of the ADU is prohibited. For purposes of this provision, short-term rental is defined as fee-based occupancy for a period less than 30 consecutive days. Month to month rental agreements for long-term purposes is not short-term rental when the renter(s) remains the same each month.

1014.02 Standards and Requirements.

- A. Accessory dwelling units (ADU's), where allowed, are subject to review and approval through a Type A application procedure as set forth in Section 1301, and shall meet the following development standards:
1. If interior or attached:
 - a. Shall be a maximum of 900 square feet in floor area or 75% of the primary dwelling's floor area, whichever is less. However, ADU's that result from the conversion of a level or floor (e.g. basement, attic or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the ADU would be more than 900 square feet.
 - b. Shall meet the same height requirements as the primary dwelling on the property.

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c. Shall meet the same setbacks as required of the primary dwelling in the underlying zoning district.

2. If detached:

a. Shall be a maximum of 900 square feet in floor area or 75% of the primary dwelling's floor area, whichever is less.

b. Shall not exceed 25 feet in height or the height of the primary dwelling, whichever is less;

c. Shall maintain the setbacks of the underlying zoning district.

3. Conversion of an existing legal non-conforming structure to an ADU is allowed, provided that the conversion does not increase the non-conformity.