

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

92-798

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance )  
to Amend the Approval Standards )  
for Commercial Forestry (F-40) )  
Zone to be Consistent with )  
With Statewide Planning Goal 4 - )  
Forest Lands, and the Goal 4 )  
Rule, OAR 660, Division 6; )  
Declaring an Effective Date of )  
February 1, 1993, Docket G-5-92; )  
and Declaring an Emergency )

ORDINANCE NO. 543

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in special session on October 28, 1992, Commissioners Ted Lopuszynski, Debi Owens, and Dennis L. Goecks being present.

WHEREAS, the Yamhill County Zoning Ordinance, No. 310, as amended ("the YCZO"), sets forth approval standards for the Commercial Forestry (F-40) zone; and

WHEREAS, on February 5, 1990 the Land Conservation and Development Commission ("LCDC") adopted a revised statewide Forest Goal (Goal 4) and a new Forest Rule (OAR 660, Division 6), requiring counties to amend their land use plans and ordinances to comply with the Forest Rule within three years, that is no later than February 5, 1993; and

WHEREAS, the Board desires to amend the YCZO to establish standards as prescribed by the Goal 4 Forest Rule; and

WHEREAS, on September 17, 1992 a public hearing was held before the Yamhill County Planning Commission and on October 21, 1992 a public hearing was held before the Board; and

WHEREAS, the attached Exhibit "A" demonstrates that this ordinance complies with Statewide Planning Goal 4 and the Goal 4 rules contained in OAR 660, Division 6; Now, Therefore,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Effective February 1, 1993, Section 401 of the Yamhill County Zoning Ordinance, No. 310, as amended by Ordinances 331, 408, 412, 426, 444 and 468, 519, and 539, is hereby repealed and replaced by a new Section 401 contained in the attached Exhibit "A" which is by this reference made a part of this ordinance.

Section 2. Effective February 1, 1993, the forest zoning district shall be referred to as "Forestry District (F-80)" rather than "Forestry District (F-40)".

Section 3. The Staff Report dated October 21, 1992 attached to this ordinance as Exhibit "B" and incorporated into this ordinance by reference, is hereby adopted to support the Board's determination that this ordinance complies with Statewide Planning Goal 4 and the Goal 4 rules contained in OAR 660, Division 6.

Section 4. Zoning Map Amendments. Section 401 of Ordinance 310, as amended, is hereby further amended as provided in this ordinance. Effective February 1, 1993, the Official Zoning Map of Yamhill County, shall be amended to insert the "Forestry District (F-80)" designation in the place of the "Forestry District (F-40)" designation.

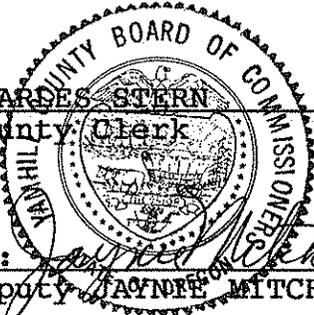
Section 5. Severability Clause. If any section or subsection contained in this ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall continue in full force and effect unless those parts, standing alone, are incapable of being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

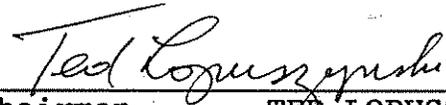
Section 5. Effective Date. This ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective February 1, 1993.

DONE at McMinnville, Oregon this 28th day of October, 1992.

ATTEST

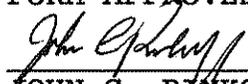
YAMHILL COUNTY BOARD OF COMMISSIONERS

  
~~CHARLES STERN~~  
County Clerk

  
Chairman TED LOPUSZYNSKI

By:   
Deputy JAYNE MITCHELL

(Not Available for Signature)  
Commissioner DEBI OWENS

FORM APPROVED BY:  
  
JOHN C. PINKSTAFF  
Assistant County Counsel

  
Commissioner DENNIS L. GOECKS

cc\qlu92300.001

Accepted by Yamhill County  
Board of Commissioners on  
10-28-92 by Board Order  
# 92-798.

ORDINANCE NO. 543  
EXHIBIT A

401. FORESTRY DISTRICT (F-80)

401.00 Purpose.

The purpose of the Forest zone is to conserve forest lands.

401.01 Definitions.

For the purposes of this Section, the following definitions shall apply:

A. Auxiliary - As used in Section 401.02 (B), "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

B. Necessary for - As used in Sections 401.03 (BB) and 401.07, "necessary for" means the dwelling will contribute substantially to effective and efficient management of the forest land to be managed by resident(s) of the dwelling.

401.02 Permitted Uses.

In the F-80 District, the following uses are permitted outright subject to the standards and limitations set forth in subsection 401.10 and any other applicable provisions of this ordinance.

A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.

B. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.

C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

E. Farm use as defined in ORS 215.203.

F. Additional local distribution lines within existing rights-of-way (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.

G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.

H. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway projects as described in ORS 215.213(1)(m) through (p) and ORS 215.283(1)(k) through (n).
- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- L. Uninhabitable structures accessory to fish and wildlife enhancement.
- M. Disposal site for solid waste that has been ordered established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.
- N. Maintenance, repair or replacement of existing dwellings.

**401.03 Conditional Uses.**

The following uses are allowed in the F-80 zone upon conditional use approval. The applicant shall comply with Section 401.04, Section 1202, The Type B application procedure of section 1301, and any other provisions required by this subsection.

- A. Caretaker residences for public parks and fish hatcheries.
- B. Temporary forest labor camps limited to the duration of the forest operation requiring the use.
- C. Destination resorts reviewed and approved pursuant to ORS 197.435 to ORS 197.465 and Goal 8.
- D. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head as defined in ORS Chapters 517 and 520.
- E. Permanent facility for the primary processing of forest products.
- F. Permanent logging equipment repair and storage.
- G. Log scaling and weigh stations.
- H. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- I. Parks and campgrounds. For the purpose of this title a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds authorized by this title shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. The park or campground may be public or private.
- J. Television, microwave and radio communication facilities and transmission towers.

- K. Fire stations for rural fire protection.
- L. Utility facilities for the purpose of generating five (5) megawatts or less of power.
- M. Aids to navigation and aviation.
- N. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- O. Reservoirs and water impoundments.
- P. Firearms training facility.
- Q. Cemeteries.
- R. Private hunting and fishing operations without any accommodations.
- S. Private seasonal accommodations for fee hunting operations, subject to Section 401.04, Section 401.08, and Section 401.09. and the following requirements:
  - 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  - 2. Only minor incidental and accessory retail sales are permitted;
  - 3. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and
  - 4. A governing body may impose other appropriate conditions.
- T. New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width.
- U. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- V. Home occupations as defined in ORS 215.448. Approval is also subject to the Home Occupation criteria as set forth in Section 1004 of the YCZO.
- W. A mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.213 and 215.283. The mobile home shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the mobile home will use a public sanitary sewer system, such condition will not be required. The permit authorizing such mobile homes shall be reviewed every two years. When the hardships end, the mobile home must be removed. If a separate sewage disposal system has been installed, this system will be removed according to DEQ requirements as defined in OAR 660-06-025(4)(s).
- X. Expansion of existing airports.
- Y. Public road and highway projects as described in ORS 215.213(2)(q) through (s) and ORS 215.283(2)(p) through (r).

Z. Private accommodations for fishing occupied on a temporary basis, subject to Section 401.04, Section 401.08, and Section 401.09 and the following requirements:

1. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
2. Only minor incidental and accessory retail sales are permitted;
3. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;
4. Accommodations must be located within 1/4 mile of fish bearing Class I waters; and
5. A governing body may impose other appropriate conditions.

AA. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

BB. Forest management dwelling necessary for and accessory to forest operations including cultured christmas trees as defined in ORS 215.203(3), subject to Sections 401.04, 401.07(A), 401.08 and 401.09.

CC. Dwelling not related to forest management, subject to Sections 401.04, 401.07(B), 401.08 and 401.09.

#### **401.04 Conditional Use Limitations.**

The Planning Director or hearings body shall determine that a use authorized by Section 401.03 meets the following requirements:

A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

C. A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in Section 401.03.

#### **401.05 Prohibited Uses.**

Uses of land and water not specifically mentioned in this Section are prohibited in the F-80 District. In order to preserve F-80 lands for forest uses, subdivisions and planned unit developments shall be prohibited.

#### **401.06 Nonconforming Uses.**

Nonconforming uses found in the F-80 District are subject to the nonconforming use provisions of Section 1205 as well as to an other applicable provisions of this ordinance.

401.07 Dwelling Standards.

Forest management dwellings authorized by Section 401.03(BB) must meet the standards listed subsection (A). Non-forest dwellings authorized by Section 401.03(CC) must meet the standards listed in subsection (B). The standards of Section 401.04 apply to all forest parcels regardless of size.

(A) Establishment of Forest Management Dwelling.

1. In addition to other applicable provisions of this Chapter, a forest management dwelling must meet all of the following requirements:

a. The dwelling is necessary for and accessory to forest operations including cultured Christmas trees as defined in ORS 215.203 (3). That determination shall be based on review of the forest management plan submitted to the County.

b. There are no other dwellings on the property which are vacant or currently occupied by persons not engaged in forestry, which could be used as the principal forest dwelling on the forest operation.

c. The property qualifies for and is enrolled in one of Oregon's forest tax programs.

d. The dwelling will not significantly interfere with, significantly increase the costs of, or impede forest or farm management on adjacent forest and agricultural lands.

e. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

f. The forest lands to be managed by the resident of the proposed dwelling meet the stocking and survival requirements of the Forest Practices Rules for the Northwest (OAR 629-24-502) Region.

g. A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

2. Pursuant to Section 401.07(A), an application for a forest management dwelling is not complete until the applicant provides documentation to the Planning Department showing that the Oregon Department of Forestry has had the opportunity to review, comment, and evaluate the condition and productivity of the lands to be managed, the plans for management of the lands, estimates of yield, labor and expenses and the siting of the dwelling and related fire safety measures. The information must be sufficient to enable the Oregon Department of Forestry within 45 days to determine that:

a. The information describing the productivity and current condition of the forest land to be managed is complete and accurate.

b. Fulfillment of the forest management plan will result in use of the parcel for the required management purpose in terms of stocking, stand density and harvest.

c. The sitting and safety standards in Sections 401.08 and 401.09 have been adequately addressed.

**(B) Establishment of Dwellings Not Related to Forest Management.**

Dwellings not related to forest management may be allowed subject to the following standards:

1. The dwelling would not force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices on agriculture or forest lands.
2. The parcel of the proposed dwelling is located within a rural fire protection district or the proposed resident has contracted for residential fire protection.
3. A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.
4. The dwelling meets the standards in Sections 401.08 and 401.09.
5. The parcel on which the dwelling would be located was lawfully created prior to January 25, 1990.
6. The parcel on which the dwelling would be located has been disqualified from receiving a farm or forest tax deferral, as required by ORS 215.236.
7. The parcel is composed primarily of soils which are:
  - a. Capable of 0 to 49 cubic feet per acre per year (cf/ac/yr) and where this parcel and at least all or part of 3 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or
  - b. Capable of 50 to 85 cf/ac/yr and where this parcel and at least all or part of 7 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or
  - c. Capable of above 85 cf/ac/yr and where this parcel and at least all or part of 11 other parcels exist within a 160-acre square when centered on the center of the subject parcel; or

(Note: Parcels within urban growth boundaries shall not be counted to satisfy the eligibility requirements under Section 401.07 (B) (7) (a) (b) and (c)).
8. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

**C. Sunset Clause.**

Section 401.07(B), Non-Forest Dwelling, shall be automatically repealed thirty (30) days after the Land Conservation and Development Commission adopts goal and rule amendments establishing secondary lands.

**401.08 Siting of Dwellings and Structures.**

A. All new dwellings and structures approved pursuant to Section 401.02 or permitted under Section 401.03 shall be sited in accordance with this section and Section 401.09.

Relevant physical and locational factors including, but not limited to, topography, prevailing winds, access, surrounding land use and source of domestic water shall be used to identify a site which:

1. Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;
2. Ensures that forest operations and accepted farming practices will not be curtailed or impeded;
3. Minimizes the amount of forest lands used for the building sites, road access and service corridors; and
4. Consistent with the provisions of Section 401.09. minimizes the risk associated with wildfire.

B. The applicant shall provide evidence that the domestic water supply, if any, is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the subject property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

**401.09 Fire Siting Standards for Dwellings and Structures.**

The following fire siting standards shall apply to all new dwellings or permanent structures:

A. A water storage tank of 1000 gallons, or adequate year round alternative source of water capable of providing sufficient water for fire department needs (e.g. a swimming pool, well, pond, stream, or lake) together with its own pump, hose and nozzle shall be provided and maintained for fire protection. Road access to within 15 feet of the water source shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

B. Road access to the structure shall meet the road design standards described in Section 401.10(D). of this section.

C. A primary fire break shall be constructed, no less than 30 feet wide. The primary firebreak could include a lawn, ornamental shrubbery or individual or groups of trees separated by a

distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.

D. A secondary firebreak of not less than 50 feet outside the primary firebreak shall also be constructed. Dead fuels shall be removed. The secondary fire break shall be increased if the dwelling or structure is located on a slope or other fire hazards exist.

E. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.

F. The applicant shall obtain an address from the County, and shall display that number in a location on the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.

#### **401.10 Standards and Limitations.**

In the F-80 District, the following standards and limitations shall apply:

##### **A. Parcel Size and Dimension.**

1. **Newly-Created Parcels.** Except as provided in paragraphs 401.10 (A)(2) and (A)(3) of this Section, the minimum size of any newly-created parcel shall be 80 acres.

2. **Land divisions creating parcels less than 80 acres in size may only be approved for uses listed in Section 401.03(C)-(Q).**

3. **Notwithstanding paragraphs 401.10 (A)(1) and (A)(2) of this section, the minimum land division standards may be waived to allow a division of forest land involving a dwelling existing prior to January 25, 1990 provided:**

a. **The new parcel containing the dwelling is no larger than 5 acres.**

b. **The remaining forest parcel, not containing the dwelling, meets the minimum land division standards of the zone; or**

c. **The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of the zone.**

4. **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.

5. **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 300 feet.

##### **B. Setbacks.**

The minimum setback for all yards shall be 30 feet for all uses except that adjacent to commercial timberland properties, minimum dwelling setback shall be 60'. The minimum setback

for signs shall be five feet, and the minimum setback for accessory uses shall be as provided in subsection 401.10(G).

C. Parcel Coverage.

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

D. Access.

The following standards apply to all roads and driveways, except for private roads accessing only commercial forest uses, which access uses permitted under Section 401.02 or approved under Section 401.03 of this section:

1. Width. Access roads serving three (3) or fewer dwellings shall have a 12 foot improved width and a 20 foot horizontal clearance. Access roads serve more than three (3) dwellings shall have a 16 foot improved width and a 20 foot horizontal clearance.
2. Construction. Access roads must be improved with an all weather surface. Roads, bridges and culverts shall be designed and maintained to support a minimum gross vehicle weight (GVW) of 50,000 lbs. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 lb. GVW standard shall be provided by a Professional Engineer, registered in Oregon.
3. Vertical Clearance. Access roads shall have an unobstructed vertical clearance of not less than thirteen and one-half (13.5) feet.
4. Turnarounds. Dead end roads over 150 feet in length shall provide a turnaround adequate for emergency vehicles.
5. Turnouts. Access roads greater than 400 feet in length shall have turnouts at a maximum spacing of one-half the length of the access road or 400 feet, whichever is less. Turnouts shall be required more frequently where visibility is limited. Turnouts shall be an all weather surface at least 10 feet wide and 40 feet long.
6. Road Grade. Road grades shall not exceed twelve (12) percent, with a maximum of 15 percent on pitches less than 200 feet long. Variations from these standards may be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical and where the local fire protection district states their fire-fighting equipment can negotiate the proposed roads grade.
7. 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 20 feet either directly upon a public road, or by a private easement which is at least 30 feet in width for its entire length and which also abuts upon a public road for at least 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.

E. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: county roads, public roads, private roads serving four or more parcels, and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings

exceeding 30 inches in height within a triangle formed by the lot corner nearest the intersection, and the two points 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 12 feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

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

G. 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 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 15 feet in height, at least 60 feet from a road, and at least 10 feet from any dwelling, may be located a minimum distance of three 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 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 401.10 E.

3. Storage and Use of Certain Vehicles and Recreational Equipment. One 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 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.

H. Off-Street Parking.

1. In the F-80 District, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one emergency vehicle turnaround.

2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the F-80 District shall be determined by the Director subject to the provisions of Section 1007.

EXHIBIT "B"

**STAFF REPORT**  
**YAMHILL COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT**  
**October 21, 1992**

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**DOCKET:** G-5-92

**PROPONENT:** Yamhill County

**TOPIC:** Amendment of Section 401 (F-40) of the Yamhill County Zoning Ordinance.

**PURPOSE:** The proposed amendments would revise the Commercial Forestry (F-40) zone to be consistent with Statewide Planning Goal 4 - Forest Lands and OAR 660-06, the Forest Rule. In addition, the Yamhill County Comprehensive Plan Forest Policies would be amended to be consistent with the Forest Rule.

**APPLICABLE CRITERIA:**

Statewide Goal 4:	Forest Lands
Yamhill County Comprehensive Plan:	Commercial Forestry
Yamhill County Zoning Ordinance:	Section 401 (F-40 Zone)

**FINDINGS AND ANALYSIS:**

**I. Background**

In January 1990, after a lengthy public process, the Land Conservation and Development Commission (LCDC) amended Statewide Planning Goal 4 - Forest Lands and adopted the Forest Rule (OAR 660, Division 6). The Forest Rule requires counties to amend Zoning Ordinance provisions and Comprehensive Plan Policies to comply with the Forest Rule by February 1993. However, Yamhill County must implement the Forest Rule by October 31, 1992 to comply with the conditions of a competitive planning grant received from the Department of Land Conservation and Development (DLCD).

The provisions of the Forest Rule must be implemented for all forest land on the County's acknowledged inventory. This includes all land currently zoned F-40.

Staff conducted an analysis of F-40 zoned lands to determine parcel and ownership characteristics. There are 659 F-40 zoned parcels, totaling 121,674 acres in the County. A total of 437 (66.3%) parcels consist of 80 acres or larger for a total of 114,314 (94%) acres.

acres. A total of 100 (15.2%) parcels are below 40 acre range for a total of 1,596 (1.3%) acres. The following table lists the size characteristics of F-40 parcels.

**F-40 PARCELS BY SIZE OF OWNERSHIP**

SIZE	NO. OF PARCELS	% OF PARCELS	TOTAL ACRES	% OF ACRES
80 acres or above	437	66.3%	114,314	94.0%
40 to 80 acres	122	18.5%	5,764	4.7%
below 40 acres	100	15.2%	1,596	1.3%
<b>TOTAL</b>	<b>659</b>	<b>100.0%</b>	<b>121,674</b>	<b>100.0%</b>

Yamhill County joined with Lincoln and Polk Counties to coordinate efforts to comply with the Forest Rule. The outcome of that effort was the development of a model forest ordinance which complies with the Forest Rule. The model ordinance provided a basis for the proposed amendments to the F-40 zone.

**II. Provisions of the F-40 Zone**

The F-40 zone has been amended to comply with the Forest Rule. The Forest Rule establishes specific criteria and standards which must be included in the F-40 zone. The Forest Rule permits counties to adopt implementing ordinances which are stricter than the Forest Rule; however, implementing ordinances cannot be more lenient than the Forest Rule. The F-40 zone has been amended to meet the minimum requirements of the Forest Rule, while providing as much flexibility as is permitted. The only area in which the F-40 ordinance is more restrictive than the Forest Rule is in the Permitted Use section: destination resorts, and several other uses which could be outright permitted are conditionally permitted (see Exhibit C). The following is a summary of the major provisions of the F-40 zone.

**A. Permitted Uses (Outright and Conditional) - 401.02 & 401.03**

The Forest Rule only lists three uses which must be outright permitted: forest operations; temporary on-site structures auxiliary to a forest operation; and physical alterations of land auxiliary to forest operations. Beyond these uses the Forest Rule lists 16 other uses which may be outright permitted and an additional 23 uses which may be permitted as discretionary uses, subject to special review provisions. The amended F-40 ordinance permits (outright or conditionally) all the uses allowed by the Forest Rule, with the exception of the uses noted in the previous section. The ordinance also establishes limitations on conditional uses (Section 401.04), as required

by the Forest Rule. Forest management and non-forest dwellings would continue to be permitted; however, the dwellings would be permitted under more stringent standards. A table showing the Forest Rule's effects on presently permitted uses and a table listing the uses proposed for the revised F-40 zone is attached as **Exhibit C**.

**B. Dwelling Standards - 401.07**

Specific standards are provided for permitting forest management and non-forest management dwellings. The following is a brief description of the standards for each dwelling type.

- (1) Forest Management Dwellings, Section (401.07). The Forest Rule establishes a standard that forest management dwellings must be "necessary for" and "accessory to" forest management on the parcel; these terms are defined in Section 401.01. Applicants for forest management dwellings are required to submit forest management plans to the Department of Forestry prior to formally applying to the County for a forest management dwelling. The Department of Forestry reviews, evaluates, and comments on the proposed forest management plan; however, the County retains final decision-making authority. In addition, temporary dwellings are permitted when forest stocking and survival requirements are not met.
  
- (2) Dwellings Not Related to Forest Management, Section (401.08). The Forest Rule establishes specific standards which must be met in order to permit a non-forest dwelling. The present ordinance permits non-forest dwellings if it is shown that the dwelling will not limit forest practices and is compatible with the zone. The amended ordinance would add several additional criteria, including the following:
  - The subject parcel must be located within a rural fire protection district;
  - Specific fire safety and access standards must be met;
  - The parcel to contain the dwelling must be disqualified from farm or forest tax deferral; and
  - There must be a certain number of other parcels "clustered" within a 160 acre square centered on the subject parcel, dependent on the soil productivity (e.g. if the parcel is capable of producing above 85 cf/ac/yr, then there must be at least 11 parcels within a 160 acre square centered on the subject parcel).

The most significant ordinance revision regarding non-forest dwellings is the "clustered" parcel standard noted above. This standard only permits non-forest dwellings in F-40-zoned areas characterized by smaller parcel sizes.

In accordance with the Forest Rule, the provisions for non-forest management dwellings will be sunseted 30 days after LCDC adopts goal and rule amendments establishing secondary lands.

C. Land Division Standards - 401.11 (A)

As proposed, an 80 acre minimum land division standard would be established in the F-40 zone. Presently, there is a 40 acre minimum land division standard for the F-40 zone. The amended F-40 ordinance does allow a limited number of exceptions to the minimum land division standard. The majority of conditional uses (Section 401.03 (D)-(Q)) would be exempted from the 80 acre standard, as would existing dwellings if the parcel with the dwelling is under five (5) acres and the newly created parcel meets the 80 acre land division standard.

D. Access and Fire Safety Standards - 401.10 & 401.11

The Forest Rule requires the County to establish specific access and fire safety standards. The present F-40 ordinance does not list specific standards. The Department of Forestry issued a technical bulletin recommending a number of standards. The proposed F-80 ordinance standards were developed using the Department of Forestry recommendations, and input from the Polk County Rural Fire Districts and the Coordination Committee. Exhibit D contains a table summarizing the proposed access and fire safety standards.

**RECOMMENDATIONS:**

Staff recommends YCZO Section 401 be revised as indicated. YCZO Section 401 is attached as Exhibit A.