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YAMHILL COUNTY, OREGON
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SHARLES STEVENSON
COUNTY CLERK
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87-202
IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of the Adoption)
of an Ordinance Amending the)
Yamhill County Zoning Ordinance,)
No. 310, Amending the Yamhill)
County Land Division Ordinance,)
No. 205, and Establishing Certain) ORDINANCE NO. 444
Comprehensive Plan Policies For)
the Purpose of Complying With)
State Land Use Planning Goals,)
Rules, and Statutes Amended)
Since Acknowledgment, and Meeting)
Requirements of Periodic Review)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 15th day of April, 1987, sat for the transaction of county business in special session, Commissioners Dave E. Bishop, Ted Lopuszynski, and Donald D. Porter being present.

WHEREAS, on September 25, 1975, Yamhill County adopted a comprehensive land use plan that was acknowledged by the Land Conservation and Development Commission as complying with statewide land use goals on June 5, 1980; and

WHEREAS, on December 1, 1982, Yamhill County adopted the Yamhill County Zoning Ordinance, No. 310, to consolidate zoning regulations necessary for implementing the comprehensive plan; and

WHEREAS, certain statewide land use planning goals have been amended since acknowledgment of the Yamhill County plan, new rules have been adopted by the Land Conservation and Development Commission, and state land use laws have been amended; and

WHEREAS, in the course of periodic review of Yamhill County's comprehensive plan and land use regulations it is necessary to make changes in the county's zoning regulations to comply with amended state requirements; and

WHEREAS, a properly noticed hearing was held on this ordinance on March 25, 1987 and continued to April 8 and April 15, 1987; and

WHEREAS, the Board has determined that adoption of the ordinance provisions in the attached Exhibits "A", "B", and "C" would be in the best interests of the citizens of Yamhill County;
NOW THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF YAMHILL as follows:

Section 1. Current Sections 401, 402, 403, 1004, 1005, and 1009 of the Yamhill County Zoning Ordinance, No. 310, as amended by Ordinances 331, 408, 412, and 426, are hereby repealed.

Section 2. The provisions in Exhibit "A", attached to and made part of this ordinance, including ordinance sections numbered 401, 402, 403, 1004, 1005, 1009, 1010, 1011, 1208, and 1209 are regulations for Yamhill County and shall be made a part of the codified edition of Zoning Ordinance No. 310. The definitions in Section 202 of the attached Exhibit "A" replace definitions for the same words in Section 202 of Zoning Ordinance No. 310. All definitions in Zoning Ordinance No. 310 to words not found in Section 202 of the attached Exhibit "A" shall remain in full force and effect.

Section 3. The partitioning provisions in Exhibit "B", attached to and made part of this ordinance, that were previously found in Sections 402 and 403 of Zoning Ordinance No. 310, and in Section 12 of Ordinance No. 408, shall be made part of the codified version of the Yamhill County Land Division Ordinance, No. 205.

Section 4. The comprehensive plan policies in Exhibit "C", attached to and made a part of this ordinance, are hereby adopted by the Board for the purpose of complying with periodic review, as an addendum to Ordinance No. 206, Revised Goals and Policies of the Yamhill County Comprehensive Land Use Plan.

Section 5. If any section or subsection contained in the attached Exhibit "A", "B", or "C" of this ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall continue in full force and effect unless those parts, standing alone, are incapable of being executed in accordance with legislative intent.

Section 6. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall become effective on passage.

DATED this 15th day of April, 1987.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES C. STERN
County Clerk

David E. Bishop
Chairman DAVID E. BISHOP

By: *Elaine Pearcey*
Deputy ELAINE PEARCEY

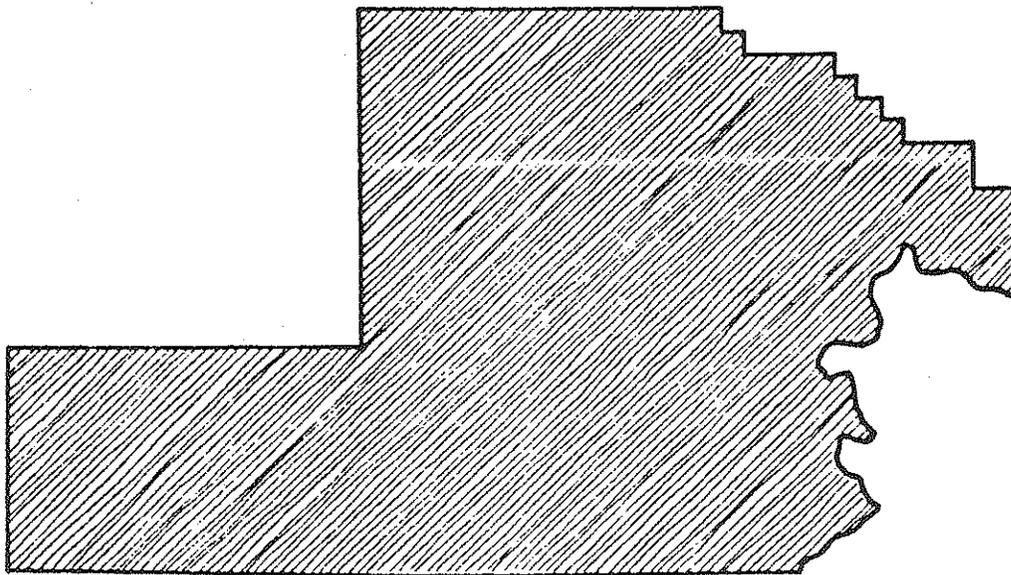
Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

APPROVED AS TO FORM BY:
Timothy S. Sadlo
TIMOTHY S. SADLO
Assistant County Counsel

Donald D. Porter
Commissioner DONALD D. PORTER

ZONING ORDINANCE

AMENDMENTS ADOPTED IN PERIODIC REVIEW;
ORDINANCE REVISIONS TO SECTIONS 202,
401, 402, 403, 1004, 1005, 1009, 1010, 1011
1207, 1208



YAMHILL COUNTY, OREGON

ORDINANCE # 444, April 1987

EXHIBIT A

202.

DEFINITIONS

AIRCRAFT APPROACH SECTOR: The 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.

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

HOME OCCUPATION: A commercial activity carried on in compliance with the provisions of Section 1004 of this Ordinance by a resident of the property on which the business is located.

LOT OR PARCEL: A unit of land that was created by an authorized subdivision or partitioning of land or that was created by deed or land sale contract prior to October 3, 1975. A lot or parcel does not include a unit of land created solely to establish a separate tax account or to obtain construction or other financing.

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, fish and wildlife habitat, watersheds, 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 Official.
- 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, necessary for public service, 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 Subsection 401.07 and 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 Subsection 401.07 of this Ordinance.
- 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, fish and wildlife habitat, grazing, and similar uses compatible with commercial forestry activities, except as permitted outright in Section 401.02 of this Ordinance.
- I. Solid waste disposal site under State permit granted under ORS 459.245 by the Department of Environmental Quality and subject to the provisions of Section 1005 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 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 in conjunction with forestry, the applicant shall demonstrate:

- A. That the dwelling is appropriate, incidental and secondary to the use of the property for timber production and harvest, and is necessary in order

to manage the land for forest use. The following specific criteria shall be taken into account to determine whether or not a dwelling is "necessary":

1. The size and location of the timberland.
 2. The extent and type of activities required by the management plan.
 3. The need to prevent vandalism or trespass.
 4. The occupation and/or place of residence of the owner.
 5. Surrounding area uses and ownerships.
 6. The consequences of not having a residence on the property.
- B. That without such dwelling it would be difficult to manage the land for forest production.
- C. 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 for forestry management as the 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.
- D. The property is large enough to be managed profitably for forestry uses identified in this Section.

- E. The dwelling is located on land generally unsuitable for the propagation and harvesting of forest products.
- F. The proposed use will not significantly impact forest uses on adjacent and nearby forest lands.
- G. 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 Establishment of Solid Waste Disposal Sites, Dwellings and Other Structures not in Conjunction with Forestry.

In the F-40 District, prior to construction or placement of any solid waste disposal site, dwelling or other structure not in conjunction with forestry, the applicant shall demonstrate that:

- A. The proposed use is located on land generally unsuitable for the propagation and harvesting of forest products.
- B. The proposed use will not significantly impact forest uses on adjacent and nearby forest lands.
- C. The site is limited in size to that appropriate and required for the proposed use.
- D. The proposed use is not inconsistent with applicable forestry policies in the Comprehensive Plan.
- E. Additional measures as necessary to minimize potential impact on adjacent and nearby forest lands have been taken.

- F. If the proposed structure is a dwelling it 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.

401.08 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 newly-created parcel 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 401.08 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 twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

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

H. Accessory Use Standards and Requirments.

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 401.08 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.

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, 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 Exclusive Farm Use 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 Ch 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, farm labor housing, or winery, subject to Section 1101, Site Design Review.
- C. Propagation and harvesting of a forest product.
- D. Dwelling customarily provided in conjunction with a farm use, subject to the requirements of ORS Ch 215 for farm dwellings, and subject to satisfying the criteria for establishment of a farm dwelling as provided in Subsection 402.06. On property proposed to be put into production, a temporary mobile home placement permit may be granted for a two year period, subject to the provisions of Section 1009. 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.
- E. Secondary farm dwelling subject to the requirements of ORS Ch 215, wherein it is provided

that:

1. The dwelling is occupied by a relative whose assistance in the management of the farm use is or will be required by the farm operator, and is located on the same lot or parcel as the farm operator; or
2. The dwelling is customarily provided in conjunction with farm use, and is located on a lot or parcel that is managed as part of a farm operation not smaller than 40 acres.

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 used for domestic water supply.
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 other public utility facilities necessary for public service and 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 Ch 215 for non-farm dwellings and subject 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 use, which meets the provisions of ORS Ch 215:
1. Guest house.
 2. Temporary mobile home for family members requiring special care, subject to the following:
 - a. The family member who requires special care is aged, infirm, or 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 a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time, if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated.
 - 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. In addition to the requirements of this Section, the mobile home shall 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 provisions of ORS Ch 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 centers owned and operated by a governmental agency or a nonprofit community organization, and hunting and fishing preserves, parks, playgrounds and campgrounds determined to be a principal use of the property.
- E. Dog kennel.
- F. Fruit and vegetable stand for produce not grown on the property, subject to Section 1101, Site Design Review.
- G. Commercial activities that are in conjunction with farm use, subject to Section 1101, Site Design Review.
- 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 airports as provided by ORS Ch 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.

P. Solid Waste disposal site under State permit granted under ORS 459.245 by the Department of Environmental Quality, and subject to the provisions of Section 1005 of this Ordinance.

402.04 Prohibited Uses.

Subdivisions and planned unit development 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 Uses, Subject to Review by the Director.

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

- 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. The parcel currently supports accepted farming practices, as described in Subsection 402.02 A, and as substantiated by a farm management plan.
- D. The additional density will not detrimentally affect the farm operations of the area through increased use of roads, demands for groundwater during growing season, interference with farm uses or practices, or demand for public facilities.

402.07 Disqualification from Farm Deferral and Declaratory Statement for Nonfarm Dwelling.

- A. Disqualification. Prior to issuance of any residential building permit for an approved nonfarm dwelling on a nonfarm parcel, the applicant shall provide evidence that the County Assessor has disqualified the lot or parcel for

valuation at true cash value for farm use; and that additional tax or penalty has been imposed, if any is applicable, as provided by ORS Ch 308.399 or ORS Ch 321.960.

- B. Declaratory Statement. Prior to issuance of any residential building permit for an approved nonfarm 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 uses. It is the County policy to protect agricultural operations from conflicting land uses in such designated areas. Accepted agricultural practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural operator's 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 D, 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

in the area, whichever is greater, or as approved as a non-farm parcel, in which case the minimum parcel size shall be two and one-half acres. The determination of a lot size which is appropriate for the continuation of the existing commercial agricultural enterprise in the area shall be made on a case-by-case basis. In making the determination, findings shall be made to address the provisions of OAR 660-05-005, 660-05-015, 660-05-020, and 660-05-025.

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 the EF-40 District. An application for construction or placement of a principal dwelling in conjunction with a farm use shall be subject to the criteria for establishment of a farm dwelling as provided in ORS Ch 215 and Subsection 402.06. An application for construction or placement of a principal dwelling not in conjunction with farm use shall be subject to the criteria for establishment of a nonfarm dwelling as provided in ORS Ch 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.

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 points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet.
2. The maximum building height for all other structures shall be forty-five (45) feet.
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 Use Standards and Requirements.

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, and at least sixty (60) feet from a road, or off-site 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 402.08 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 or Agriculture/Forestry Small Holding 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, many of these areas may be quite productive with intensive labor, and/or significant financial investment.

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 403.08, and any other applicable provisions of this Ordinance:

- A. Farm use as defined by ORS Ch 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, farm labor housing or winery, subject to Section 1101, Site Design Review.
- C. Propagation and harvesting of a forest product.
- D. Dwelling customarily provided in conjunction with a farm use, subject to the requirements of ORS Ch 215 for farm dwellings, and subject to satisfying the criteria for establishment of a farm dwelling as provided in Subsection 403.06. On property

proposed to be put into production, a temporary mobile home placement permit may be granted for a two-year period, subject to the provisions of Section 1009. 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.

E. Secondary farm dwelling subject to the requirements of ORS Ch 215, wherein it is provided that:

1. The dwelling is occupied by a relative whose assistance in the management of the farm use is or will be required by the farm operator, and is located on the same lot or parcel as the farm operator; or
2. The dwelling is customarily provided in conjunction with farm use, and is located on a lot or parcel that is managed as part of a farm operation not smaller than 20 acres.

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 used for domestic water supply.
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 other public utility facilities necessary for public service and 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 Ch 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, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Principal dwelling, not in conjunction with farm or forest use, subject to the requirements of ORS Ch 215 for non-farm dwellings, and to being determined compatible with area farm or forest 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 who requires special care is aged, infirm or 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 a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time if any of the reasons for which the permit was granted are no longer applicable, or

if any imposed condition is violated.

- 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. In addition to the requirements of this Section, the mobile home shall 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 nonfarm provisions of ORS Ch 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 centers owned and operated by a governmental agency or a nonprofit community organization, and hunting and fishing preserves, parks, playgrounds and campgrounds determined to be a principal use of the property.
- E. Dog kennel.
- F. Fruit and vegetable stand for produce not grown on the property, subject to Section 1101 Site Design Review.
- G. Commercial activities that are in conjunction with the property, subject to Section 1101 Site Design Review.
- 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 Ch 215.
- L. Public or private school, including all buildings essential to the operation of a school.

- M. Golf course.
- N. Church.
- D. 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.
- P. Solid Waste disposal site under State permit granted under ORS 459.245 by the Department of Environmental Quality, and subject to the provisions of Subsection 1005 of this Ordinance.

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 customarily provided in conjunction with farm or forest use may be approved by the Director, provided that the applicant demonstrates:

- A. The dwelling will be occupied by the owner or 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. The property is used for farm or forest use as described and/or depicted on a management plan which substantiates that the property is used for farm or forest use, and includes the following:
 - 1. For farm uses:
 - a. Evidence that the parcel currently supports accepted farming practices as

described in Subsection 403.02 A.

- 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:
- a. Evidence that the dwelling is appropriate, incidental and secondary to the use of the property for timber production and harvest, and is necessary in order to manage the land for forest use. The following specific criteria shall be taken into account to determine whether or not a dwelling is "necessary":
 - (1) The size and location of the timberland.
 - (2) The extent and type of activities required by the management plan.
 - (3) The need to prevent vandalism or trespass.
 - (4) The occupation and/or place of residence of the owner.
 - (5) Surrounding area uses and ownerships.
 - (6) The consequences of not having a residence on the property.
 - b. That without such dwelling it would be difficult to manage the land for forest production.
 - c. 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] as evidenced [of] by 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 for forestry management as the 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.

D. The property is large enough to be managed profitably for forestry uses identified in this Section.

E. The dwelling is located on land generally unsuitable for the propagation and harvesting of forest products.

F. The proposed use will not significantly impact forest uses on adjacent and nearby forest lands.

403.07 Disqualification from Farm or Forest Deferral and Declaratory Statement for Nonfarm or Nonforest Dwelling.

A. Disqualification. Prior to issuance of any residential building permit for an approved nonfarm or nonforest dwelling on a nonfarm/nonforest parcel, the applicant shall provide evidence that the County Assessor has disqualified the lot or parcel for valuation at true cash value for farm or forest use; and that additional tax or penalty has been imposed, if any is applicable, as provided by ORS Ch 308.399 or ORS Ch 321.960.

B. Declaratory Statement. 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 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 operator's 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".

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. 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, or as approved as a non-farm parcel, in which case the minimum parcel size shall be two and one-half acres. The determination of a lot size which is appropriate for the continuation of the existing commercial agricultural enterprise in the area shall be made on a case-by-case

basis. In making the determination, findings shall be made to address the provisions of OAR 660-05-005, 660-05-015, 660-05-020, 660-05-025.

2. Existing Lots of Record. Any permitted or conditional use provided for in this District, may be established on a 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 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 403.09 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 new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

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

G. Height.

1. The maximum building height for any dwelling shall be thirty-five 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 Use Standards and Requirements.

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, and at least sixty (60) feet from a road, or off-site 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.

1004. HOME OCCUPATIONS.

1004.01 Standards and Limitations.

The following standards and limitations shall apply to home occupations:

- A. The home occupation will be operated by a resident of the property on which the business is located.
- B. The home occupation will employ no more than five full or part-time employees.
- C. The home occupation will be operated in the dwelling or in other buildings normally associated with uses permitted in the zone in which the property is located.
- D. The home occupation will not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located.
- E. No more than one (1) home occupation shall be permitted in conjunction with any dwelling or parcel. Activities which are substantially different in nature shall be considered separate home occupations.
- F. A home occupation shall not be used to permit construction of any structure that would not otherwise be allowed in the zone in which the home occupation is established, nor shall a home occupation be used as justification for a zone change.
- G. The total area used for outdoor storage shall not exceed the allowable parcel coverage in the zone in which the home occupation is established.
- H. There shall be no visible evidence of the conduct of a home occupation from any road or adjacent property, other than permitted signs. Any outdoor storage or outdoor work areas shall be effectively screened by vegetation or by a sight obscuring fence.
- I. A home occupation shall not generate noise, vibration, glare, fumes, odor, electrical interference or other disturbance beyond what normally occurs in the applicable zoning district.
- J. A home occupation shall not generate traffic or parking beyond what normally occurs in the

applicable zoning district.

- K. Off-street parking spaces shall be provided for clients or patrons up to a maximum of three (3) spaces and shall not be located in any required yard.
- L. One (1) on-premise sign shall be permitted in conjunction with a home occupation, subject to the sign provisions set forth in Section 1006.
- M. The nature of a proposed home occupation shall be specified at the time of application. Any proposed change in the nature of an approved home occupation shall require a new conditional use permit. Any departure from the uses and activities initially specified shall be considered grounds for revocation of the conditional use permit.
- N. A permit for a home occupation shall be deemed personal to the applicant and shall not run with the land. Upon notification by the County such permit shall expire two (2) years from the date of issuance, at which time the permit may be renewed by the Director upon a finding that the requirements of this Ordinance are being met. A fee for renewal of the permit may be imposed by the Director.
- O. A home occupation in the EF-40 or AF-20 shall be subject to review every 12 months following the date the permit was issued, and may be renewed if it continues to comply with the requirements of this Ordinance and any other conditions of approval.
- P. Pursuant to the nonconforming use provisions of Section 1205 of this Ordinance, any proposed expansion or change in the nature of a home occupation in operation prior to adoption of this Ordinance shall be subject to the requirements of this Section and shall require a conditional use permit. In the event of denial of such an application, the home occupation shall be allowed to continue at its original scale and nature as a nonconforming use.

1005. SOLID WASTE DISPOSAL FACILITIES:

1005.01 Standards and Requirements. The following standards and requirements shall apply to all application to site a solid waste disposal facility.

- A. The application shall be processed pursuant to Subsection Type C procedures.
- B. The application shall include a written justification for the request pursuant to the conditional use provisions of the Subsections 1202.02A-E.
- C. The application shall include a preliminary site plan pursuant to Section 1101, Site Design Review.
- D. The application shall include information as needed to determine potential effect:
 1. That birds attracted to the site might have on full-service or limited use airports or approach patterns.
 2. That leachate might have on area aquifers or recharge areas.
 3. That the operation might have on or how it might be affected by area floodplains, and other ground and surface water conditions, and geological/soil characteristics.
 4. That the operation might have on or be affected by site vegetation, wildlife habitat or other environmental, archeological, historical or similar resource considerations.
 5. That the operation might have on surrounding land uses within 1/2 mile of the disposal operation.
- E. Provisions shall be made to insure that site access and roadway conditions are adequate for the traffic to the site.
- F. The operational plan shall be approved by DEQ, and will be reviewed by the County to insure that all local compatibility issues are resolved. Such operational plan shall include but not be limited to the following provisions:
 1. Site analysis

2. Volume/capacity analysis
3. Waste stream/refuse generator analysis
4. Operational financial analysis

1005.02 Final Site Design Review and Operational Requirements.

The applicant shall provide the following:

- A. A final site plan in accordance with the provisions of Section 1101 of the zoning ordinance, together with the following:
 1. Site operational provisions in an outlined format that indicates both work to be performed and frequency of application.
 2. Financial data demonstrating ability to complete the work.
 3. Evidence of bondability to 150% of the proposed site development costs and operational cost for a one-year period.
- B. Evidence of DEQ review and preliminary site approval for a solid waste disposal facility.
- C. Evidence of the ability to satisfy the requirements for issuance of a solid waste disposal franchise in accordance with the requirements of the Yamhill County Solid Waste and Collection Ordinance, No. 154, Section 9.05, Disposal Franchise Requirements.
- D. Such other information or provisions as are required as a condition of preliminary approval.

1009. TEMPORARY USE PERMITS

1009.01 Standards and Requirements.

The following minimum requirements shall apply to temporary use permits:

- A. A structure for which a temporary permit is issued shall be subject to the standards and limitations of the zoning district in which it is located.
- B. The structure shall meet all applicable County Health and Sanitation requirements.
- C. Temporary uses or activities shall comply with applicable State and Federal regulations and requirements.
- D. In the event that the use or activity involves a temporary structure, such structure shall be removed upon expiration of the temporary use permit unless a new application is approved by the Director. In no case, shall a temporary use permit be issued for a period exceeding nine (9) months, unless the permit is renewed pursuant to this Ordinance; or is subject to Subsection 1009.03.

1009.02 Conditions of Approval.

In issuing a temporary use permit, the Director may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to, the following:

- A. Increasing the required yard dimensions.
- B. Requiring fencing, screening, or landscaping to protect adjacent or nearby property.
- C. Limiting the number, size, location or lighting of signs.
- D. Limiting the time for certain activities.
- E. Limiting the total duration of the use.
- F. Posting bonds or other financial assurances to guarantee compliance with conditions of approval.

1009.03 Temporary Farm Dwelling.

On property in an EF-40 or AF-20 zone that is proposed to be put into commercial agriculture or timber production, a temporary mobile home placement permit may be granted for a two-year period, 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 the temporary mobile home placement permit the management plan is implemented.
2. When the 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. If the management plan is partially implemented, a one-time, one year extension may be granted by the Director.

1009.04 Termination or Non-Renewal.

In the event that the applicant for a temporary activity or use fails to maintain compliance with conditions of approval, or in the event that the activity or use is determined, upon appeal of the Director's decision to be inconsistent with the provision of the applicable zoning District, such use may upon 15 days notice by the Director, be terminated. Such an appeal may be made at any time during the duration of permit approval, and is not subject to other time limitations.

If the temporary use is determined to be incompatible with vicinity uses or otherwise unsatisfactory, and such conditions cannot be mitigated, the temporary activity or use may be denied renewal by the Director.

At any time the Director determines that a temporary use is more permanent than temporary in nature, such use shall comply with all applicable provisions of this Ordinance.

1010. HISTORIC RESOURCES.

1010.01 Standards and Requirements.

The following minimum requirements shall apply to any land or water area, site, object or structure on the National Register of Historic Places, and to any significant or important historical resource included in The Yamhill County Register of Historic Resources in accord with the provisions of Subsection 1010.02 of this Ordinance:

- A. All applications for exterior alteration, including any change or alteration of a facade, surface texture, design, material, fixture or other treatment, shall be accompanied by plans and specifications of the proposed alteration. The Director may request additional sketches and other information determined necessary to review the request. A decision on the request shall be based upon the following:
1. The Director shall approve the change, if the treatment proposed is determined to be harmonious and compatible in style, scale, surface texture and construction material; and/or if the alteration will enhance the historical value of the resource. Conditions may be attached to the approval if the Director determines that it is necessary to achieve the above. The Director shall disapprove the request if the proposal would reduce the resource's value or historic significance.
 2. Conditions attached to a permit for exterior alteration shall be limited to requirements addressing architectural design, surface textures, materials, fixtures or other facade or surface treatments, which are determined necessary to maintain the historic aspects of the resource.
 3. The Director shall not make any recommendations or requirements except for the purpose of preventing alterations not in character with the historic aspects of the resource.
 4. Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature, not involving a change in design, or the construction, reconstruction, or alteration

of any feature, which the Building Official has certified to be is required for the public safety because of an unsafe condition.

- B. Prior to the issuance of a building permit to remodel any structure described in this Section, the permit applicant shall discuss the historical resource with the Director at which time the following considerations shall be reviewed:
1. Characteristics and historical 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.
- C. Prior to issuance of a demolition permit, or a permit for razing by a fire department, any structure described this Section 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 has historical significance as a County resource, and if so determined, a review shall be scheduled before the Director, during which time it will be established whether or not there are any reasonable alternatives to demolition of the building.
- D. Prior to destruction or modification of any cultural or historical site the site will be evaluated by Director to determine the following:
1. Whether there are alternatives to the proposed action which would accomplish the same purpose.
 2. Whether the site has historical significance as a County resource, and if so determined, what can be done to protect the resource.
- E. 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.

- F. Land use applications, building or demolition permits or other County land use actions affecting significant or important historical resources will not be approved until and unless it is determined that there are no reasonable alternatives to the request, or until 45 days from date when the application was made, whichever date is sooner.

1010.02 Yamhill County Register of Historic Resources

- A. The Yamhill County Register of Historic Resources shall include those land or water areas, sites, structures or objects listed on the National or State Register of Historic Places; and those other resources that have retained an integrity of design, materials and/or workmanship, and for which one of the following can be demonstrated:

1. That it is associated with an event, person or group of persons that has made a significant contribution to local, State or National history, or to the history of Native American people.
2. That it embodies distinctive characteristics of style, type, period or method of construction.
3. That it represents notable work of a builder, designer, architect or engineer.
4. That it represents a type of architecture or a style of construction that was once common, but is now among the last surviving examples in the County, State or Nation.

- B. Land or water areas, sites, structures or objects shall be placed on The Yamhill County Register of Historic Resources by order of the Board of Commissioners. Such resources shall not be included in the County Register until [such time as] the property owner has been notified of the potential inclusion, and the County Landmarks Committee has had an opportunity to review and make recommendations regarding the resource.

1011. LANDING FIELDS AND PUBLIC AIRPORTS.

1011.0 Standards and Requirements.

The following standards shall apply to all landing field and public airport improvements, and to improvements on all adjacent properties affected by such standards. New landing field or airport facilities shall require conditional use approval and are subject to the site design review in accordance with provisions of Section 1101.

A. Aircraft Approach Sector Allowable Uses.

Within the property boundary of the airport or landing strip, the following uses may be allowed within approach sectors, providing that none of the uses shall have a height extending above the planes of the approach sectors:

1. Agricultural uses, except livestock feed or sales yard.
2. Other uses allowed within the zone except as follows:
 - (a) Uses involving structures designed to accommodate public assembly of people.
 - (b) Uses involving structures housing employment activities, e.g. manufacturing or office work.
 - (c) Uses producing glare or electromagnetic interference, or creating bird strike hazards.

B. Aircraft Landing Sector Allowable Uses. Within the property boundary of the airport or landing strip, the following uses may be allowed within the landing sector, providing that none of the uses shall have a height extending above the planes of the landing sectors:

1. Non-structural agricultural uses, except livestock feed or sales yard.
2. Other, non-structural uses, allowed by the zone provided such uses do not attract or generate people to the area, nor produce glare or electromagnetic interference, nor create bird strike hazards.

- C. Development Area Allowable Uses. Within the boundary designated as the "Development Area" on the site plan, the following uses may be allowed subject to the conditional use and site design review approval.
 - 1. Airport-related uses.
 - 2. Other uses allowed within the zone subject to appropriate height and setback provisions.

- D. Site Design Setbacks, Height Limitations and Other Standards.
 - 1. In addition to setback requirements of the underlying zone, minimum on-site structural setbacks from a primary landing surface shall be 1000 feet from the ends of the surface and 100 feet from the sides of the surface.
 - 2. Off-site structures shall meet the above building height and setback standards unless a variance therefrom is approved.
 - 3. No on-site construction or vegetation shall extend above the airport approach sector or aircraft landing sector planes. Maximum building height for non-residential structures shall be 60 feet.
 - 4. Minimum parcel size for an airport or aircraft landing field shall be 10 acres.
 - 5. Airport or landing field-related uses may include but are not limited to airport structures, hangars, ticket and passenger accommodations, caretaker dwellings, repair and maintenance facilities, and other uses as permitted by the underlying zone.
 - 6. Structures shall be located so as not to endanger or interfere with the landing, take-off or maneuvering of aircraft.
 - 7. Non-airport relating lighting shall be regulated so as not to be confused with air traffic lightning.
 - 8. Land use approval shall not become final until all necessary State and Federal requirements are satisfied.

1207. LEGISLATIVE AMENDMENTS TO THE ZONING ORDINANCE.

1207.01 General Requirements.

Legislative Ordinance amendments are processed as follows:

- A. An amendment may be initiated by the Board, the Commission, or the Director.
- B. An owner of land may petition the Board, the Commission, or the Director to initiate such an amendment, but may not initiate the amendment by making such an application.
- C. Such amendments shall be made only by the Board, after review and recommendation by the Commission, and after public hearings have been held by both the Commission and Board, pursuant to Section 1402 of this Ordinance.
- D. Approval of a legislative Ordinance amendment shall include findings satisfying the following criteria and addressing any applicable Federal, State and local government rules and statutes, and Comprehensive Plan goals and policies.
- E. Changes to the County zoning map which result from legislative Ordinance amendments shall be made and become effective upon filing said Ordinance with the County Clerk.

1207.02 Review Criteria.

A legislative amendment shall satisfy all applicable requirements of this Ordinance in addition to the following:

- A. An amendment to the text of this Ordinance shall be based upon a need for such an amendment identified by the Board, the Commission, or the Director.
- B. The amendment shall be consistent with the Comprehensive Plan, and with all other provisions of this Ordinance, and with Federal, State or local government statutes, rules and regulations.

1208. QUASI-JUDICIAL ZONE DISTRICT BOUNDARY CHANGES.

1208.01 General Requirements.

A quasi-judicial zone may change is processed as follows:

- A. An amendment may be initiated by the Board, the Commission, or by application of an owner of land.
- B. An application for such a change by an owner of land shall be made in accordance with the Type C application procedure.
- C. Such amendments shall be made only by the Board, after review and recommendation by the Commission, and after public hearings have been held by both the Commission and Board, pursuant to Section 1402 of this Ordinance.
- D. Approval for a boundary change shall include findings satisfying the criteria in 1209.02, and addressing applicable Comprehensive Plan goals and policies.
- E. Changes to the applicable zoning maps(s) shall be made and become effective upon filing with the County Clerk.

1208.02 Review Criteria.

A quasi-judicial change to a zoning map may be authorized, pursuant to Subsection 1209.01, provided that the request satisfies all applicable requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. That the proposed change is consistent with the goals, policies and any other applicable provisions of the Comprehensive Plan.
- B. That there is an existing, demonstrable need for the particular uses allowed by the requested zone, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand which such uses will satisfy, and the availability and location of other lands so zoned and their suitability for the uses allowed by the zone.
- C. That the proposed change is appropriate considering the surrounding land uses, the density

and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.

- D. That other lands in the County already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size or other factors.
- E. That the amendment is consistent with the current Oregon Administrative Rules (OAR's) for exceptions, if applicable.

EXHIBIT B

7.060

Standards and Criteria For Farm Zone Partitions

In an EF-40 or AF-20 zone, the following standards and criteria shall apply to the creation of parcels for retirement or functional purposes, or for the preservation of a historical residence:

1. Creation of a parcel of less than forty (40) acres in an EF-40 zone or twenty (20) acres in an AF-20 zone partitioned from an existing parcel of greater than those acreages, which is to be used to provide a retirement residence for a farm owner who has owned the parcel for a minimum of five (5) years, subject to the following:
 - A. The dwelling for retirement purposes shall have nonfarm dwelling conditional use approval, if it is to be located on a nonfarm parcel.
 - B. Approval of the request will not reduce in size the largest of the two (2) parcels being created below forty (40) acres in an EF-40 zone or twenty (20) acres in an AF-20 zone.
 - C. The parcel created to accommodate the dwelling shall include no more than three (3) acres of land, unless soil conditions, topography or other unique circumstances require a greater land area;
 - D. The parcel created to accommodate the dwelling shall not be less than one (1) acre;
 - E. The remaining larger parcel shall not be partitioned further under this provision for a period of fifteen (15) years;
 - F. The purpose of the partition shall be for retirement thereon;
 - G. Evidence is submitted that the property has been in farm or forest use and that the remaining larger parcel shall continue in farm or forest use; and
 - H. For the purpose of determining density of development for residential purposes, the smaller parcel shall be considered with the original parcel as if the property had never been divided and appropriate conditions may be imposed to ensure compliance with this requirement.

2. Creation of a parcel of less than forty (40) acres in an EF-40 zone or twenty (20) acres in an AF-20 zone that is functionally divided from the remainder of the subject property by a major cultural feature or major natural feature, subject to the following:
 - A. Approval of the request will not reduce in size the largest of the two (2) parcels being created below forty (40) acres in an EF-40 zone or twenty (20) acres in an AF-20 zone.
 - B. The natural or cultural division of the property must result in exceptional and unique practical difficulties to the farm or forest management practices applied to the land under consideration;
 - C. No parcel created under this subsection shall be less than two (2) acres in size.
 - D. For the purpose of determining density of development for residential purposes, the smaller parcel shall be considered with the original parcel as if the property had never been divided and appropriate conditions may be imposed to ensure compliance with this requirement.
 - E. Any dwelling proposed for either parcel shall be subject to either Section 402.06 or 403.06 of the County Zoning Ordinance for farm or forest dwelling, or to Zoning Ordinance provisions for a nonfarm/nonforest dwelling, whichever are applicable.
 - F. If the parcel to be created is not to continue in farm or forest uses, additional justification shall be provided that:
 - (1) The natural or cultural feature is physically unique to the subject property and is not commonly shared by other properties in the vicinity or zoning districts; and
 - (2) the division will not directly result in the creation of other land uses that may be incompatible with accepted farm or forestry practices.
3. Creation of a nonfarm parcel, partitioned from the parent parcel for the purpose of providing separate ownership of dwellings already existing

prior to February 11, 1976, on the parcel to be partitioned. Any partitioning accomplished under this section shall be subject to the following criteria:

- A. The secondary dwelling to be separated shall have nonfarm dwelling conditional use approval, if it is to be located on a nonfarm parcel.
- B. The secondary dwelling shall have or can be provided with water and sewage disposal systems suitable for permanent and continuous use, and shall either be habitable and suitable for year-round occupancy without requiring improvement or shall be suitable for restoration and identified as a cultural resource pursuant to the Yamhill County Cultural Resources Survey and Inventory.
- C. No such secondary dwelling shall have been previously approved as a secondary dwelling for farm help, a guest house or a temporary mobile home for family members requiring special care.
- D. If the parcel to be created is to be a nonfarm parcel, it shall be disqualified from special assessment at farm value and repayment of deferred taxes arising from such disqualification shall be made prior to final partitioning approval.
- E. If the parent parcel exceeds the minimum zoning acreage requirement, the parcel to be created shall be no smaller than one acre nor greater than three acres, unless soil conditions, topography or other unique circumstances require a greater land area.

EXHIBIT C

The following comprehensive plan policies are adopted as an addendum to Ordinance No. 206, Revised Goals and Policies of the Yamhill County Comprehensive Land Use Plan:

Policy Addendum #1:

ADDITIONAL PLAN POLICY ON POPULATION PROJECTIONS

Population projections and trends adopted by cities within Yamhill County impact county projections and planning functions. To insure that cities within the county accurately project population trends of their jurisdictions, in reviewing their plans the county shall actively participate in periodic review proceedings of cities within the county.

Policy Addendum #2:

ADDITIONAL PLAN POLICY ON GOAL 5

- A. Ordinances implementing the Comprehensive Plan shall be administered consistent with relevant provisions of the Oregon Administrative Rules and Oregon Revised Statutes.
- B. If a land use approval is requested, and the approval may affect a Goal 5 resource that is identified by substantial evidence during the proceeding, or is listed in a local, state, or federal resource inventory, the approving authority shall address the following issues with findings:
 1. Is there sufficient information on the quantity, quality, and location of the Goal 5 resource to determine if the requested land use action will adversely affect the resource?
 2. In considering the economic, social, environmental and energy consequences of the requested land use action, would approval conflict with the Goal 5 resource?
 3. If a conflict is identified, in considering the economic, social, environmental, and energy consequences and other statewide goals:
 - a. Are the consequences so great and the site of such importance that the conflicting use should not be allowed?

- b. Is the conflicting use of sufficient importance that it should be allowed, notwithstanding the possible impacts on the Goal 5 resource?
 - c. Are the Goal 5 resource and the conflicting use of sufficient relative importance such that the conflicting use should be allowed, with proper mitigation?
- C. Land use applications for which a state or federal review or permit is required shall not receive final approval by the county unless all necessary state and federal approval has been granted or assured.
- D. Where necessary, mitigation and site design review shall be as provided in Section 1101 of the Zoning Code, as well as applicable Oregon Administrative Rule provisions and local goals and policies.
- E. This policy shall not apply to Goal 5 resources that are protected by zoning designations or other provisions of the Comprehensive Plan or land use regulations.