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YAMHILL COUNTY, OREGON
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CHARLES STERN
COUNTY CLERK
DEPUTY

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 an Ordinance)
Amending Forestry District) ORDINANCE NO. 607
(F-80) Provisions of Yamhill County)
Zoning Ordinance No. 310, as Amended,)
Docket G-1-96; and Declaring an)
Emergency.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in special session on May 22, 1996 Commissioners Robert Johnstone, Thomas E. E. Bunn, and Dennis L. Goecks, being present.

WHEREAS, the Yamhill County Zoning Ordinance, No. 310, as amended ("the YCZO"), sets forth approval standards for the Forestry District (F-80) zone as set forth in YCZO section 401; and

WHEREAS, the Director of Planning and Development has proposed certain amendments to YCZO section 401 as necessary and/or appropriate to bring the county's zoning ordinance into conformance with in certain state statutes and administrative rules which have been adopted or amended since the County's adoption of YCZO section 401; and

WHEREAS, the Board desires to amend the YCZO to conform to such statutes and administrative rules; and

WHEREAS, on February 1, 1996, a properly notice public hearing was held on this ordinance before the Yamhill County Planning Commission and before the Board on April 3, and continued to April 10, May 1 and May 22, 1996, and the Board by a vote of 2 to 1 (Commissioner Bunn voting nay) approved the adoption of the ordinance; and

WHEREAS, the Board has determined that adoption of the ordinance provisions in the attached Exhibit "A" will be in the best interest of the citizens of Yamhill County; 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, is hereby amended as provided and specified in the attached Exhibit "A", which is by this reference made a part of this ordinance. Materials and language contained in brackets are hereby deleted from Ordinance 310 as amended, and materials underlined are added to those ordinances.

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Section 2. The explanation of the amendments under this ordinance set forth in Exhibit "B", which is attached hereto and incorporated into this ordinance by reference, is hereby adopted to support the Board's determination that this ordinance is necessary to conform to state statutes and administrative rules.

Section 3. 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 4. Effective Date. In accordance with ORS 203.045(9), this ordinance shall become effective on August 20, 1996.

AYES: Commissioners Johnstone and Goecks.

NAYS: Commissioner Bunn

DONE at McMinnville, Oregon this 22nd day of May, 1996.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

 BOARD OF COMMISSIONERS
YAMHILL COUNTY, OREGON
By CHARLES STERN
County Clerk
Deputy CAROL ANN WHITE

Robert Johnstone
Chairman ROBERT JOHNSTONE

Thomas E. E. Bunn
Commissioner THOMAS E. E. BUNN

FORM APPROVED BY:

John C. Pinkstaff
JOHN C. PINKSTAFF
Assistant County Counsel

Dennis L. Goecks
Commissioner DENNIS L. GOECKS

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**EXHIBIT "A" TO ORDINANCE 607
Amending FORESTRY DISTRICT, F-80 (SECTION 401) OF
YAMHILL COUNTY ZONING ORDINANCE NO. 310 AS AMENDED**

NOTE: New language is underlined and bold, deleted language is [*in brackets and italic*].

401. FORESTRY DISTRICT (F-80)

401.01 Purpose.

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

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 Section 402.10(C) of this ordinance.
- F. Local distribution lines (e.g., electric, telephone, natural gas and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or equipment 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 215.283(1)(k) through (n)*] **Section 402.02(K)**.
- 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. Alteration, restoration or replacement of a lawfully established dwelling that:
 1. Has intact exterior walls and roof structure;
 2. Has indoor plumbing consisting of kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
 3. Has interior wiring for interior lights;
 4. Has a heating system; and
 5. In the case off replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
- Q.[Q.] Temporary forest labor camps limited to the duration of the forest operation requiring the use.
- P.[R.] Destination resorts reviewed and approved pursuant to ORS 197.435 to ORS 197.465 and Goal 8.
- Q.[S.] 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, subject to the requirements of Section 404.10 and the Type A application procedures.
- R.[T.] Private hunting and fishing operations without any accommodations.

401.03 Dwellings Permitted Subject to Standards.

The following residential uses shall be permitted in the F-80 District subject to the standards and limitations set forth in Sections 401.08 and 401.09 and satisfaction of the criteria specified for each use. Furthermore, the decision-making body may attach reasonable conditions to approvals in order to insure compliance with relevant criteria. The following uses are subject to the Type A notice procedures of Section 1301. *[type of notice requirements of Section 1301 indicated.]*

- A. Principal dwelling on a tract of at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are located entirely within Yamhill county or partially in an adjacent county, subject to the following: *[A tract separated only by a public road or a waterway is considered contiguous, subject to Type A notice procedures].*
 1. There are no other dwellings on the parcels which make up the acreage.
 2. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions.

3. If the tract consists of more than one lot or parcel, the lots or parcels that are not to support the dwelling are subject to deed restrictions that prohibit residential development or use of the lots or parcels to total acreage for future siting of dwellings for present or future owners. The applicant shall provide evidence that covenants and restrictions, in a form approved by the county, have been recorded with the County Clerk of Yamhill county and the other counties where the property subject to the covenants and restrictions is located. The covenants and restrictions are irrevocable, unless a statement of release is signed by the Planning Director.

[B. *Principal dwelling where an owner of tracts that are not contiguous, but are in the same county or adjacent counties and zoned for forest use, when added together total 200 or more acres, subject to the deed restriction requirements of Section 401.11 and Type a notice procedures.*]

B.[C] Principal lot-of-record dwelling, subject to [*Type A notice procedures and*] the following standards and criteria:

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - (a) prior to January 1, 1985; or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
 - (c) For the purposes of Section 401.03(B)(1) only, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or business entity owned by any one or combination of these family members.
2. The tract on which the dwelling is to be sited does not include a dwelling.
3. The tract on which the dwelling is to be sited is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species.
4. The tract on which the dwelling is to be located is within 1,500 feet of a public road that is maintained and either paved or surfaced with rock. The road shall not be a United States Forest Service road or Bureau of Land Management road.
5. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
6. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions.

[7. *The property owner shall submit a stocking survey report to the County Assessor, and the Assessor shall verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.*]

~~7~~[8] The county assessor shall be notified that the governing body intends to allow the dwelling.

[9. *For purposes of this section 401.03 C, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or business entity owned by any one or combination of these family members.*]

C[D] Principal **forest template** dwelling, except as provided in subsection D of this Section, subject to [Type A notice procedures and] the following standards and criteria:

1. There are no other dwellings on the subject tract; and

2. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed [The remainder of the subject tract shall be consolidated into one parcel, which shall not be eligible for an additional dwelling]; and

3. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions; and

~~4~~[3] The lot or parcel is predominantly composed of soils are capable of producing 0 to 49 cubic feet per acre of wood fiber; and

a. All or part of at least three other lots or parcels that existed on January 1, 1993, not inside an Urban Growth Boundary, are within a 160-acre square centered on the center of the subject tract; and

b. At least three dwellings existed on January 1, 1993, on the other lots or parcels; or

~~5~~[4] The lot or parcel is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre of wood fiber; and

a. All or part of at least seven other lots or parcels that existed on January 1, 1993, not inside an Urban Growth Boundary, are within a 160-acre square centered on the center of the subject tract; and

b. At least three dwellings existed on January 1, 1993, on the other lots or parcels; or

~~6~~[5] The lot or parcel is predominantly composed of soils that are capable of producing more than 85 cubic feet per acre of wood fiber; and

- a. All or part of at least 11 other lots or parcels that existed on January 1, 1993, not inside an Urban Growth Boundary, are within a 160-acre square centered on the center of the subject tract; and
- b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels.

7.[6] If the tract on which the dwelling will be sited abuts a public road that existed on January 1, 1993, the measurement under subsections 4.a, 5.a, or 6.a may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road.

D.[E] Principal forest template dwelling on a tract of 60 or more acres that abuts a road or perennial stream, subject to *[Type A notice procedures and]* the following standards and criteria:

1. There are no other dwellings on the subject tract; and
2. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed, and the tract shall not be eligible for an additional dwelling.
3. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions; and
- 4.[3] The lot or parcel is predominantly composed of soils are capable of producing 0 to 49 cubic feet per acre of wood fiber; and
 - a. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract; or
- 5.[4] The lot or parcel is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre of wood fiber; and
 - a. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract; or
- 6.[5] The lot or parcel is predominantly composed of soils that are capable of producing more than 85 cubic feet per acre of wood fiber; and

- a. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
- b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract.

7.[6] The measurement under subsections 4.a, 5.a, or 6.a of this section shall be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream.

8.[7] The one dwelling required to be on the same side of the road or stream required in subsections 4.b, 5.b, or 6.b of this section may be outside the width of the rectangle described in subsection 7 of this section if it is within one-quarter mile of the subject tract.

401.04 Conditional Uses.

The following uses are allowed in the F-80 zone upon conditional use approval. The applicant shall comply with Section 401.05, Section 1202, the Type B application procedure of section 1301, and any other provisions required by this subsection.

- A. Permanent facility for the primary processing of forest products.
- B. Permanent logging equipment repair and storage.
- C. Log scaling and weigh stations.
- D. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and **not** otherwise permitted under [OAR 660-06-025(3)(l) (e.g. compressors, separators, and storage serving multiple wells),] **Section 401.02(S), subject to the requirements of Section 404.10;** and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517, **subject to the operating standards in Section 404.07.**
- E. Parks and campgrounds as defined in subsection 401.12(B).
- F. Television, microwave and radio communication facilities and transmission towers.
- G. Fire stations for rural fire protection.
- H. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
- I. Aids to navigation and aviation.
- J. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.

- K. Reservoirs and water impoundments.
- L. Firearms training facility.
- M. Cemeteries.
- N. Private seasonal accommodations for fee hunting operations, subject to Sections 401.05, 401.08, and 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.
- O. New distribution lines (e.g., gas, oil, geothermal) with rights-of-way 50 feet or less in width and new electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210.
- P. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- Q. 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.
- R. Expansion of existing airports.
- S. Public road and highway projects as described in [ORS 215.283(2)(p) through (r) and 215.283(3)] Section 402.04(D) and (N).
- T. Private accommodations for fishing occupied on a temporary basis, subject to Sections 401.05, 401.08, and 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.
- U. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

401.05 Conditional Use Limitations.

The Planning Director or hearings body shall determine that a use authorized by Section 401.04 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 401.04.

401.06 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.

401.07 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.

401.08 Siting of Dwellings and Structures

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

- A. 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 adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - 3. Minimizes the amount of forest lands used for the building sites, road access and service corridors; and
 - 4. 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 from a well, a copy of the well constructor's

report shall be submitted to the county upon completion of the well. 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.

- C. As a condition of approval of a dwelling under [subsection 401.03(C) through (E), the county shall require that the tract that is the site of a dwelling meet the stocking and survival requirements of ORS 527.610 and 527.770. The] Section 401.03, if the tract is more than 10 acres in size the property owner shall submit a stocking survey report to the County Assessor and the Assessor shall verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.

401.09 Fire Siting and Construction Standards for Dwellings and Structures

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

- A. The dwelling shall have a fire-retardant roof;
- B. A dwelling shall not be sited on a slope of greater than 40 percent;
- C. A dwelling shall be located only upon a parcel within a fire protection district that fights residential fires, or shall be provided with residential fire protection by contract. A dwelling may be allowed on a parcel that does not comply with these provisions provided that:
- a. The applicant provides evidence that the applicant has asked to be included in the nearest [such district; or] fire protection district but that district is unable to provide residential fire protection by contract; and
 - [b. Is provided with residential fire protection by contract; or]
 - b. The dwelling shall be provided with a fire sprinkling system; and
 - c. The parcel is [Is] provided with a water supply consisting of a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons, or a stream that has a minimum year-round flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment.
- D. Road access to the structure shall meet the road design standards described in Section 401.10(D).
- E. If a dwelling has a chimney or chimneys, each chimney shall be provided with a spark arrester.
- F. 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.

- G. 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.
- H. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- I. 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)*] **through (A)(5)** of this Section, the minimum size of any newly-created parcel shall be 80 acres.
 - 2. Land divisions creating parcels less than 80 acres may [*only*] be approved for uses listed in Section 401.04 (A) through (M). Such divisions shall create a parcel that is the minimum size necessary for the use.
 - 3. **A partition to facilitate a forest practice as defined in ORS 527.620 may be approved with the following conditions:**
 - a. **The parcels shall not be less than 35 acres in size except where the purpose of the partition is to facilitate an exchange of lands involving a governmental agency or to allow a transaction in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.**
 - b. **If associated with the creation of a parcel where a dwelling is involved, the partition shall not result in a parcel less than 80 acres in size.**
 - c. **The parcels shall not be eligible for the siting of a new dwelling. The applicant shall provide evidence that covenants and restrictions that prohibit future siting of dwellings for present or future owners have been recorded with the County Clerk. The restriction prohibiting a dwelling shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the Comprehensive Plan or land use regulations have been changed in such a manner that the parcel is no longer subject to statewide planning Goals 3 or 4.**
 - d. **The parcels shall not serve as the justification for the siting of a future dwelling on other lots or parcels.**

- e. The parcels shall not be used to justify the redesignation or rezoning of resource lands.
- f. The landowner shall sign an affidavit and declaratory deed statement and record it in the deed and mortgage records for Yamhill County declaring that the landowner will not in future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

4.[3] Lot-line adjustments. When one or more parcels subject to a proposed adjustment are larger than the minimum lot size in the zone, the same number of parcels shall be as large or larger than the minimum lot size after the adjustment. When all parcels subject to a proposed adjustment are as large or larger than the minimum lot size in the zone, no parcel shall be reduced below the applicable minimum lot size. If the proposed adjustment involves the transfer of a dwelling from one parcel to another, the parcel that will acquire the dwelling must receive approval for the dwelling under Section 401.03.

5.[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.

6.[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]* as follows:

1. Adjacent to commercial timberland properties, the minimum dwelling setback shall be 60 feet.
2. 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).*
3. An accessory structure not more than 15 feet in height, and at least 60 feet from a road or off-site dwelling, may be located a minimum distance of three feet from the property line in a side yard or rear yard.
4. A swimming pool may be located in a required rear yard, provided it lies a minimum of five feet from the rear property line.
5. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of Subsection 401.10(E).

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 Sections 401.03 or 401.04 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 serving 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.]*

G.[3] [Storage and Use of Certain Vehicles and Recreational Equipment.] Occupancy of Recreational Vehicles.

One [travel trailer only] **recreational vehicle** shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests **for a period of up to 30 days total in any year.** [, 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] **In** no case shall any [travel trailer] **recreational vehicle** 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.

[401.11 *Restrictions on Certain Parcels that are a Part of a Noncontiguous Ownership*

When a dwelling is authorized under Subsection 401.03 (B), the parcels of the noncontiguous ownership that are not to support the dwelling are subject to deed restrictions that prohibit residential development. The following requirements shall govern the deed covenants and restrictions and the county:

- A. *The applicant for a dwelling authorized under Subsection 401.03(A) or 2(P) shall provide evidence that covenants and restrictions, in a form approved by the county, have been recorded with the County Clerk of the county or counties where the property subject to the covenants and restrictions is located. }*

401.11 Permit Expiration Dates

A. Notwithstanding other provisions of this Ordinance, a discretionary decision, except for a land division, approving a proposed development in the Forestry zone is void two years from the date of the final decision if the development action is not initiated in that period. An extension period of up to 12 months may be granted if:

1. An applicant submits a written request for an extension prior to expiration of the development approval period, stating the reasons that prevented the applicant from beginning or continuing development within the approval period; and
2. The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

B. Approval of an extension granted under this rule is not a land-use decision described in ORS 197.015 and is not subject to appeal as a land-use decision.

C. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed.

401.12 Definitions

The following terms apply only to Section 401, and have no relevance to the same term used in other sections of this ordinance unless specifically stated.

- A. Auxiliary - 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. Campground - 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 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.
- B. Commercial tree species - Trees recognized under rules adopted under ORS 527.715 for commercial production.
- C. Forest operation - Any commercial activity relating to the growing or harvesting of any tree species as defined in ORS 527.620(6).
- D. Tract - One or more contiguous lots or parcels under the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

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EXHIBIT "B" TO ORDINANCE 607

Explanations for amendments to Section 401 of the Yamhill County Zoning Ordinance as indicated in Exhibit A:

401.02(J) - The ordinance language in Section 402.02 of the ordinance is the same as ORS 215.283(1)(k) through (n), and this amendment would provide for cross-referencing within the zoning ordinance rather than having to refer to the ORS.

402.02(O) through (R) - Section 404.10 contains standards for exploration activities. These standards apply to exploration in all zoning districts where the use is allowed. The relettering is to correct an error.

401.03, introduction - All dwellings in the F-80 district are subject to Type A notice procedures.

401.03(A) - This amendment would combine subsections (A) and (B). The approval criteria are required by OAR 660-06-027.

401.03(B) - The term "lot of record dwelling" is used commonly throughout the state. Since there are so many different methods to qualify for a dwelling in farm and forest zones, staff feels that clarifying the type of dwelling will facilitate use of the ordinance.

A recent Court of Appeals decision (Craven v. Jackson County) clarified that the owner definition applies only to ORS 215.705(1)(a), which is identical to Section 401.03(C)(1). Moving the definition will help prevent the misapplication of the definition to other sections of the ordinance which contain the words "owner" or "ownership".

Criterion #7 has been removed because the provision for restocking is included in Section 401.08(C).

401.03(C) - This type of dwelling is commonly called a "forest template" dwelling. Using the common name will make the ordinance easier to use. The amendment in #2 is for consistency in wording with other subsections in the F and AF districts which have the same requirement. Criterion #3 is a requirement of OAR 660-06-027 for all dwellings on forest land.

401.04(D) - The addition of the word "not" is a correction. The reference to OAR 660-06-025(3)(l) is proposed to be replaced by referring to an identically worded section of the zoning ordinance. Section 404 contains requirements and operating standards for mining and exploration activities that apply to all such activities in any zoning district.

401.04(S) - The ordinance language in Section 402.04 of the ordinance is the same as ORS 215.283(2)(p) through (r) and 215.283(3), and this amendment would provide for cross-referencing within the zoning ordinance rather than having to refer to the ORS.

401.08(B) - Submittal of a well report is a requirement of OAR 660-06-029.

401.08(C) - SB 245 amended the stocking requirement to apply only to lots greater than 10 acres in size. Submittal of a stocking survey is mandatory for all types of dwellings on forest land.

401.09(C) - These amendments will bring the ordinance into compliance with OAR 660-06-035. Subsections (b) and (c) are options - the OAR states that if the property is not within a fire district or under contract for fire protection that the county "may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable..." including the water supply required by subsection (c).

401.10(A)(3) - This provision was enacted by Chapter 700, Oregon Laws 1995 (SB 683).

401.10(A)(5) - This amendment will prevent a vacant parcel which does not meet the requirements for a dwelling from acquiring a dwelling through the lot line adjustment procedure.

401.10(B) - This amendment moves all the setback standards to one location.

401.10(G) - These setback standards have been moved to subsection (B).

Staff proposes reducing the time an RV can be occupied by guests to 30 days rather than 3 months, and eliminating the requirement for a permit. The references to "travel trailer" have been eliminated because future ordinance amendments to Section 202 include a new definition of "Recreational Vehicle" which includes travel trailers.

401.11 - These requirements have been moved to section 401.03(A) and replaced with the new section, permit expiration dates. OAR660-33-140(1) includes the expiration requirement, and it is desirable to have it in the ordinance so applicants will have the information.

401.12(D) - This provision is included in OAR 660-06-027(5).