

Accepted by Yamhill County
Board of Commissioners on
10-15-86 by Board Order
86-501

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YAMHILL COUNTY, OREGON

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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

CHARLES STERN
COUNTY CLERK

DEPUTY

86-501

In the Matter of the Amendment)
of Sections 202, 303, 304, 401,)
402, 403, 404, and 1010 of the)
Yamhill County Zoning Ordinance,)
No. 310, as Amended and Declaring)
and Emergency)
ORDINANCE 435

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), on the 15th day of October, 1986, sat for the transaction of county business in special session, Commissioners Donald D. Porter, David E. Bishop and Ted Lopuszynski being present.

WHEREAS, on December 1, 1982, the Board adopted Ordinance 310, entitled the Yamhill County Zoning Ordinance, to regulate zoning and land use planning in the county in a systematic and orderly fashion, said Ordinance being subsequently amended from time to time; and

WHEREAS, pursuant to the periodic review process set forth in ORS 197.610 - .650 the county has conducted a partial review of Ordinance 310, as amended, and has determined after public hearings before the Planning Commission on various portions of Docket G-20-86, beginning on March 7, 1985, and continuing on April 1, 1985, October 17, 1985, November 7, 1985, December 5, 1985, February 6, 1986, February 20, 1986, March 6, 1986, March 20, 1986, May 1, 1986, August 21, 1986, and September 4, 1986, and public hearings before the Board on September 23, October 2, October 8, and October 15, 1986, that the following revisions as set forth in Exhibit "A" are necessary to bring the county's zoning ordinance into compliance with statewide laws and administrative rules; and

WHEREAS, it is necessary to the health, safety, and welfare of the citizens of Yamhill County that the following revisions be made; NOW THEREFORE

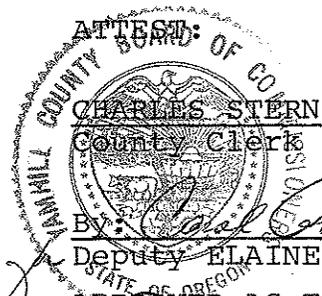
THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. The existing sections of 202, 303, 304, 401, 402, 403, and 404 of the Yamhill County Zoning Ordinance, No. 310, as amended, are hereby repealed and replaced in their entirety with the identically numbered sections set forth in the attached Exhibit "A", incorporated herein by this reference.

Section 2. A new section 1010, set forth in the attached Exhibit "A", incorporated herein by this reference is hereby added to and made a part of the Yamhill County Zoning Ordinance.

Section 3. This action being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective upon passage hereof.

DATED at McMinnville, Oregon, this 15th day of October, 1986.



ATTEST:
CHARLES STERN
County Clerk

By: Elaine Pearcey
Deputy ELAINE PEARCEY

APPROVED AS TO FORM BY:
John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

Donald D. Porter
Chairman DONALD D. PORTER
Date: Oct 15, 1986

David E. Bishop
Commissioner DAVID E. BISHOP
Date: OCT. 15, 1986

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI
Date: Oct 15, 1986

ORDINANCE 435

Amending or repealing the following Sections of Ordinance 310, and subsequent amendments:

1. Section 202. Definitions
2. Section 303. Rules for Interpretation of District Boundaries
3. Section 304. Application of Zoning District Regulations
4. Section 401. Forestry District (F-40)
5. Section 402. Exclusive Farm Use District (EF-40)
6. Section 403. Agriculture/Forestry District (AF-20)
7. Section 404. Mineral Resource District (MR)
8. Section 405. Repeal Parks, Recreation, Open Space District (PRO)
9. Section 1010. Historic Resources
10. Making appropriate table of contents changes and other references to the above provisions will be completed at the time the balance of the ordinance is reprinted.

SECTION 200
DEFINITIONS AND RULES OF CONSTRUCTION

202.

DEFINITIONS

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.

ACCESS: A means of egress and ingress for pedestrian 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. Utilities and services provided to uses allowed in respective zone districts are recognized as accessory uses within those Districts.

AIRCRAFT APPROACH SECTOR: That approach safety area having a minimum length of 5000 feet, extending beyond the end of an aircraft landing sector, and continuing upward/outward at the same slope/angle of 1 foot upward/outward for each 20 feet of horizontal distance. See diagram in Section 1011.

AIRCRAFT LANDING FIELD: Any area of land or water used for the landing and take-off of aircraft, and 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.

AIRCRAFT LANDING SECTOR: That clear area generally extending beyond each end of a primary landing surface, from the end thereof, starting at the runway elevation and projecting upward/outward at a slope/angle of 1 foot upward/outward for each 20 feet of horizontal distance to a point 50 feet above the runway elevation. See diagram in Section 1011.

AIRCRAFT PRIMARY LANDING SURFACE: That runway and adjacent area generally a minimum of 250 feet in width and extending either 200 feet past each end of a hard-surface improved runway or running the full length of any other runway. See diagram in Section 1011.

AMENDMENT, LEGISLATIVE: A legislative amendment is an amendment applicable throughout the entire County or throughout all specified zone districts. Legislative amendments are made basically to establish or change specific policy related to uses, criteria, procedures or other ordinance provisions.

AMENDMENT, QUASI-JUDICIAL: A quasi-judicial amendment is a zone map amendment from one district to another, applies only to a specified tax lot(s), and results in the realignment of zone district boundaries.

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

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

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

BILLBOARD: A pre-existing off-premise sign or sign assemblage, generally maintained as rental advertising 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 more than five (5) persons in addition to members of the family occupying such building or buildings.

BOARDING OF HORSES FOR PROFIT: The keeping, breeding, rehabilitation, feeding, training and management of horses for a fee.

BUILDING: A structure of a permanent nature, and having a fixed base on, or fixed connection to the ground.

BUILDING INSPECTOR: The Yamhill County Building Official or his/her duly authorized representative.

CLERK: The Yamhill County Clerk or his/her duly authorized representative.

CAMPGROUND, OVERNIGHT: Any area providing overnight accommodations for travel trailers or similar recreational vehicles or allowing overnight camping, and having water or electrical service, sewage disposal or bathroom facilities provided specifically for the campground occupants; or any area accommodating such vehicles or camping for more than three consecutive nights; or any area providing such accommodations for more than a nine month period; or any area specifically advertised as providing overnight accommodations for travel trailers or similar recreation vehicles, or camping.

CLUB OR LODGE: A building and/or facilities owned and operated for a social, educational, 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, day-care or rehabilitation facility of any kind.

COMMISSION: The Yamhill County Planning Commission.

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 system" 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.

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 Health Engineering Branch, Health Division, Oregon Department of Human Resources. A community water supply system includes a municipal water supply system.

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.

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 specific provisions of this ordinance.

CONSTRUCTION: The placement of construction materials in a permanent position and fastened in a permanent manner. Where excavation, or 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 or well shall be considered construction.

CULTURAL RESOURCES INVENTORY: That inventory of sites, structures and other historical or cultural items included in the "Yamhill County Cultural Resources Survey and Inventory, Phases I and II," hereby adopted by reference as a data base element of the Comprehensive Plan, and serving as the basis of provisions of this ordinance.

COUNTY: The unincorporated area of Yamhill County, Oregon.

DIRECTOR: The Yamhill County Planning Director or his/her duly authorized representative.

DWELLING: A building containing one (1) dwelling unit designed for and occupied by one (1) family only. The term dwelling includes a mobile home.

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) or more rooms connected together, constituting an independent housekeeping establishment designed and used for occupancy by one (1) family, including dependent relatives, caretakers, and servants as appropriate.

FAMILY: One or more persons 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.

FLOOD, BASE: A flood, the level of which has a one (1) percent chance of being equalled or exceeded in any given year. Commonly referred to as a 100-year flood.

FLOOD FRINGE: The area of the floodplain lying outside of the floodway.

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.

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.

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.

FLOODPLAIN: The area adjoining a river, stream or watercourse which may be subject to periodic inundation of floodwaters.

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 land, water and sanitary facilities, structures and contents of buildings.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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.

GUEST HOUSE: An accessory use intended to accommodate non-paying guests on a temporary or seasonal basis only.

HEARINGS OFFICER: The Yamhill County Hearings Officer.

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

KENNEL: Accommodation of four (4) or more dogs, cats or other household pets at least four (4) months of age, where such animals are kept for board, propagation, training or sale.

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 designed or used for the concentrated feeding or fattening of livestock for marketing.

LIVESTOCK SALES YARD: An enclosure or structure

designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

LOT OR PARCEL: A unit of land that was created by authorized subdivision or partitioning of land or that was created prior to October 3, 1975, by deed, land sale contract, mortgage or other similar instrument.

LOT(PARCEL)DEPTH: The mean horizontal distance between the front lot line and the rear lot line of a lot.

LOT(PARCEL)LINE, FRONT: Any boundary line separating a lot from a public or private road. In the case of a corner lot, the front lot line shall be that lot line toward which a house or development is to face.

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

LOT(PARCEL) LINE, SIDE: Any boundary line not a front or rear lot line.

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

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

MANUFACTURED HOME: A structure built on a permanent chassis, transportable in one or more sections, and designed for use with or without a permanent foundation when connected to utilities and services. Within the Floodplain Overlay District the term manufactured home shall include travel trailers and other similar units placed on a site for longer than 180 consecutive days.

MOBILE HOME: A detached residential dwelling unit designed for transportation after fabrication, ready to be occupied as a dwelling upon being placed on a temporary or permanent foundation and connected to utilities and services. A travel trailer is not considered as a mobile home.

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.

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.

OFFICIAL ZONING MAP: That zoning map(s) and any amendments thereto adopted as part of the Yamhill County Zoning Ordinance, No. 310, 1982 as described in Section 300 and as subsequently amended.

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

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, and which complies with all of the regulations applicable in that district.

PLANNED DEVELOPMENT: Subdividing or partitioning in accord with an approved plan which has been designed to (1) insure compatibility of proposed uses with surrounding vicinity uses, and (2) recognize scenic, topographical, drainage and other features and characteristics unique to a property. Such plan shall be limited to those permitted and conditional uses allowed within a particular zone.

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.

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.

PUBLIC WORKS DEPARTMENT: The Yamhill County
Department of Public Works.

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.

SECONDARY DWELLING: A dwelling other than a principal dwelling.

SETBACK: The horizontal distance measured perpendicularly from the closest part of a structure to the property line.

SERVICES (AND UTILITIES): Electricity, gas, phone, water supply, sewerage collection and similar transmission/supply improvements that are accessory to and required for the operation of principal uses. Power generating plants, sewage treatment plants and other structural facilities are considered service or utility facilities.

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 products, service, activity, person, institution, place or business; provided, however, that the following shall not be included in the application of the 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 displayed 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, sculpture and other work of fine art created for appreciation rather than advertising; and
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- F. Temporary decorations or displays clearly incidental and commonly associated with local national or religious holiday or other celebration; and
- G. Any sign not visible from public right-of-way, or from any other property not under the same ownership as the property upon which the sign is located; and
- H. Temporary window displays or signs and temporary real estate "for rent/sale" signs not exceeding 12 square feet in area.

SIGN, FLASHING: Any illuminated sign within or upon which the illumination is not maintained stationary and constant in intensity and color.

SIGN, ILLUMINATED: Any sign designed to give forth any artificial light or designed to be illuminated by artificial light from another source, and does not include a flashing sign.

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.

SIGN, ON-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.

SIGN, ON-PREMISE: A sign relating in its subject matter to the premises on which it is located, or to products, services, accommodations or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry by way of outdoor displays or display

space on a lease or rental basis only.

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 any 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.

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 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.

SIGN, PROJECTING: Any sign attached to a structure and projecting perpendicularly out from the wall or roof to which it is attached.

STRUCTURE: Something constructed or built and having a fixed base on, or fixed connection to the ground or another structure.

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.

TRAVEL TRAILER: A portable vehicular device 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, and includes any recreational vehicle, whether or not self-propelled.

TRAVEL TRAILER PARK: A place where two (2) or more travel trailers are located within 500 feet of one another on any parcel, the primary purpose of which is to lease or rent space or keep space for lease or rental to any person, but does not include a motel or public or private group camp.

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 FACILITY: Buildings or other structural improvements associated with utilities or services, and including water tanks, sewage treatment and power generating plants, towers, and similar construction having a fixed base on, or connected to the ground.

UTILITIES (AND SERVICES): See services (and utilities).

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, recreation, energy production, or source of water. Except as necessary for water-dependent uses or facilities, residences, parking lots, factories and trailer parks are not generally considered to be water-dependent uses.

WATER-RELATED USE: A use which is not dependent upon access to a water body, but which is directly related to or associated with water or waterway activities or uses. Except where directly related to or associated with water-dependent or water-related uses or facilities, restaurants, businesses and residential developments are not generally considered to be water-related uses.

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.

SECTION 300
ESTABLISHMENT OF DISTRICTS

303. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

303.01 Where uncertainty exists as to the boundaries of zoning districts or overlay districts, as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of roads shall be construed to follow such lines; provided however, that where the centerline of a road as built lies outside the road line, such zoning district boundary shall be deemed to follow the centerline of the road as built.
- B. Boundaries indicated as approximately following parcel lines shall be construed as following such parcel lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately following the centerlines of rivers, streams, reservoirs or other bodies of water shall be construed to follow the centerlines of such bodies of water.
- F. Boundaries indicated as parallel to, or extensions of features listed in Subsection 303.01(A-E) shall be construed to follow such features. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

303.02 The Board may, by ordinance, adjust boundaries of zoning districts or overlay districts, as shown on the Official Zoning Map, upon making findings that one of the following conditions exist and a boundary line adjustment is appropriate, provided that the adjustment is consistent with the Comprehensive Plan:

- A. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsection 303.01(A-E), the Board shall interpret the zoning boundaries subject to Section 1403.
- B. Where a zoning district boundary line divides a parcel which was in single ownership at the date of adoption of this Ordinance, the Board may

permit, upon a showing of good cause by the landowner, the movement of the zoning district boundary a maximum distance of one thousand feet in any direction on the parcel.

- C. Where none of the ownerships within an area meet the minimum parcel size of the applicable zone, and where all of such parcels would be more appropriately encompassed within an adjacent area zone.
- D. Where a zoning district boundary divides a parcel which was in single ownership at the date of adoption of this ordinance, the Board may authorize adjustment of that zoning district boundary subject to Section 1403 for Board review and provided that the landowner shall demonstrate the following:
 - 1. That the boundary adjustment shall not reduce in area the predominant zoning district which exists on the subject property;
 - 2. That the boundary adjustment shall follow existing or proposed property lines, public road, or rivers; and
 - 3. That the boundary adjustment shall result in a single zoning district for the existing parcel or proposed parcels.

304. APPLICATION OF ZONING DISTRICT REGULATIONS

304.01 The regulations established by this ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

A. No building or other structure shall hereafter be erected or altered:

1. To be greater in height or bulk.
2. To accommodate or house a greater number of families.
3. To occupy a greater percentage of parcel area.
4. To have narrower or smaller front yards, rear yards, side yards, or other open spaces, than specified by this ordinance.

B. No part of a yard, or other open space, or offstreet parking or loading space required by this ordinance in connection with any building shall be included as part of a yard, open space, or offstreet parking or loading space similarly required for any other building.

C. No yard or parcel existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or parcels created after the date of adoption of this ordinance shall meet at least the minimum requirements established by this ordinance.

D. The zoning district regulations which apply to lands which may hereafter be annexed to any City shall continue in effect until such lands are otherwise classified, or rezoned by the jurisdiction having authority to make such changes.

304.02 Electrical, natural gas, phone, water and sewage and similar service and utility transmission lines that are accessory/incidental to permitted and conditional uses shall not require land use application approval for their installation, repair or replacement.

304.03 Except as required in the Floodplain Overlay District, Section 901, local, State or Federally approved transportation improvements such as bridges, culverts, streets, roads, highways, railroads, bike paths etc.,

and accessory/incidental maintenance yards, stockpile sites, weigh stations, rest areas, switch yards, terminals and similar types of improvements shall not require land use application approval for their installation, repair or replacement, provided, however, that such improvements shall take place within existing easements or rights-of-way provided for such construction/operations. Cut/fill, temporary storage and processing activities, control signage, fencing, guardrails, median barriers, lighting and similar related improvements or activities within such easements or rights-of-way shall be recognized as accessory, and not require land use application approval.

SECTION 400
NATURAL RESOURCE DISTRICTS

401. FORESTRY DISTRICT (F-40)

401.01 Purpose.

The purpose of the Forestry (F-40) District is to identify and protect that land which is designated as Forestry on the Comprehensive Plan, and is suitable and desirable primarily for commercial forestry activities, and for those other uses such as recreation, watersheds and reservoirs, grazing, etc., that are compatible with commercial forestry activities. Properties in the Forestry District are generally large, contiguous upland holdings extending into the Coast Range in the western part of the County. In Forestry Districts, residential and other development which might likely be affected by normal forest management practices, will be limited or prohibited so as to maximize the productivity potential of vicinity timberlands.

401.02 Permitted Uses.

In the F-40 District, the following uses shall be permitted subject to the standards and limitations set forth in Subsection 401.07; and any other applicable provisions of this ordinance:

- A. Forestry uses as follows: Any activity relating to the growing, harvesting or processing of forest tree species.
- B. Extraction, processing and stockpiling of construction aggregate for use in conjunction with forestry only, subject to the applicable standards as provided in Section 404.
- C. Temporary or seasonal dwelling for caretaker, watchman, or forest management and protection

personnel only, occupied by the owner or owner's employee on a rent-free basis no more than six-months in each year, subject to satisfaction of the criteria for establishment of a dwelling in conjunction with forest uses as provided in Subsection 401.06. If the temporary or seasonal dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.

- D. Accessory uses including but not limited to recreation activities, watersheds and reservoirs, grazing, and similar uses compatible with commercial forestry activities, which do not include structural development, except as allowed in this section.
- 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. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301.
- G. Signs, pursuant to the sign provisions set forth in Section 1006.
- H. Public utility facilities, except municipal water supply, treatment and storage facilities, commercial facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height, subject to Section 1101, Site Design Review.

401.03 Conditional Uses.

In the F-40 District, pursuant to the Type B application procedure set forth in Section 1301, the following uses may be allowed upon conditional use approval, subject to the provisions of Section 1202, conditional use criteria and requirements, and any other applicable criteria established by this ordinance:

- A. Principal dwelling provided in conjunction with forest uses subject to satisfying the criteria for establishment of a forest dwelling, as provided in Subsection 401.06. If a principal dwelling is a mobile home, it shall, in addition to the

requirements of this Section, also be subject to the mobile home standards specified in Section 1002.

- B. Dwelling not in conjunction with forest use, subject to the applicable provisions of OAR 660.06, the Forest Lands Rule.
- C. Park, playground, campground or community center owned and operated by a governmental agency or a nonprofit community organization.
- D. Hunting or fishing preserve, private park, playground, or campground determined to be a principal use of a property.
- E. Operations conducted for the mining and processing of geothermal resources or exploration, mining and processing of aggregate and other mineral or subsurface resources, subject to applicable provisions of Section 404.
- F. Municipal water supply, treatment, or storage facility subject to Section 1101, Site Design Review.
- G. Commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height, subject to Section 1101, Site Design Review.
- H. Accessory uses that include structural development related to recreation activities, watersheds and reservoirs, grazing, and similar uses compatible with commercial forestry activities, except as permitted outright in Section 401.02 of this ordinance.

401.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section are prohibited in the F-40 District. In order to preserve F-40 lands for forest uses, subdivisions and residential planned unit developments shall be prohibited.

401.05 Nonconforming Uses.

Nonconforming uses found in the F-40 District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

401.06 Establishment of Dwellings in Conjunction with Forestry.

In the F-40 District, prior to construction or placement of any dwelling, the applicant shall demonstrate that:

- A. The property is now, or will be, used in a manner consistent with the purpose of this District, as demonstrated by a management plan submitted by the applicant which includes evidence of at least one of the following:
1. A forest improvement program as defined by the Oregon State Department of Forestry.
 2. A fish, wildlife or other conservation management program approved by the appropriate State agency.
 3. A cooperative or lease agreement with another owner or forest or farmland for management of a principal use on the property.
 4. A private management plan for a principal use, as documented by receipts related to the use.
 5. The presence on the property of accessory buildings and uses of a permanent nature, such as equipment sheds and storage areas, that are in conjunction with forestry activities on adjacent property.
- B. The property is large enough to be managed profitably for forestry uses identified in this Section.
- C. The proposed development shall comply with the following fire protection standards:
1. A water storage tank of one thousand (1000) gallons, or adequate year round alternative source of water, together with its own pump, hose and nozzle shall be provided and maintained for fire protection.
 2. A minimum firebreak of thirty (30) feet, cleared of brush and trees, excluding landscape shrubbery planted or cultivated as part of a site design plan, shall be provided between the dwelling and the forest land and shall be continually cleared of brush, duff

or other flammable material.

3. A natural buffer shall be established or utilized between adjacent forest or agricultural lands and the proposed dwelling.

401.07 Standards and Limitations.

In the F-40 District, the following standards and limitations shall apply;

A. Residential Density.

1. The overall residential density shall not exceed one (1) dwelling per forty (40) acres and not more than one (1) dwelling shall be allowed on any parcel.

B. Parcel Size and Dimension.

1. Newly-Created Parcels. The minimum size of any new parcel proposed to be created shall be forty (40) acres.
2. Existing Lots. Any permitted or conditional use provided for in this District may be established on an existing substandard lot, subject to satisfaction of the applicable requirements of this Section. Prior to issuance of a building permit for the construction or placement of a principal dwelling on a substandard lot, the applicable provisions of this Section shall be satisfied by the applicant.
3. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly created parcel shall be 4:1. This provision shall not apply if the parcel abuts a public road for at least three hundred (300) feet.

C. Setbacks.

The minimum setback for all yards shall be thirty (30) feet for all uses except that the minimum setback for signs shall be five (5) feet, and the minimum setback for accessory uses shall be as provided in Subsection 401.07(H).

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 any 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 intersection 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 eight 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.
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. Accessory Uses.

An accessory use shall comply with the standards and limitation for principal uses except as

follows:

1. Structures.
 - a. No separate accessory structures shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.
 - b. 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.
 - c. 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.
 2. Fences, Walls and Hedges. 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 401.07(F).
 3. Storage and Use of Certain Vehicles and Recreational Equipment. One (1) travel trailer only 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, subject to the Type A application procedure set forth in Section 1301. In no case shall such a travel trailer be occupied for periods totalling more than three (3) months in any year, and in no case shall any travel trailer be used as a principal dwelling or rented unless and until the necessary permits have been obtained.
- I. Off-street Parking.
1. In the F-40 District, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround.
 2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the F-40 District shall be determined by the Director subject to the

provisions of Section 1007.

J. Fish and Wildlife Habitat and Soil.

In order to comply with the forestry-related provisions of Oregon Planning Goal 5, "to conserve open space and protect natural and scenic resources," fish and wildlife habitat and soil and those other open space, scenic and natural resources located in Forestry-designated areas shall be protected by the provisions of the Oregon Forest Practices Act.

402. EXCLUSIVE FARM USE DISTRICT (EF-40)

402.01 Purpose.

The purpose of the Exclusive Farm use (EF-40) District is to identify and protect that land which is designated as Agriculture/Forestry Large Holding (AFLH) on the Comprehensive Plan map, and is suitable and desirable for commercial agricultural operations, and other uses which are compatible with such operations. Properties in the Exclusive Farm Use District are primarily large, contiguous, relatively-flat terrace, valley-floor or low foothill holdings. Soils in such locations are generally appropriate to be used for cultivated crops. In Agriculture Districts, nonfarm residential and other development which might likely be affected by normal farm management practices will be limited or prohibited so as to maximize the productivity potential of vicinity farmlands.

402.02 Permitted Uses.

In the EF-40 District, the following uses shall be permitted subject to the standards and limitations set forth in Subsection 402.08 and any other applicable provisions of this ordinance:

- A. Farm uses as defined by ORS 215. Farm use includes the preparation, storage and marketing of the products raised on such land for man's use and animal use.
- B. Fruit and vegetable stand for produce grown on the property or on property in the same ownership.
- C. Propagation and harvesting of a forest product.
- D. Principal dwelling customarily provided in conjunction with a farm use, subject to the requirements of ORS 215 for farm dwellings, and subject to satisfying the criteria for establishment of a farm dwelling as provided in Subsection 402.06. If the principal dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.
- E. Secondary dwelling, for persons engaged full time in farming on the premises for at least six (6) months in each year, in conjunction with a principal dwelling on the same parcel, subject to satisfying the criteria for establishment of a farm dwelling as provided under Subsection 402.06 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 mobile home. In such a case, if at any time the requirements of this Section can no longer be satisfied, the mobile home shall be removed. If the secondary dwelling is a mobile home, it shall, in addition to the

requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.

- F. Livestock feeding yard, provided that:
1. The livestock feeding yard shall be located at least two hundred (200) feet from the centerline of any watercourse.
 2. A livestock feeding yard shall be located at least five hundred (500) feet from any residential zoning district or urban growth boundary unless the applicant has received a conditional use permit pursuant to Section 1202.
- G. Municipal water supply, storage and those public utility facilities approved by appropriate State and/or Federal agencies, except commercial facilities for the purpose of generating power for public use by sale, and transmission towers over 200' in height, subject to Section 1101, Site Design Review.
- H. Accessory uses.
- I. Temporary structures as may be required during construction of any authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector.
- J. Mobile home storage, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits.
- K. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301.
- L. Signs, pursuant to the sign provisions set forth in Section 1006.
- M. Public warehouses, as exempted by ORS 586.210 to 586.561.

402.03 Conditional Uses.

In the EF-40 District, pursuant to the Type B application procedure set forth in Section 1301, the following uses may be allowed, upon conditional use approval, subject to the provisions of Section 1202,

conditional use criteria and requirements, and any other applicable criteria established by this ordinance:

- A. Principal dwelling, not in conjunction with a farm use, subject to the requirements of ORS 215 for non-farm dwellings, and to being determined compatible with area farm uses and consistent with the intent and purpose of the EF-40 District.

- B. Secondary dwelling of the type listed below, not in conjunction with farm or forest use, which meets the provisions of ORS 215:
 - 1. Guest house.

 - 2. Temporary mobile home for family members requiring special care, subject to the following:
 - a. The family member requiring special care is aged, infirm or who, for health-related reasons, is incapable of maintaining a complete separate residence.

 - b. The permit for the mobile home for special care shall be valid for a period of two (2) years or such shorter periods as the Director or hearings body determines to be appropriate, provided, however, that such permits 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.

 - c. The permit for the mobile home for special care shall be granted to the applicant only and shall not be deemed to run with the land.

 - d. If the secondary dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.

- C. Retirement residence subject to the following:
 - 1. The dwelling for retirement purposes shall comply with the non-farm/non-forest provisions of ORS 215.

2. The applicant must live in the residence at the time of application and shall have lived therein for 5 years preceding the application.

- D. Community center owned and operated by a governmental agency or a nonprofit community organization, hunting or fishing preserve, park, playground or campground determined to be a principal use of the property.
- E. Dog Kennel.
- F. Fruit and vegetable stand for produce not grown on the property.
- G. Commercial activities that are in conjunction with farm use.
- H. Operations conducted for the mining and processing of geothermal resources, or exploration, mining and processing of aggregate and other mineral or subsurface resources, subject to the standards of Section 404.
- I. Home occupation, subject to the standards and limitations set forth in Section 1004.
- J. The boarding of horses for profit.
- K. Personal use airport as provided by ORS 215.
- L. Public or private school, including all buildings essential to the operation of a school.
- M. Golf Course.
- N. Church.
- O. Commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200' in height, subject to Section 1101, Site Design Review.

402.04 Prohibited Uses.

Subdivisions and planned unit developments shall be prohibited.

402.05 Nonconforming Uses.

Nonconforming uses found in the EF-40 District are subject to the nonconforming use provisions of section

1205 as well as to any other applicable provisions of this ordinance.

402.06 Dwellings in Conjunction with Farm or Forest Uses Subject to Review by the Director.

In the EF-40 District, the construction or placement of a dwelling in conjunction with farm or forest use may be approved by the Director, provided that the applicant demonstrates that the dwelling complies with all of the following:

- A. The dwelling will be occupied by the owner, owner's family or farm operator in conjunction with farm or forest use.
- B. The addition and location of new structures and improvements including dwellings, fences, roads, utilities, wells, etc., shall not impose undue limitations upon existing farm or forest uses in the area.
- C. A management plan is submitted which demonstrates that the property is used or will be used for farm or forest use; and which includes the following:
 1. For farm uses:
 - a. Evidence that the parcel currently supports accepted farming practices, as described in Subsection 402.02(A), for the primary purpose of obtaining a profit in money, and will be appropriate to continue existing commercial farm enterprises within the area, provided, however, a mobile home placement permit may be granted upon submission of a management plan which demonstrates that the parcel will support accepted farming practices as described in subsection 402.02(A), for the primary purpose of obtaining a profit in money, and will be appropriate to continue existing commercial farm enterprises within the area, subject to the following:
 - (1) Within two years of the granting of a mobile home placement permit the management plan is implemented.
 - (2) When said management plan is implemented, building permits for a conventional home may be issued.

(3) If the management plan is not implemented within the two year period described above, the mobile home shall be removed and the placement permit shall be void, provided however the management plan is partially implemented a one time, one year extension may be granted by the Director.

b. Demonstration that additional density will not detrimentally affect the farm or forest operations of the area through increased use of roads, demands for groundwater during growing season, interference with farm or forest uses or practices, or demand for public facilities.

2. For forest uses, evidence of at least one (1) of the following:

a. A forest improvement program as defined by the Oregon State Department of Forestry.

b. A fish, wildlife or other conservation management program approved by the appropriate state agency.

c. A cooperative or lease agreement with another owner of forest or farmland for management of a principal use on the property.

d. A private management plan for a principal use, as documented by receipts related to the use.

402.07 Declaratory Statement for Nonfarm or Nonforest Dwelling.

Prior to issuance of any residential building permit for an approved nonfarm or nonforest dwelling, the landowner shall sign an affidavit acknowledging the following declaration statement and shall record it in the deed and mortgage records for Yamhill County.

"The subject property is located in an area designated by Yamhill County for agricultural and forestry uses. It is the County policy to protect agricultural and forestry operations from conflicting land uses in such designated areas. Accepted agricultural and forestry practices and wildlife in this area may create

inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural or forestry operators' responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of State law".

402.08 Standards and Limitations.

In the EF-40 District, the following standards and limitations shall apply:

A. Dwelling Density.

1. The overall dwelling density shall not exceed one (1) principal dwelling per forty (40) acres and not more than one (1) principal dwelling shall be allowed on any parcel.
2. Permitted Secondary Uses. Not more than one (1) permitted secondary dwelling, as described in Subsection 402.02(E), shall be allowed per forty (40) acres.
3. Conditional Uses. Not more than one (1) dwelling allowed as a conditional use, as described in Subsection 402.03(B), shall be allowed on any parcel.

B. Parcel Size and Dimension.

1. Newly-Created Parcels. Except as provided in Subsection 402.03(C), the minimum size of any new parcel proposed to be created shall be forty acres or that size which is appropriate for the continuation of the existing commercial agricultural enterprise in the area, whichever is greater.
2. Existing Lots. Any permitted or conditional use provided for in this District, except as provided in Subsection 402.03(C) for newly-created substandard parcels allowed by conditional use, may be established on an existing substandard lot subject to satisfaction of the applicable requirements of the EF-40 District. An application for construction or placement of a principal dwelling in conjunction with a farm or forest use shall be subject to the criteria for establishment of a farm dwelling as provided in ORS 215 and Subsection 402.06. An application for construction or placement of a principal dwelling not in conjunction with

farm or forest use shall be subject to the criteria for establishment of a nonfarm or nonforest dwelling as provided in ORS 215, and shall be processed as a conditional use.

3. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 4:1. This provision shall not apply if the parcel abuts a public road for at least three hundred (300) feet.

C. Setbacks.

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

1. The minimum setback for all yards for a livestock feeding or sales yard shall be fifty (50) feet, except when adjacent to a residential zoning district or urban growth boundary as provided in Subsection 402.02(F).
2. The minimum setback for signs shall be five (5) feet.
3. The minimum setback for accessory uses shall be as provided in Subsection 402.08(H), except the minimum setback for a kennel shall be 50 feet from any property line and 500 feet from any off-site dwelling.

D. Parcel Coverage.

Not applicable, except that for any parcel of less than one (1) acre, 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 (4) 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 point 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 eight 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.
3. Structures used for the storage of farm products and 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. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.
 - a. No separate accessory structures shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.
 - b. 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.

c. 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.

d. The minimum setback for a kennel shall be fifty (50) feet from any property line and five hundred (500) feet from any off-site dwelling.

2. Fences, Walls and Hedges. 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 402.09(F).

3. Storage and Use of Certain Vehicles and Recreational Equipment. One (1) travel trailer only 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, subject to the Type A application procedure set forth in section 1301. In no case shall such as a travel trailer be occupied for periods totalling more than three (3) months in any year, and in no case shall any travel trailer be used as a principal dwelling or rented unless and until the necessary permits have been obtained.

I. Off-street Parking.

1. In the EF-40 District, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround.

2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the EF-40 District shall be determined by the Director subject to the provisions of Section 1007.

403. AGRICULTURE/FORESTRY DISTRICT (AF-20)

403.01 Purpose.

The purpose of the Agriculture/Forestry (AF-20) District is to identify and protect those lands which are designated as Agriculture/Forestry Large Holding (AFLH) on the Comprehensive Plan, and are generally suitable and used for labor-intensive, small-scale agricultural operations, and other uses which are compatible with such operations. Properties in the Agriculture/Forestry District are primarily foothill and ridgetop holdings above the flat terrace and valley-floor commercial agriculture areas, and below the contiguous timberlands of the Coast Range. Uses of land and water which do not provide for a sustained production of crops, livestock and forest products or for the proper conservation of soil and water resources and fish and wildlife habitat shall be limited or prohibited. Lands in this District usually provide a transition from commercial agriculture to forestry uses. Soil and other characteristics of land in the AF-20 District commonly result in such areas not being well-suited to large-scale commercial agriculture or commercial forestry operations, however, with intensive labor, and/or significant financial investment many of these areas may be quite productive.

403.02 Permitted Uses.

In the AF-20 District, the following uses shall be permitted subject to the standards and limitations set forth in Subsection 403.06, and any other applicable provisions of this ordinance:

- A. Farm use as defined by ORS 215. Farm use includes the preparation, storage and marketing of the products raised on such land for man's use and animal use.
- B. Fruit and vegetable stand for produce grown on the property or on property in the same ownership;
- C. Propagation and harvesting of a forest product;
- D. Principal dwelling customarily provided in conjunction with a farm or forest use, subject to the requirements of ORS 215 for farm dwellings, and subject to satisfying the criteria for establishment of a farm dwelling as provided in Subsection 403.06. If the principal dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to

the mobile home standards set forth in Section 1002.

- E. Secondary dwelling, for persons engaged full time in farming on the premises for at least six (6) months in each year, in conjunction with a principal dwelling on the same parcel, subject to satisfying the criteria for establishment of a farm dwelling as provided under Subsection 403.06 and provided that:
1. The applicant demonstrates that the nature of the farming 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 mobile home. In such a case, if at any time the requirements of this Section can no longer be satisfied, the mobile home shall be removed. If the secondary dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.
- F. Livestock feeding yard, provided that:
1. A livestock feeding yard shall be located at least two hundred (200) feet from the centerline of any watercourse.
 2. A livestock feeding yard shall be located at least five hundred (500) feet from any residential zoning district or urban growth boundary unless the applicant has received a conditional use permit pursuant to Section 1202.
- G. Municipal water supply, storage and those public utility facilities approved by appropriate State and/or Federal agencies, except commercial facilities for the purpose of generating power for public use by sale, and transmission towers, over 200' in height, subject to Section 1101, Site Design Review.

- H. Accessory uses.
- I. Temporary structures as may be required during construction of any authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector.
- J. Mobile home storage, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits.
- K. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301.
- L. Signs, pursuant to the sign provisions set forth in Section 1006.
- M. Public warehouses, as exempted by ORS 586.210 to 586.561.

403.03 Conditional Uses.

In the AF-20 District, pursuant to the Type B application procedure set forth in Section 1301, the following uses may be allowed upon conditional use approval, subject to the provisions of Section 1202, conditional use criteria and requirements and any other applicable criteria established by this ordinance:

- A. Principal dwelling, not in conjunction with farm or forest use, subject to the requirements of ORS 215 for non-farm dwellings, and to being determined compatible with area farm uses, and consistent with the intent and purpose of the AF-20 District.
- B. Secondary dwelling of the type listed below, not in conjunction with farm or forest use, which meets the provisions of ORS 215:
 - 1. Guest house.
 - 2. Temporary mobile home for family members requiring special care, subject to the following:
 - a. The family member requiring special care is aged, infirm or who, for health-related reasons, is incapable of maintaining a complete separate residence.

- b. The permit for the mobile home for special care shall be valid for a period of two (2) years or such shorter periods as the Director or hearings body determines to be appropriate, provided, however, that such 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.
 - c. The permit for the mobile home for special care shall be granted to the applicant only and shall not be deemed to run with the land.
 - d. If the secondary dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.
- C. Retirement residence subject to the following:
 - 1. The dwelling for retirement purposes shall comply with the non-farm/non-forest provisions of ORS 215.
 - 2. The applicant must live in the residence at the time of application and shall have lived therein for 5 years preceding the application.
- D. Community center owned and operated by a governmental agency or a nonprofit community organization, hunting or fishing preserve, park, playground or campground determined to be a principal use of the property.
- E. Dog Kennel.
- F. Fruit and vegetable stand for produce not grown on the property.
- G. Commercial activities that are in conjunction with the property.
- H. Operations conducted for the mining and processing of geothermal resources, or exploration, mining and processing of aggregate and other mineral or subsurface resources, subject to the standards of Section 404.

- I. Home occupation, subject to the standards and limitations set forth in Section 1004.
- J. The boarding of horses for profit.
- K. Personal use airport as provided by ORS 215.
- L. Public or private school, including all buildings essential to the operation of a school.
- M. Golf course.
- N. Church.
- O. Commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers, subject to Section 1101, Site Design Review.

403.04 Prohibited Uses.

Subdivisions and planned unit developments shall be prohibited.

403.05 Nonconforming Uses.

Nonconforming uses found in the AF-20 District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this Ordinance.

403.06 Dwellings in Conjunction with Farm or Forest Uses Subject to Review by the Director.

In the AF-20 District, the construction or placement of a dwelling in conjunction with farm or forest use may be approved by the Director, provided that the applicant demonstrates that the dwelling complies with all of the following:

- A. The dwelling will be occupied by the owner or owner's family or farm operator in conjunction with farm or forest uses.
- B. The addition and location of new structures and improvements including dwellings, fences, roads, utilities, wells, etc., shall not impose undue limitations upon existing farm or forest uses in the area.
- C. A management plan is submitted which demonstrates that the property is used or will be used for farm or forest use, and which includes the following:

1. For farm uses:
 - a. Evidence that the parcel currently supports accepted farming practices as described in Subsection 403.02(A), for the primary purpose of obtaining a profit in money, and will be appropriate to continue the existing commercial farm enterprises within the area, provided however, a mobile home placement permit may be granted upon submission of a management plan which demonstrates that the parcel will support accepted farming practices as described in Subsection 403.02(A) for the primary purpose of obtaining a profit in money and will be appropriate to continue existing commercial farm enterprises within the area, subject to the following:
 - (1). Within two years of the granting of the mobile home placement permit the management plan is implemented.
 - (2). When said management plan is implemented, building permits for a conventional home may be issued.
 - (3). If the management plan is not implemented within the two year period described above, the mobile home shall be removed and the placement permit shall be void, provided however if the management plan is partially implemented, a one time, one year extension may be granted by the Director.
 - b. Demonstration that additional density will not detrimentally affect the farm or forest operations of the area through increased use of roads, demands for groundwater during growing season, interference with farm or forest uses or practices, or demand for public facilities.
2. For forest uses, evidence of at least one (1) of the following:
 - a. A forest improvement program as defined by the Oregon State Department of Forestry.

- b. A fish, wildlife or other conservation management program approved by the appropriate state agency.
- c. A cooperative or lease agreement with another owner of forest or farmland for management of a principal use on the property.
- d. A private management plan for a principal use, as documented by receipts related to the use.

403.07 Declaratory Statement for Nonfarm or Nonforest Dwelling.

Prior to issuance of any residential building permit for an approved nonfarm or nonforest dwelling, the landowner shall sign an affidavit acknowledging the following declaratory statement and shall record it in the deed and mortgage records for Yamhill County:

"The subject property is located in an area designed by Yamhill County for agricultural and forestry uses. It is the County policy to protect agricultural and forestry operations from conflicting land uses in such designated areas. Accepted agricultural and forestry practices and wildlife in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural or forestry operators' responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operators' violation of State law".

403.08 Standards and Limitations.

In the AF-20 District, the following standards and limitations shall apply:

A. Dwelling Density.

- 1. The overall dwelling density shall not exceed one (1) principal dwelling per twenty (20) acres and not more than one (1) principal dwelling shall be allowed on any parcel.
- 2. Permitted Secondary Uses. Not more than one (1) permitted secondary dwelling, as described in Subsection 403.02(E), shall be allowed per twenty (20) acres.

3. Conditional Uses. Not more than one (1) dwelling allowed as a conditional use, as described in Subsection 403.03(B), shall be allowed on any parcel.

B. Parcel Size and Dimension.

1. Newly-Created Parcels. Except as provided in Subsection 403.03(C), the minimum size of any new parcel proposed to be created shall be twenty acres or that size which is appropriate for the continuation of the existing commercial agricultural enterprise in the area, whichever is greater, or as approved as part of a planned development, wherein the minimum parcel size shall be one acre, or that acreage needed to provide adequate area for the proposed use(s), whichever is greater.
2. Existing Lots. Any permitted or conditional use provided for in this District, except as provided in Subsection 403.03(C) for newly-created substandard parcels allowed by conditional use, may be established on an existing substandard lot, subject to satisfaction of the applicable requirements of the AF-20 District. An application for construction or placement of a principal dwelling in conjunction with a farm or forest use shall be subject to the criteria for establishment of a farm dwelling as provided in ORS 215 and in Subsection 403.06. An application for construction or placement of a principal dwelling not in conjunction with farm or forest use shall be subject to the criteria for establishment of a nonfarm or nonforest dwelling as provided in ORS 215 and shall be processed as a conditional use.
3. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 4:1. This provision shall not apply if the parcel abuts a public road for at least three hundred (300) feet.

C. Setbacks.

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

1. The minimum setback for all yards for a livestock feeding or sales yard shall be

fifty (50) feet except when adjacent to a residential zoning district or urban growth boundary as provided in Subsection 403.02(F).

2. The minimum setback for signs shall be five (5) feet.
3. The minimum setback for accessory uses shall be as provided in Subsection 403.08(H), except the minimum setback for a kennel shall be 50 feet from any property line and 500 feet from any off-site dwelling.

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 eight 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 feet.
2. The maximum building height for all other structures shall be forty-five (45) feet.
3. Structures used for the storage of farm products and 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. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.
 - a. No separate accessory structures shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.
 - b. 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.
 - c. 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.
 - d. The minimum setback for a kennel shall be fifty (50) feet from any property line and five hundred (500) feet from any off-site dwelling.
2. Fences, Walls and Hedges. 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 403.09(F).

3. Storage and Use of Certain Vehicles and Recreational Equipment. One (1) travel trailer only 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, subject to the Type A application procedure set forth in Section 1301. In no case shall such a travel trailer be occupied for periods totalling more than three (3) months in any year, and in no case shall any travel trailer be used as a principal dwelling or rented unless and until the necessary permits have been obtained.

I. Off-Street Parking.

1. In the AF-20 District, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround.
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the AF-20 District shall be determined by the Director subject to the provisions of Section 1007.

404. MINERAL RESOURCE DISTRICT (MR)

404.01 Purpose.

The purpose of the MR District is to provide for the development and utilization of identified deposits of mineral aggregate resource materials on land which is not identified for urban or rural residential use on the Comprehensive Plan; to provide for the exploration for, and the subsequent extraction and development of, identified deposits of geothermal resources and oil, gas and other hydrocarbon resources produced in liquid and gaseous form; to establish siting criteria and operating standards for mineral resources that minimize present and future on-site and off-site land use and environmental conflicts; and to provide for the timely and satisfactory reclamation of land used for mineral resource activity.

404.02 Permitted Uses--MR.

In the MR-1 and MR-2 Districts, the following uses shall be permitted pursuant to Section 1101, Site Design Review, and subject to the standards and limitations of this district and any other applicable provisions of this ordinance:

- A. Quarry or mining operations for the extraction of rock, clay, soil, sand and gravel.
- B. Exploration for oil, natural gas or geothermal resources.
- C. Rock crushing, washing or screening.
- D. Stockpiling of rock or earth products in conjunction with the operation of the mineral resource business on-site.
- E. Portable concrete batching or portable hot-mix batching plants in an MR-1 zone only.
- F. A dwelling for the owner, in conjunction with a permitted use as established by Subsections 404.02(I) and 404.02(J). If the dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.
- G. A dwelling and accessory structures for a caretaker or watchman in conjunction with the operation of a mineral resource business. If the dwelling is a mobile home, it shall, in addition

to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002.

- H. Storage of heavy equipment in conjunction with the operation of the mineral resource business on-site.
- I. Farm uses as defined by ORS 215.
- J. Propagation and harvesting of a forest product.
- K. Manufacture and storage of brick and tile.

404.03

Conditional Uses.

In the MR Districts, pursuant to the Type B application procedures set forth in Section 1301, the following uses may be allowed upon conditional use approval, subject to the provisions of Section 1202, conditional use criteria and requirements, Section 1101, Site Design Review, and any other applicable criteria established by this ordinance:

- A. Manufacture and storage of concrete and aggregate products such as preformed steps, beams, fences, vaults and similar products, provided that the aggregate needs are supplied from the same site where storage and manufacturing takes place.
- B. Extraction and development of oil, natural gas or geothermal resources, subject to the requirements of Subsection 404.08.
- C. Coal and precious metals extraction, processing and stockpiling from the same site where extraction takes place.
- D. Any structure necessary and appurtenant to the above uses.
- E. Permanent concrete batching or hot-mix batching plants.
- F. Portable concrete batching or portable hot-mix batching plants in an MR-2 zone.

404.04

Prohibited Uses. Uses of land and water not specifically mentioned in this Section are prohibited in the MR District.

In order to preserve MR lands for mineral resource uses, residential subdivisions shall be prohibited. However, land divisions for purposes of conveyance of mineral resource operations shall be permitted.

404.05 Standards and Limitations.

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

- A. The minimum parcel size for a permitted or conditional use shall be five (5) acres.
- B. The maximum building height of any residential structure shall be thirty-five (35) feet and the maximum height of all other structures shall be sixty (60) feet.
- C. The minimum setbacks for all yards of a residential dwelling in the MR District shall be thirty (30) feet.

404.06 Operating Standards.

All mineral resource operations, either permitted or allowed by conditional use, shall conform to the following standards:

A. Operating Setbacks.

1. Extraction shall not be conducted within twenty-five (25) feet of any zoning district boundary; and shall not be conducted closer than five hundred (500) feet from any dwelling existing at the time of adoption of this Ordinance.
2. Processing activities shall not be conducted within five hundred (500) feet of any Rural Residential zoning district boundary; or within two hundred fifty (250) feet of any other zoning district boundary. In no case shall processing and other processing-related activities be conducted closer than five hundred (500) feet from any dwelling existing at the time of adoption of this Ordinance.

B. Site Operation and Safety.

All excavation, processing and stockpiling of mineral resources shall take place under conditions which will provide for the reclamation of the site for future uses and will protect the safety of the public as follows:

1. Blasting shall be restricted to the hours of 7:00 A.M. to 6:00 P.M. Monday through Saturday. No blasting shall occur on Sundays

or holidays. In the event the operator cannot comply with this restriction due to unforeseen circumstances, the operator may exceed the limitations set forth above; provided that in no event shall the owner or operator blast outside the restrictions set forth above more than four (4) times in any one (1) calendar year.

2. Prior to a blasting operation, the operator shall be responsible for notifying adjacent property owners as to the date and approximate time of the blasting activity.

404.07 MR Zone Change Criteria.

Approval of a zone change to the MR District shall be based upon satisfactory compliance with the requirements set forth in the amendment review criteria listed in Section 1207, and the following criteria:

- A. That a sufficient quality and quantity of mineral resource exists at the proposed site to fulfill a market need.
- B. That approval of the zone change will not cause immediate or long-term land use conflicts that cannot be satisfactorily mitigated.
- C. If conflicts are identified, findings shall be made concerning the economic, social, environmental and energy consequences of allowing the MR use; and a determination shall be made that the benefits to the public outweigh the detriments suffered as a result of said conflict.

404.08 Oil, Natural Gas and Geothermal Exploration and Extraction.

The purpose of this subsection shall be to provide for the exploration and extraction of oil, natural gas and geothermal resources and to establish criteria to assure that such activities have a minimal impact on land use activities permitted under this ordinance.

The term exploration includes both nonsurface and surface disturbance activities, such as sonar sightings and test drilling, necessary to locate potential resource sites. The term extraction includes any excavation made for producing oil, natural gas and/or geothermal resources and also activities and structures ancillary to the extraction operation including, but not limited to, pumping facilities, storage tanks,

pipelines, waste ponds and equipment sheds.

A. Application Procedure for an Exploration Permit.

1. An application for the exploration of oil, natural gas and/or geothermal resources shall be prepared on an approved form available from the Department of Planning and Development. The applicant shall provide all information required under this Section and any additional information deemed necessary by the Director.
2. An application for the exploration of oil, natural gas and/or geothermal resources shall be made by the mineral property owner or the lessee of the property, if the application also bears the signature of the mineral property owner.
3. The following information shall be included with the applicant for an exploration permit:
 - a. A surface plat of the property to be explored.
 - b. The approximate location of exploration points on the surface plat.
 - c. A description of the type of equipment to be used during the exploration process.
 - d. Anticipated time frame for exploration.
4. For zoning districts in which exploration is allowed as a permitted use, the application shall be reviewed pursuant to the Type A application procedure set forth in Section 1301.
5. For zoning districts in which exploration is allowed as a conditional use, the application shall be reviewed pursuant to the Type B application procedure set forth in Section 1301 and the conditional use review criteria listed in Section 1202.
6. The application for an exploration permit shall be reviewed for compliance with the following criteria for approval:
 - a. The parcel lies within an appropriate zoning district.
 - b. The applicant has submitted all

- information required under this subsection.
- c. DOGAMI has issued an exploration permit for the operation (not required for seismic exploration).
 - d. The applicant has demonstrated that the proposed location and method of exploration will have a minimal impact on adjacent land use activities.
7. If the applicant proposes to drill an exploration well, it shall be sited according to the setback standards outlined in Subsection 404.08 D1.
 8. If the Director determines that the applicant has satisfied the criteria noted above, the Director shall issue a one hundred twenty (120) day exploration permit. The Director may establish conditions of approval deemed necessary to carry out the intent of this ordinance.
 9. At the discretion of the Director, the applicant may be required to file a performance bond to provide for the repair of any County roads which may be damaged or diminished in quality due to exploration activities. The amount of the performance bond shall be determined by the Road Department.
 10. Upon expiration of the exploration permit, all equipment and materials associated with the exploration operation shall be removed from the site and the site shall be reclaimed in accordance with DOGAMI standards. If the exploration is successful, the applicant may apply for an extraction permit.
8. Application Procedure for an Extraction Permit.
 1. An application for the extraction of oil, natural gas and/or geothermal resources shall be processed as a conditional use permit pursuant to the Type B application procedure set forth in Section 1301.
 2. An application for the extraction of oil, natural gas and/or geothermal resources shall be made by the mineral property owner of the lessee of the property, if the application

also bears the signature of the mineral property owner.

3. The following information shall be included with the conditional use permit application.

a. An 8 1/2 x 14 inch reproducible site site plan which identifies the property under the applicant's control. The site plan shall include:

(1.) The location of areas proposed for extraction, materials storage and transmission.

(2.) The location of all existing an proposed structures within five hundred (500) feet of the extraction site.

(3.) The location of all existing and proposed roads to the property and extraction site.

(4.) The location of all wells and springs within five hundred (500) feet of the proposed extraction site.

b. Evidence of application to the Department of Geology and Mineral Industries for a permit to site and operate an oil, natural gas and/or geothermal extraction facility.

c. A reclamation plan which complies with the minimum standards promulgated and administered by DOGAMI.

d. A generalized project development timetable.

e. A generalized geologic and engineering presentation with sufficient data to indicate the presence of a viable resource.

C. Review Criteria.

The approval of a conditional use permit allowing the extraction of oil, natural gas and/or geothermal resources shall be based upon compliance with the conditional use review criteria listed in Section 1202 and satisfaction

of the following criteria:

1. That evidence is presented to demonstrate the presence of oil, natural gas and/or geothermal resources of sufficient quantity and quality to justify the extraction.
2. That the applicant has filed for an extraction permit from DOGAMI and all test and waste discharge operations have been filed with the Department of Environmental Quality (DEQ).
3. That the site development plan is designed to retain the maximum amount of productive resource land.
4. That the site development plan is designed to prevent disruption of irrigation and natural drainage patterns.
5. That access roads and other public facilities are adequate to support the extraction activity.
6. That the extraction activity will be compatible with adjacent land uses.

D. Operating Standards.

1. The following minimum setback standards shall be observed in the siting of all exploration and extraction wells:

Outer boundary of parcel	100 feet
Surface waterway or well	250 feet
Public road	100 feet
Existing residence	500 feet

2. All equipment storage shall be set back a minimum of two hundred (200) feet from any existing dwelling or fifty (50) feet from any outer boundary of the parcel.
3. All work in preparation of the site for drilling shall be conducted between the hours of 7 A.M. to 7 P.M.
4. Delivery or removal of equipment or materials shall be limited to the hours between 7 A.M. to 7 P.M., except in a case of emergency.
5. Unattended well sites shall be enclosed with a six (6) foot chain link fence with a locked

gate.

6. All extraction operations shall be in compliance with state and federal standards on noise, vibrations and emissions.
7. Off-street parking shall be provided at a ratio of three (3) spaces per well site.
8. Light rays shall be directed or shielded to confine direct rays to the site.
9. The drilling site and access roads to the site shall be treated to reduce dust and mud.
10. Drilling may occur on a twenty four (24) hour basis if all of the above standards have been met.

1010. Historic Resources

1010.01 Standards and Requirements.

The following minimum requirements shall apply to any structure on the National or State Register of Historical places, and all structures identified as landmarks in the County's Cultural Resource Inventory:

- A. Prior to the issuance of a building permit to remodel any such structure, the permit applicant shall discuss the historical resource with Department staff, at which time the following considerations shall be reviewed.
 1. Characteristics and significance of the structure.
 2. Consequences of the proposed modification and alternatives to such modifications.
 3. Potential tax incentives available to the applicant, relocation possibilities, and other options that might be pursued to protect the resource.
- B. Prior to issuance of a demolition permit, or a permit for razing by a fire department, any such structure will be reviewed by Department staff to determine the following:
 1. Whether the structure is suitable to be salvaged.
 2. Whether it is economically feasible for the structure to be restored.
 3. Whether the structure is a significant County resource, and if so determined, a review shall be scheduled according to Type B notice procedures before the Planning Director, during which time it will be established whether or not there are any reasonable alternatives to demolition of the building.
- C. Prior to destruction or modification of any site identified pursuant to the cultural resources inventory, such site will be evaluated by Department staff to determine the following:
 1. Whether there are alternatives to the proposed action which would accomplish the same purpose.
 2. Whether the site is a significant County resource, and if so determined, what can be done to protect the resource.

- D. Any review held by the County shall be completed within 15 working days after application for a building permit, or within 30 working days after application for a demolition permit, or as soon thereafter as is mutually agreed in writing between the applicant and the County.