

FILED
YAMHILL COUNTY, OREGON
96 MAY 23 AM 11:58
CHARLES STERN
COUNTY CLERK

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. 608
(F-80) Provisions of Yamhill County)
Zoning Ordinance No. 310, as Amended,)
Docket G-1-96; Effective August 20, 1996)

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 unanimously approved 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.

INDEXED

Y.B.O. 96-334

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.

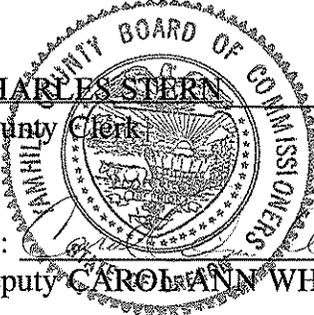
Section 3. Severability Clause. If any section or subsection contained in this ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall continue in full force and effect unless those parts, standing alone, are incapable of being 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.

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

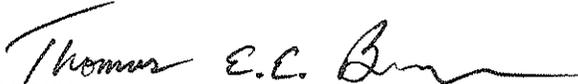
ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

The seal of the Yamhill County Board of Commissioners is circular with a double border. The outer border contains the text "YAMHILL COUNTY BOARD OF COMMISSIONERS" at the top and "1858" at the bottom. The inner border contains "YAMHILL COUNTY" on the left and "ORIGINATION" on the right. The center features a landscape with a sun, mountains, and a river.
CHARLES STERN
County Clerk


Chairman ROBERT JOHNSTONE

By: 
Deputy CAROL ANN WHITE


Commissioner THOMAS E. E. BUNN

FORM APPROVED BY:


JOHN C. PINKSTAFF
Assistant County Counsel


Commissioner DENNIS L. GOECKS

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EXHIBIT "A" TO ORDINANCE 608

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*].

1. Section 401.02 is amended as follows:

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 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 of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
- O. Temporary forest labor camps limited to the duration of the forest operation requiring the use.
- P. Destination resorts reviewed and approved pursuant to ORS 197.435 to ORS 197.465 and Goal 8.
- Q. 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. Private hunting and fishing operations without any accommodations.
- S. Caretaker residences for public parks and fish hatcheries.

2. Section 401.04 is amended as follows:

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 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 Section 402.04(J) 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.
- V. One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the existing resident, subject to the following:
1. The resident or relative of the resident is aged, infirm, or for health-related reasons, is incapable of maintaining a complete separate residence.
 2. The permit for the manufactured dwelling for the term of hardship shall be valid for a period of two years or a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time, if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated.
 3. The permit for the manufactured dwelling for the term of hardship shall be granted to the applicant only and shall not be deemed to run with the land.
 4. The temporary dwelling shall use the same subsurface sewage disposal system as the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.
 5. The temporary dwelling shall be removed when it is no longer needed to house the relative that required special care.

3. Section 401.10 is amended as follows:

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) 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 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. A partition to separate a parcel containing a dwelling that existed prior to June 1, 1995 from a larger parcel may be approved subject to the following:
- a. The new parcel containing the dwelling shall not be larger than five acres in size, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than ten acres in size.
 - b. The remaining parcel not containing the dwelling shall either be at least 80 acres in size, or shall be consolidated with an adjacent parcel so that together the parcels are at least 80 acres in size.
 - c. The remaining parcel not containing the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal. 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 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.

5.[4] 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.

6.[5] 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.

7.[6] 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 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.
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. Occupancy of Recreational Vehicles.

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

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" TO ORDINANCE 608

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

401.02(S) - This use is allowed pursuant to OAR 660-06-025(3)(j).

401.04(V) - This use is allowed pursuant to OAR 660-06-025(s).

401.10(A)(4) - This provision was enacted by Chapter 700, Oregon Laws 1995 (SB 683).