

SECTION 100 - INTRODUCTORY PROVISIONS

101. **TITLE**

This ordinance and any amendments hereto shall be known and may be cited or pleaded as the Yamhill County Zoning Ordinance, No. 310, 1982.

102. **AUTHORIZATION AND APPLICATION**

This ordinance is hereby enacted for all the area of Yamhill County subject to County jurisdiction under the provisions of ORS 215.130 and subsequent amendments of the Oregon Revised Statutes.

103. **PURPOSE AND SCOPE**

103.01 This ordinance is enacted to promote the public health, safety and general welfare at to implement the goals and policies of the Yamhill County Comprehensive Plan 1974, Ordinance No. 62-1974 as amended.

103.02 Conformance Required.

No land shall be used, and no buildings or structures, or part thereof, shall be erected, constructed, reconstructed, located, moved, extended, enlarged, structurally altered, or used or occupied except in conformity with this ordinance.

103.03 Violations.

It shall be unlawful for any person to violate any provision of this ordinance, to permit or maintain any such violation, to refuse to obey any provision hereof, or to fail or refuse to comply with any such provision except as variation may be allowed under this ordinance. Violations of this ordinance shall be prosecuted and penalties assessed pursuant to Section 1406 of this ordinance.

103.04 Interpretation.

The provisions of this ordinance shall be held to be minimum requirements. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the more restrictive or that imposing the higher standards shall govern.

103.05 Severability.

If any section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance. Each section, sentence, clause and phrase hereof is declared severable.

103.06 Repeal of Previous Zoning Ordinance.

The Yamhill County Zoning Ordinance, Ordinance No. 83, 1976 enacted on the 11th day of February, 1976, and amendments thereto, and the Yamhill County Flood Hazard District Ordinance, Ordinance No. 69, 1975 enacted on the 9th day of July, 1975, are repealed. Any reference to Ordinance No. 83, as amended, shall be referenced to the appropriate provisions of this ordinance. All ordinances hereby repealed shall allow application of remedies or punishment of a person for the act done or committed prior to the date of this Ordinance and in violation of an ordinance hereby repealed.

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SECTION 200 – DEFINITIONS AND RULES OF CONSTRUCTION

201. RULES OF CONSTRUCTION

[Last Amended 6/28/18; Ord.906]

201.01 Interpretations.

For the purposes of this ordinance, all words, terms and expressions contained herein shall be interpreted in accordance with the following rules of construction, unless the context requires otherwise:

- A. The particular controls the general;
- B. The word "shall" is mandatory, the word "may" is permissive;
- C. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;
- D. The words "used for" or "occupied for" include the words "intended for", "designed for", "arranged to be used for", "erected for", "constructed for", "reconstructed for", "repaired for", "moved for", "structurally altered for" or "extended for the purpose of";
- E. The word "person" includes a "firm", "association", "organization", "partnership", "trust", "company", or "corporation" as well as an "individual"; and
- F. Any word or term not defined herein shall be used with a meaning of common standard use. Any words, terms or phrases not defined herein, shall be construed according to their common, ordinary and accepted meaning.

202. DEFINITIONS

[Last amended 10/17/13, Ord 884]

ABANDONMENT OF SURFACE MINING: A cessation of surface mining operation for more than five (5) consecutive years when the cessation is not part of an approved Department of Geology and Mineral Industries permit.

ACCEPTED FARMING PRACTICE: A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use. [Added 7/9/98; Ord.648]

ACCESS: A means of egress and ingress for pedestrians and vehicles to the parcel to which access is required.

ACCESSORY STRUCTURE: A structure or building, the use of which is incidental and secondary to the principal structure or building on the same parcel.

ACCESSORY USE: A use which is incidental and secondary to the principal use on the same parcel. Amended 8/23/89; Ord.492]

AIRCRAFT LANDING FIELD: Any area of land or water used for the landing and take-off of aircraft, any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. Airport buildings include buildings used for maintenance, service or repair of aircraft. [Added 4/15/87; Ord. 444]

AIRPORT HAZARD: Any structure, tree, or use of land which exceeds height limits established by the Airport Imaginary Surfaces. [Added 8/17/88; Ord. 468]

AIRPORT IMAGINARY SURFACES: Those imaginary areas in space which are defined by the approach zone, transitional zone, horizontal surface, clear zone, and conical surface and in which any object extending above these imaginary surfaces is an obstruction. [Added 8/17/88; Ord. 468]

AMENDMENT, LEGISLATIVE: A legislative amendment is an amendment to the zoning ordinance to establish or change a specific policy related to uses, criteria, procedure or other ordinance provisions of substantial general applicability. A legislative amendment may apply to the zone map or text of the zoning ordinance. Added 8/23/89; Ord. 492]

AMENDMENT, QUASI-JUDICIAL: A quasi-judicial amendment is a zone map amendment changing the zone map from one zone designation to another. A quasi-judicial amendment applies to a specified tax lot or lots and results in the realignment of zone district boundaries.[Added 8/23/89; Ord. 492]

APPROACH ZONE: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach zone is the same width as the primary surface and extends to a width of: 1250 feet for a utility runway having only visual approaches; 1500 feet for a runway other than a utility runway having only visual approaches; 2000 feet for a utility runway having a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile. The approach zone extends for a horizontal distance of 5000 feet at a slope of 20:1, horizontal:vertical for all utility and visual runways and 10,000 feet at a slope of 34:1 for all nonprecision instrument runways other than utility. [Added 8/17/88; Ord. 468]

AREAS OF SPECIAL FLOOD HAZARD: The land in a floodplain subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V (see also definition of floodplain). [Added 10/17/13; Ord. 884]

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

[Amended 8/23/89; Ord. 492]

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

[Amended 8/23/89; Ord. 492]

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

[Amended 8/23/89; Ord. 492]

BASEMENT: A portion of a building which has more than one (1) foot but not more than one-half (1/2) of its height measured from finished floor to finished ceiling above the average grade of the ground. For purposes of Section 901, a basement is any area of a building having its floor subgrade (below ground level on all sides).

[Last Amended 2/24/2010; Ord.851]

BED AND BREAKFAST INN: A single-family dwelling where lodging is offered for compensation, having no more than nine (9) sleeping rooms for this purpose. A bed and breakfast inn may offer a morning meal for overnight guests only. A bed and breakfast inn is conducted within the residence of the operator.

Added 7/9/98; Ord.648; Amended 09/02/04, Ord 746]

BILLBOARD: A pre-existing off-premise sign or sign assemblage maintained as advertising rental space by a business enterprise.

BLANKETING: The visual blocking of one sign by another as seen by a motorist traveling a road or highway.

BOARD: The Yamhill County Board of Commissioners.

BOARDING, LODGING OR ROOMING HOUSE: A building or buildings where lodging with or without meals is provided for compensation for not less than five (5) persons in addition to members of the family occupying such building or buildings.

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

[Amended 8/23/89; Ord. 492]

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

[Amended 8/23/89; Ord. 492]

BUILDING INSPECTOR: The Yamhill County Building Official or the official's duly authorized representative.

[Amended 8/23/89; Ord. 492]

CHURCH: A nonresidential place of worship which may include but is not limited to a synagogue, temple, mosque, chapel or meeting house. Activities customarily associated with the practices of the religious activity, include worship services, religion classes, weddings, funerals, child care and meal programs. These activities may be prohibited or restricted when it is found that the level of service of public facilities including transportation, water supply, sewer and storm drain systems is not adequate to serve the church.

[Added 12/05/02; Ord. 720]

CLEAR ZONE: Extends at the same slope and horizontal angle as the approach zone from the primary surface to a point where the approach surface is 50 feet above the runway end elevation.

[Added 8/17/88; Ord. 468]

CLERK: The Yamhill County Clerk or the clerk's duly authorized representative.

[Amended 8/23/89; Ord. 492]

CLINIC: A place used for the care, diagnosis or treatment of sick, ailing, infirm or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises.

CLUB OR LODGE: A building and/or facilities owned and operated for a social, educational, or recreational, scientific, benevolent or charitable purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public or private kindergarten, school, college or research institution, daycare or rehabilitation facility of any kind.

COMMERCIAL DAIRY FARM: A dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by OAR 660-033-0135(5)(a) or (7)(a), whichever is applicable, from the sale of fluid milk.

[Added 12/05/02; Ord. 720]

COMMISSION: The Yamhill County Planning Commission.

COMMUNITY SANITARY-SEWER SYSTEM: A public or private sewage collection, treatment and disposal system, and all appurtenant improvements as approved by the Oregon Department of Environmental Quality. A community sanitary sewer system includes a municipal sanitary sewer system.

Added 5/15/85; Ord. 408]

COMMUNITY WATER-SUPPLY SYSTEM: A public or private water supply, treatment, storage, transmission and distribution system, and all appurtenant improvements as approved by the Public Health Engineering Branch, Health Division, Oregon Department of Human Resources. A community water supply system includes a municipal water supply system.

[Added 5/15/85; Ord. 408]

COMPREHENSIVE PLAN: The generalized, coordinated land-use map and policy statement adopted by County Ordinance No. 62 and all subsequent amendments thereto that covers all unincorporated land in Yamhill County and addresses all functional and natural activities and systems in said unincorporated land. "Land" includes water, both surface and subsurface, and the air. "Coordinated" means the needs of all government, semi-public and private agencies, and the citizens of Yamhill County have been considered and accommodated to the greatest extent possible. "Functional and natural activities and systems" include, but are not limited to, sewer and water systems, transportation systems, educational facilities, natural resources and air and water quality management programs and other topics of local importance.

CONDITIONAL USE: A use not permitted outright in a zoning district but which may be allowed by permit, subject to review for compatibility with existing and anticipated future uses, and compliance with Section 1202 and any other applicable provisions of this ordinance. Amended 8/23/89; Ord. 492]

CONICAL SURFACE: A surface extending upward at a slope of 20:1 for a distance of 4,000 feet from the periphery of the horizontal surface.

[Added 8/17/88; Ord. 468]

CONSTRUCTION: The placement of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition, or removal of an existing structure has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be

deemed to be construction, provided that work shall be carried on diligently. Installation of a septic tank/drainfield shall be considered construction. Added 8/23/89; Ord. 492]

COUNTY: The unincorporated area of Yamhill County, Oregon.

DEVELOPMENT: For purposes of Section 901, any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials located within the area of special flood hazard. [Added 10/17/13; Ord. 884]

DIRECTOR: The Yamhill County Planning Director or the Director's duly authorized representative. [Amended 8/23/89; Ord. 492]

DWELLING: A building containing one (1) dwelling unit designed for and occupied by one (1) family only. The term dwelling includes a manufactured dwelling but does not include a hotel, motel, travel trailer, boarding, lodging or rooming house, private hospital, rest home or nursing home or other accommodations used for transient occupancy. [Amended 12/05/02; Ord. 720]

DWELLING, ACCESSORY: An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling. The accessory dwelling includes its own independent living facilities with provisions for sleeping, cooking and sanitation; designed for residential occupancy independent of the principal dwelling. [Amended 6/28/18; Ord.906]

DWELLING, DUPLEX: A building containing two (2) dwelling units, designed for and occupied by not more than two (2) families.

DWELLING, MULTI-FAMILY: A building containing three (3) or more dwelling units, designed and occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units.

DWELLING UNIT: One (1) room or rooms connected together, constituting an independent housekeeping establishment designed and used for occupancy by one (1) family, including dependent relatives and caretakers, and includes permanent provisions for living, sleeping, cooking (limited to one kitchen only) and sanitation (full bathroom).

FAMILY: One or more person related by blood, marriage, legal adoption or legal guardianship plus not more than five (5) additional persons, including foster and shelter care persons or, up to five (5) unrelated persons, all living together as a single housekeeping unit. [Amended 8/23/89; Ord. 492]

FARM USE - The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" also includes the current employment of land for the primary purpose of obtaining profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in the subsection. "Farm use" does not include the use of land subject to the

provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3), or land described in ORS 321.267(1)(e) or 321.415(5).
[Added 7/9/98; Ord.648]

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of runoff of surface waters from any source. [Added 10/17/13; Ord. 884]

FLOOD, BASE: A flood, the level of which has a one percent chance of being equaled or exceeded in any given year. Commonly referred to as a 100-year flood. Designation on maps always includes the letters A or V.
[Amended 2/24/10; Ord. 851]

FLOOD FRINGE: The area of the floodplain lying outside of the floodway. [Added 8/23/89; Ord. 492]

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (floodplain) and the risk premium zones.
Added 8/23/89; Ord. 492]

FLOOD INSURANCE STUDY: The official report provided by the Federal Insurance Administration that includes flood profiles and the water surface elevation of the base flood. [Added 2/24/10; Ord. 851; Modified 10/17/13; Ord. 884]

FLOOD LEVEE: Earthen embankment or other manmade structure designed and constructed to contain, control or divert the flow of water so as to provide protection from temporary flooding.
[Added 8/23/89; Ord. 492]

FLOOD OBSTRUCTION: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, structure, or matter which is in, along, across, or projecting into any channel, watercourse, or floodplain area; which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water; or which is placed where the flow of water might carry the same downstream to the damage of life or property.
[Added 8/23/89; Ord. 492]

FLOODPLAIN: The area adjoining a river, stream, or watercourse which may be subject to periodic inundation of floodwaters and is subject to a one percent or greater chance of flooding in any given year. Also called the area of special flood hazard.
[Added 2/24/10; Ord. 851]

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures primarily for the reduction or elimination of flood damage potential to lands, water and sanitary facilities, structures and contents of buildings.
Added 8/23/89; Ord. 492]

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
[Added 10/17/13; Ord. 884]

FLOOR AREA: The sum of the areas of each story of a building measured between the exterior walls of such building, but excluding garages and attic space providing headroom of less than seven feet.

GRADE: The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

HEARINGS OFFICER: The Yamhill County Hearings Officer.

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

HOME OCCUPATION: An activity involving off-site sales, the manufacture of a product or the provision of a service carried on in compliance with Section 1004 of this ordinance by a resident of the property on which the business is located. "Home occupation" does not include the retail sale of products unless such sales are secondary to the primary home occupation use.

[Amended 4/15/87; Ord. 444; Amended 8/23/89; Ord. 492; Amended 7/9/88; Ord. 648]

HORIZONTAL SURFACE: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the primary surface of each visual or utility runway, and 10,000 feet from the center of each end of the primary surface of all other runways and connecting the adjacent arcs by lines tangent to those areas.

[Added 8/17/88; Ord. 468]

HOSPITAL, PRIVATE: A use which provides for the care of the sick, ailing, infirm, injured or aged other than in a public hospital, and includes convalescent homes and nursing homes.

KENNEL: A site providing for the accommodation of four (4) or more dogs of licensable age under the Yamhill County Dog Control Ordinance, where such dogs are kept for board, propagation, training, or sale.

[Amended 8/23/89; Ord. 492]

KITCHEN: Any area designed or used for preparation or cooking of food, and including any of the following: a sink larger than 18 inches by 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.

KITCHEN, WET BAR: an area within a dwelling unit, other than a kitchen, that contains a sink with a maximum size of 18 inches by 18 inches. The maximum size of the trap arm and drain for the wet bar sink must not exceed 1.5 inches. The area is not a wet bar if any of the following is also present: a sink larger than 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.

LIVESTOCK: Domestic animals of types customarily raised or kept on farms for profit or other purposes, but not including household pets.

LIVESTOCK FEEDING YARD: An enclosure or structure of 1,000 square feet or more in ground area designed or used for the concentrated feeding or fattening of livestock for marketing; or an enclosure or structure of less than 1,000 square feet in ground area designed or used for the concentrated feeding or fattening of five (5) or more head of livestock for marketing.

LIVESTOCK SALES YARD: A enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

LOT: See "Parcel".

LOWEST FLOOR, FLOOD: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building or access storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. Added 2/24/10; Ord. 851]

MANUFACTURED HOME: Any of the following:

- a. Residential trailer: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed before January 1, 1962.
- b. Mobile home: a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- c. Manufactured home: a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.
- d. A manufactured home does not include any unit identified as a recreational vehicle by the manufacturer. Added 7/9/98; Ord.648]

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

MINERAL RESOURCE EXTRACTION: The initial removal or excavation of a mineral resource from the deposit area by mechanical techniques, including the removal of overburden and stockpiling of the raw material.

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

MINERAL RESOURCE SITE/OPERATION: A tract of land from which mineral resources are removed or excavated, stockpiled or processed for sale and intended for use off-premise as commercial or industrial products through retailing, wholesaling, contract purchase or other means. Operation does not include site preparation such as land clearing.

MOTEL: One (1) or more attached or detached buildings containing housekeeping or sleeping units designed and used for the temporary accommodation of tourists or transients with off-street parking space for each such unit.

NEW CONSTRUCTION: For purposes of Section 901, structures for which the "start of construction" commenced on or after the effective date of this ordinance and any subsequent improvements to such structures. [Added 10/17/13; Ord. 884]

NONCONFORMING USE: A building, structure or use which was legally established prior to the adoption of any provision of this ordinance with which the building, structure or use does not comply.

OAR: Oregon Administrative Rule

[Added 7/9/98; Ord.648]

OFFICIAL ZONING MAP: That zoning map and any amendments thereto adopted as part of the Yamhill County Zoning Ordinance, No. 310, 1982, as amended, as described in Section 302.

[Amended 8/23/89; Ord. 492]

OPEN SPACE: Any land so designated by the Comprehensive Plan, or any land area, the preservation of which in its present use would:

- A. Conserve and enhance natural or scenic resources;
- B. Protect air or streams or water supply;
- C. Promote conservation of soils or wetlands;
- D. Conserve landscaped areas, such as public or private golf courses, which reduce pollution and enhance the value of abutting or neighboring property;
- E. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;
- F. Enhance recreation opportunities;
- G. Preserve historic sites;
- H. Promote orderly urban or rural development; or
- I. Retain in their natural state tracts of land, on such conditions as may be reasonably required by Yamhill County.

ORS: Oregon Revised Statutes

[Added 7/9/98; Ord.648]

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

PARCEL (or LOT): A unit of land created by an authorized subdivision or partitioning of land or that was created by deed or land sale contract on or prior to October 3, 1975. A lot or parcel does not include a unit of land created on or after October 4, 1975 solely to establish a separate tax account or to obtain financing for construction or other purposes.

[Amended 8/23/89; Ord. 492]

PARCEL COVERAGE: The area of a parcel covered by a building or buildings expressed as a percentage of the total parcel area.

PARCEL DEPTH: The mean horizontal distance between the front parcel line and the rear parcel line of a parcel.

PARCEL LINE, FRONT: Any boundary line separating the parcel from a public road. Where a parcel has no frontage on a public road, the front parcel line is the line of the easement or private road which serves the parcel and which is nearest to the principal dwelling, if any.

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

PARCEL LINE, SIDE: Any boundary line not a front or rear parcel line.

PARCEL SIZE: The total horizontal area within the parcel lines of a parcel.

PARCEL, THROUGH: A parcel, other than a corner parcel, that abuts on two (2) or more roads.

PARCEL WIDTH: The mean horizontal distance between the side parcel lines of a parcel measured within the parcel boundaries.

PARK: Any public or private land reserved for recreational, educational, cultural, or open space uses.
[Added 7/9/98; Ord.648]

PARKING SPACE, OFF-STREET: A space adequate for parking one (1) automobile with room for opening doors on both sides, together with properly related access to a road or alley and maneuvering room.

PERMITTED USE: A use permitted outright in a zoning district which complies with all of the regulations applicable in that district.
[Amended 8/23/89; Ord. 492]

PLACE OF PUBLIC ASSEMBLY: A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.
[Added 8/17/88; Ord. 468]

PLANNED UNIT DEVELOPMENT: A development approved as a zone overlay to combine a site-specific design with underlying zone provisions, the purpose of which is to allow design flexibility, application of new technology and/or other ordinance modifications in exchange for providing site improvements, administrative mechanisms, and other amenities not required of typical development. PUD's are intended to accomplish substantially the same objectives as are intended by Comprehensive Plan and underlying Zone provisions applicable to the specific property.
Added 8/23/89; Ord. 492]

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 250 feet for utility runways having only visual approaches, 500 feet for utility runways having nonprecision instrument approaches and 500 feet for other than utility runways.
[Added 8/17/88; Ord. 468]

PRINCIPAL DWELLING: The primary dwelling on any parcel.

PRINCIPAL USE: The primary use of a lot or parcel, which may be either a permitted or conditional use.
Amended 8/23/89; Ord. 492]

PUBLIC WORKS DEPARTMENT: The Yamhill County Department of Public Works.
[Added 8/23/89; Ord. 492]

RECREATIONAL VEHICLE (or RV): A travel trailer, camper, motor home, or other unit built on a single chassis, designed to be self-propelled or permanently towable by a light duty truck, and that is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use or emergency purposes, and that has a gross floor area not exceeding 400 square feet.
[Added 7/9/98; Ord.648 Amended 2/24/10; Ord. 851]

RECREATIONAL VEHICLE (or RV) PARK: Any lot or tract developed primarily to provide parking and related services to two or more transient recreational vehicles on a fee basis.

[Added 7/9/98; Ord.648]

RESIDENTIAL FACILITY: A residential care, residential training, or residential treatment facility licensed or registered by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460, or licensed by the Children's Services Division under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

[Added 3/19/98; Ord. 643]

RESIDENTIAL HOME: A residential treatment or training or an adult foster home licensed under the authority of the Department of Human Resources, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

[Added 3/19/98; Ord. 643]

RESORT: Any area of land or water used for open-land commercial or private recreation where overnight lodging, meals, and related tourist services are provided in conjunction with such recreational use.

ROAD: Any public or private access road, street, alley, highway, walkway easement or way platted, recorded or shown on any official map, whether or not such street is actually developed or used.

ROAD DEPARTMENT: The Yamhill County Road Department, otherwise referred to as the Public Works Department.

[Amended 8/23/89; Ord. 492]

SANITARIAN: The Yamhill County Senior Environmental Health Specialist or the Specialist's authorized representative.

SCHOOL: A public or private elementary school, grade school, middle school, junior high school, high school, college or university. The term "school", as used in this ordinance, does not include commercial operations which offer classes of a primarily recreational nature.

[Added 7/9/98; Ord.648]

SECONDARY DWELLING: A dwelling other than a principal dwelling, used for a caretaker, health care or farmworker residence, guest house or similar use accessory to the principal residence.

[Amended 8/23/89; Ord. 492]

SETBACK: The horizontal distance measured perpendicularly from the property line to the nearest point of any structure on any parcel. Ordinary building projections such as eaves, bay windows, and chimneys, and unroofed decks or porches not more than 30 inches above ground level are not subject to setback requirements.

[Amended 1/14/99; Ord. 668]

SIGN: An identification, description, illustration or device which is affixed to or represented directly or indirectly, upon land, or a building or structure, and which attracts the attention of, or conveys a message to any person not on the premises on which the sign is located in respect to a product, service, activity, person, institution, place or business; provided, however, that the following shall not be included in the application of sign regulations herein:

- A. Signs not more than two (2) square feet in area and bearing only property numbers, postal box numbers, names of occupants of premises or other identification of premises, or traffic directional signs, providing such signs do not have commercial connotations.
- B. Flags and insignia of any government, except when displaced in connection with commercial promotion.
- C. Legal notices, or identification, informational or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights; and sculpture and other work of fine art created for appreciation rather than advertising.
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

[Amended 8/23/89; Ord. 492]

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

[Amended 8/23/89; Ord. 492]

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

Amended 8/23/89; Ord. 492]

SIGN, OFF-PREMISE: A sign which advertises goods, products, services, accommodations or activities which are not sold, manufactured, distributed or made available on or from the premises.

[Amended 8/23/89; Ord. 492]

SIGN, OFF-PREMISE/BUSINESS IDENTIFICATION: Small off-premise, blue and white reflective signs located in public road rights-of-way for the purpose of advising motorists of the locations of parks, restaurants, wineries or other places of interest.

Added 8/23/89; Ord. 492]

SIGN, OFF-PREMISE/ADVERTISING: An attached or detached sign or billboard which advertises goods, products, services, accommodations or activities which are not sold, manufactured, distributed or made available on the property where the sign is located.

Added 8/23/89; Ord. 492]

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

[Amended 8/23/89; Ord. 492]

SIGN, SURFACE AREA: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area on one side of any free standing sign or roof or wall mounted sign with backing, or the area resulting from encircling the lettering and all of the other elements of signage displayed on roof or wall mounted signs without backing. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

[Amended 8/23/89; Ord. 492]

SIGN WITH BACKING: Any sign that is displayed upon, against or through any material or colored surface or backing that forms an integral part of such display, and that differentiates the overall display from the background against which it is placed. Words, letters, and other advertising

elements attached directly to a roof or wall shall not be considered a sign with backing. [Added 8/23/89; Ord. 492]

START OF CONSTRUCTION: For purposes of Section 901, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Added 10/17/13; Ord. 884]

STRUCTURE: Something constructed or built and having a fixed base on, or fixed construction to the ground or another structure. For purposes of Section 901, a walled and roofed building including a gas or liquid storage tank that is principally above ground. [Amended 2/24/10; Ord. 851]

STRUCTURAL ALTERATION: Any change to the supporting members of a building, including foundations, bearing walls or partitions, columns, beams, girders or any structural change in the roof or in the exterior walls.

SUBSTANTIAL DAMAGE: For purposes of Section 901, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value before the damage occurred. [Added 10/17/13; Ord. 884]

SUBSTANTIAL IMPROVEMENT: For purposes of Section 901, any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term can exclude; any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. [Added 10/17/13; Ord. 884]

TRANSITIONAL ZONES: A surface extending upward at a slope of 7:1 beginning on each side of the primary surface, and from the sides of the approach zones, then extending upward to a height of 150 feet above the airport elevation. [Added 8/17/88; Ord. 468]

TRAVEL TRAILER: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet. [Amended 7/9/98; Ord. 648]

TRAVEL TRAILER SPACE: An area in a travel trailer park used for one (1) travel trailer.

USE: The purpose for which land or a building or structure is used, designed, arranged or intended, or for which it is occupied or maintained.

UTILITY: Any area of land or any structure used for the generation, storage conversion or transfer of energy or for communication facilities, such as telephone, telegraph, radio or television, or for municipal water or wastewater treatment. [Amended 1/14/99; Ord.668]

UTILITY RUNWAY: A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less. [Added 8/17/88; Ord. 468]

VARIANCE, FLOOD: For purposes of Section 901, a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance. [Added 2/24/10; Ord. 851]

WATER DEPENDENT USE: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreating, energy production or source of water. For purposes of Section 901, a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. [Amended 2/24/10; Ord. 851]

WATER-RELATED USE: A use which is not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, road and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs. [Added 8/23/89; Ord. 492]

YARD: A required open area unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded parcel upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT: Any yard abutting a street or lying parallel to the front parcel line.

YARD, REAR: Any yard abutting a rear parcel line.

YARD, SIDE: Any yard abutting a side parcel line.

YURT: A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance. [Added 12/05/02; Ord. 720]

Zoning Ordinance

Section 301.00 - Classification of Districts

301.00 Classification of Districts

For the purposes of this Ordinance, the unincorporated area of Yamhill County, Oregon, is hereby divided into the following districts:

A. Natural Resource Districts

Forestry District F-80

Exclusive Farm Use District

- 80 acre minimum EF-80
- 40 acre minimum EF-40
- 20 acre minimum EF-20

Agriculture/Forestry Large Holding District

- 80 acre minimum AF-80
- 40 acre minimum AF-40
- 20 acre minimum AF-20

Mineral Resource District MR

Parks, Recreation, and Open Space District PRO

B. Rural Residential Districts

Agriculture/Forestry Small Holding District AF-10

Very Low Density Residential

- 5 acre minimum VLDR-5

- 2 1/2 acre minimum..... VLDR-2 1/2

- 1 acre minimum VLDR-1

Low Density Residential

- 12,000 District LDR-12,000

- 9,000 District LDR-9,000

- 6,750 District LDR-6,750

C. Commercial Districts

- Recreation Commercial District RC
- Neighborhood Commercial District NC
- Highway/Tourist Commercial District HC

D. Industrial Districts

- Resource Industrial District RI
- Light/General Industrial District LI
- Heavy Industrial District HI

E. Public Facility Districts

- Public Assembly/Institutional District PAI
- Public Works/Safety District PWS
- Public Airports/Landing Fields District PALF

F. Overlay Districts

- Floodplain Overlay District FP
- Willamette River Greenway Overlay District WRG
- Planned-Unit Development Overlay District PUD
- Limited Use Overlay District LU
- Watershed Overlay District WS
- Scenic Waterway Overlay District SW
- Airport Overlay District AP

Zoning Ordinance

Section 302.00 - Official Zoning Map

302.01 Boundaries

The boundaries of the zoning districts and overlay districts established by Section [301.00](#) of this Ordinance are indicated on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Chairman of the Board, attested by the County Clerk, and shall bear the seal of the County under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section [302](#) of the Yamhill County Zoning Ordinance, No. 310, 1982."

302.02

For the precise location of all zoning district and overlay district boundaries within the unincorporated areas of Yamhill County, reference shall be made to the Official Zoning Map.

302.03

If, in accordance with the provisions of this Ordinance, changes are made in zoning district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board or Commission. Amendments to this Ordinance which involve matter portrayed on the Official Zoning Map shall become effective upon recording in the Clerk's Office. All changes shall also be promptly and properly recorded on the Official Zoning Map.

302.04

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under Section [1406](#) of this Ordinance.

302.05

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, there shall be only one Official Zoning Map which shall be located in the office of the Director and which shall be the final authority as to the current zoning status of any land and water areas, or buildings or structures in the County.

302.06

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board may, by

resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairman of the Board, attested by the County Clerk, and shall bear the seal of the County under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on the 1 st day of February, 1976, as part of the Yamhill County Zoning Ordinance , No. 310, 1982."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior Map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendments.

Zoning Ordinance

Section 303.00 - Rules for Interpretation of District Boundaries

303.01

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

- A. Boundaries indicated as approximately following the centerlines of roads shall be construed to follow such lines; provided however, that where the centerline of a road as built lies outside the road line, such zoning district boundary shall be deemed to follow the centerline of the road as built:
- B. Boundaries indicated as approximately following such parcel lines shall be construed as following such parcel lines;
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as approximately following the centerlines of rivers, streams, reservoirs, or other bodies of water shall be construed to follow the centerlines of such bodies of water;
- F. Boundaries indicated as parallel to, or extensions of, features listed in subsection [303.01\(A-E\)](#) shall be construed to follow such features. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map;
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered

by subsection [303.01\(A-E\)](#), the Board shall interpret the zoning boundaries subject to Section [1403](#);

- H. Where a zoning district boundary line divides a parcel which was in single ownership at the date of adoption of this ordinance, the Board may permit, upon a showing of good cause by the landowner, the movement of the zoning district boundary a maximum distance of one hundred (100) feet in any direction on the parcel; and [Amended 8/17/88; Ord. 468]
- I. Where a zoning district boundary divides a parcel which was in single ownership at the date of adoption of this ordinance, the Board may permit readjustment of that zoning district boundary subject to Section [1403](#) for Board review and provided that the landowner shall demonstrate the following:
1. That the boundary readjustment is consistent with the Comprehensive Plan Map designation existing on the parcel;
 2. That the predominant zoning district includes at least 55% of the subject property, and the readjustment will not reduce in area the predominant zoning district which exists on the subject property; [amended 8/23/89; Ord. 492]
 3. That the boundary readjustment shall follow existing or proposed property lines, public roads, or rivers; and
 4. That the boundary readjustment shall result in a single zoning district for the existing parcel or proposed parcels.

303.02 Correcting Mistakes

When the proposed correction is consistent with the [Comprehensive Plan](#) and statewide planning goals, the Board may, by ordinance, correct comprehensive plan map mistakes or zoning map mistakes upon its determination that the record establishes that the mistake occurred due to a clerical error or mapping error. [Added 8/23/89; Ord. 492]



Zoning Ordinance

Section 304.00 - Application of Zoning District Regulations

304.01

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

- A. No building or other structure shall hereafter be erected or altered:
 - 1. To be greater in height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of parcel area; or
 - 4. To have narrower or smaller front yards, rear yards, side yards, or other open spaces, than specified by this Ordinance.
 - B. No part of a yard, or other open space, or offstreet parking or loading space required by this Ordinance in connection with any building shall be included as part of a yard, open space, or offstreet parking or loading space similarly required for any other building.
 - C. No yard or parcel existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or parcels created after the date of adoption of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
 - D. The zoning district regulations which apply to lands which may hereafter be annexed to any city shall continue in effect until such lands are otherwise classified, or rezoned by the jurisdiction having authority to make such changes.
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SECTION 400 – NATURAL RESOURCE DISTRICTS

401. FORESTRY DISTRICT (F-80) [Last amended 05/24/12; Ord. 872]

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 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. [Added 5/22/96, Ord. 608]
- T. Accessory structures. [Added 5/24/12, Ord. 872]

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.

- 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:
 - 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.

[Subsection A amended 5/22/96, Ord. 607]

B. Principal lot of record dwelling, subject to 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) and has been owned continuously by such owner since prior to January 1, 1985; or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985.
 - (c) For 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. If the lot on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
4. 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.
5. The tract on which the dwelling is to be located is within 1,500 feet of a public road that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock. The road shall not be:
 - (a) A United States Bureau of Land Management Road; or
 - (b) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a

maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or state agency.

6. 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.
7. 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.
8. The county assessor shall be notified that the governing body intends to allow the dwelling.

[Subsection B amended 5/10/95, Ord. 591; 10/2/96, Ord. 615; 3/19/98, Ord. 643; 8/13/98, Ord. 657]

C. Principal forest template dwelling, except as provided in subsection D of this Section, subject to 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 remainder of the subject tract shall be consolidated into a single lot or parcel when the dwelling is allowed, which shall not be eligible for an additional dwelling; and
3. The lot or parcel is predominantly composed of soils that 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 circle with a 1489.46 foot radius or 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 and continue to exist on the other lots or parcels; or
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 circle with a 1489.46 foot radius or 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 and continue to exist on the other lots or parcels; or
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 circle with a 1489.46 foot radius or 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 and continue to exist on the other lots or parcels.

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.
7. 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.

[Subsection C amended 5/22/96, Ord. 607; 8/13/98, Ord. 657; Reinstated 12/19/02; Ord. 721; amended 09/02/04, Ord 746]

D. Principal forest template dwelling on a tract of 60 or more acres that abuts a road or perennial stream, subject to 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; 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. The lot or parcel is predominantly composed of soils that 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 and continue to exist 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. 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 and continue to exist 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. 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 and continue to exist on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract.
- 7. The measurement under subsections 5.a, 6.a, or 7.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. The one dwelling required to be on the same side of the road or stream pursuant to subsections 5.b, 6.b, or 7.b of this section may be outside the width of the rectangle described in subsection 8 of this section if it is within one-quarter mile of the subject tract.
 - 9. If the road crosses the subject tract on which the dwelling is to be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

[Subsection E amended 5/22/96, Ord. 607; 8/13/98, Ord. 657 Reinstated 12/19/02; Ord. 721; amended 09/02/04, Ord 746]

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) subject to Section 1101, Site Design Review. [Added 5/24/12, Ord. 872]
- 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 or the temporary residential use of an existing building, 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 temporary 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 temporary 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. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. A temporary residence approved under this paragraph is not eligible for replacement as a permanent residence. [Added 5/22/96, Ord. 608; Amended 3/19/98, Ord. 643]
- W. Youth camps subject to Section 1101 for site design review and the Oregon Administrative Rules Section 660-006-0031. [Added 12/05/02; Ord. 720]

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 Chapter 629). 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. [Amended 5/24/12, Ord. 872]
- C. As a condition of approval of a dwelling under Section 401.03, if the tract is more than 5 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. [Amended 5/22/96, Ord. 607; 8/13/98, Ord. 657]
- D. Prior to issuance of any residential building permit for an approved dwelling located within 1 mile of an area which has been designated in the plan or zone or otherwise approved by Yamhill County for mineral resource uses, the landowner shall be required to sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records of Yamhill County;

“The subject property is located in an area designated for mineral resource uses. It is the County policy to protect mineral resource operations from conflicting land uses in such designated areas. Accepted mineral resource and quarry practices in

this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the responsibility of the operator of a mineral resource operation to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of State law." [Added 8/13/98, Ord..657]

- E. Prior to issuance of a residential building permit, the landowner shall sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Yamhill County:

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

[Added 8/13/98, Ord. 657]

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:
1. The applicant provides evidence that the applicant has asked to be included in the nearest fire protection district but that district is unable to provide residential fire protection by contract; and
 2. The dwelling shall be provided with a fire sprinkling system; and
 3. The parcel 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.
- [Amended 5/22/96, Ord. 607]
- 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 fire break is only required to be constructed on land surrounding the dwelling that is owned or controlled by the owner. 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 100 feet outside the primary firebreak shall also be constructed. The fire break is only required to be constructed on land surrounding the dwelling that is owned or controlled by the owner. Vegetation within the secondary firebreak should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent spread of fire into the crowns of the larger trees. Dead fuels shall be removed. The secondary fire break shall be increased to 150 feet if the dwelling or structure is located on a slope of greater than 25% or other fire hazards exist. [Amended 3/19/98, Ord. 643]
- 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) through (A)(~~5~~) **(6)** 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 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.

[Added 5/22/96, Ord. 607]

- 4. A partition to facilitate a forest practice as defined in ORS 527.620 may be approved with the following conditions:

- (a) The applicant shall demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum lot size.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) The parcels shall not serve as the justification for the siting of a future dwelling on other lots or parcels.
- (f) The parcels shall not be used to justify the redesignation or rezoning of resource lands.
- (g) 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.

[Added 5/22/96, Ord. 608; amended 8/13/98, Ord. 657]

- 5. A division of a lot or parcel zoned for forest use may be allowed if:

- (a) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
- (b) Each dwelling complies with the criteria for a replacement dwelling under 401.02(N);

- (c) Except for one lot or parcel, each lot or parcel created under this paragraph is between two and five acres in size;
- (d) At least one dwelling is located on each lot or parcel created under this paragraph; and
- (e) The landowner of a lot or parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with the county clerk of the county in which the lot or parcel is located. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the lot or parcel is located indicating that the comprehensive plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use. (3) A county planning director shall maintain a record of lots and parcels that do not qualify for division under the restrictions imposed under subsections (2)(e) and (4) of this section. The record shall be readily available to the public. (4) A lot or parcel may not be divided under subsection (2)(e) of this section if an existing dwelling on the lot or parcel was approved under: (a) A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or Enrolled Senate Bill 715 (SB 715-B) Page 2 (b) A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under a statewide planning goal protecting forestland.

[Added 12/05/02; Ord. 720]

- 6. A division of land smaller than the minimum parcel size noted under 401.10 (A) may be approved for the purpose of creating a parcel for a park provided it satisfies the following:
 - (a) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
 - (b) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
 - (c) A parcel created pursuant to this subsection that does not contain a dwelling:
 - i. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - ii. May not be considered in approving or denying an application for siting any other dwelling;
 - iii. May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or

rezoning to allow a public park, open space or other natural resource use; and

- iv. May not be smaller than 25 acres unless the purpose of the land division is:
 - 1. To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
 - 2. To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

[Added 5/24/12, Ord. 872]

7. Lot-line adjustments.

- (a) 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.
- (b) Any parcels subject to an alteration in size through a lot-line adjustment shall be shown to be at least as economically efficient for forest practices, provide for continuous growing and harvesting of forest tree species at least as well as, and conserve other forest values at least as well as did the parcel prior to adjustment.
- (c) The lot line adjustment shall not result in an increase in the potential number of dwellings on the parcels. When an area that contains an existing dwelling will be conveyed from one parcel (Parcel A) to the adjacent parcel (Parcel B), Parcel B must either receive land use approval for the dwelling under the terms of this ordinance, or, in the alternative, a deed affidavit shall be recorded by the owner of Parcel A prohibiting the establishment of any new principal dwellings on the adjusted parcel or parcels.

[Amended 5/22/96, Ord. 607; 3/19/98, Ord. 643; 1/14/99, Ord. 668]

- 8. 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.

B. Setbacks.

The minimum setback for all yards shall be 30 feet for all uses except as follows:

- 1. Adjacent to commercial timberland properties, 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).

[Amended 5/22/96, Ord. 607]

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. 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 the access is acceptable for their fire-fighting equipment: [Amended 12/05/02; Ord. 720]

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

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. [Amended 5/22/96, Ord. 607]

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 Permit Expiration Dates

- A. Notwithstanding other provisions of this Ordinance and except as provided for in subsection 401.11 (D), 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: [Amended 12/05/02; Ord. 720]

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. [Amended 5/22/96, Ord. 607]
- D. If a permit is approved for a proposed residential development on agricultural land outside of an urban growth boundary, the permit shall be valid for four years. Any extension of a permit for residential development shall be valid for two years. For the purpose of this subsection, “residential development” only includes the dwellings provided for under ORS, 215.705(1) to (3), and 215.720 (lot of record dwelling) , 215.750 (forest template dwelling) and 215.755(1) (replacement dwelling) and (3) (caretaker residences for public parks and public fish hatcheries).

[Section D Added 12/05/02; Ord. 720; Amended 5/24/12 Ord 872]

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** - Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designated and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers to existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel trailer or recreational vehicle. The campground may also provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper’s vehicle shall not exceed a

total of 30 days during any consecutive 6 month period. The park or campground may be public or private.

[Amended 5/24/12, Ord. 872]

- C. Commercial tree species - Trees recognized under rules adopted under ORS 527.715 for commercial production.
- D. Forest operation - Any commercial activity relating to the growing or harvesting of any tree species as defined in ORS 527.620(6).
- E. Public parks - includes only the uses specified under OAR 660-034-0035.
[Added 8/13/98, Ord. 657]
- F. 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. [Amended 5/22/96, Ord. 607]

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SECTION 400 – NATURAL RESOURCE DISTRICT

402. EXCLUSIVE FARM USE DISTRICT (EF-80, EF-40, and EF-20)

[Last amended 08/01/18; Ord. 903; 08/10/23; Ord. 929]

402.01 Purpose.

The purpose of the Exclusive Farm Use District is to identify and protect land designated as Exclusive Farm Use on the Comprehensive Plan that is suitable and desirable for commercial agricultural operations and other uses which are compatible with such operations. Properties in the Exclusive Farm District are primarily large, contiguous relatively flat terrace, valley-floor or low foothill holdings. In Exclusive Farm Use Districts, nonfarm residential and other development which might likely be affected by normal farm management practices, will be limited or prohibited so as to maximize the productivity potential of vicinity farmlands.

402.02 Permitted Uses.

In the Exclusive Farm Use District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 402.09 and any other applicable provisions of this ordinance:

- A. Farm uses as defined in Subsection 402.10.
 - B. Farm stands subject to a Type A miscellaneous land use application to evaluate health and safety requirements such as access, parking and sewage disposal, and to determine if:
 - 1. The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
 - 2. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.
- [Amended 12/05/02; Ord. 720; 5/24/2012; Ord 872]
- C. Propagation and harvesting of a forest product.
 - D. Creation of, restoration of, or enhancement of wetlands.
 - E. A facility for the processing of farm crops located on a farm operation and provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. The application will also be subject to Section 1101, Site Design Review.
- [Added 3/19/98, Ord. 643; amd Ord 872]

- F. Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale, or transmission towers over 200 feet in height. The applicant will also be subject to Section 1101, Site Design Review. A facility is "necessary" if it satisfies the requirements of ORS 215.275. [Amended 12/05/02; Ord. 720]
- G. Accessory uses, including buildings other than dwellings customarily provided in conjunction with farm use.
- H. Winery, as defined in subsection 402.10, subject to Section 1101, Site Design Review. [Amended 11/30/94, Ord. 582]
- I. Operations for the exploration of minerals as defined by ORS 517.750.
- J. Operations for the exploration for and the production of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to a wellhead, subject to the requirements of Section 404.10.
- K. Signs, pursuant to the sign provisions set forth in Section 1006.
- L. The following transportation facilities:
1. Climbing and passing lanes within the right of way existing as of July 1, 1987.
 2. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
 3. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
 4. Minor betterment of existing public roads and highway-related facilities such as maintenance yards, weigh stations, and rest areas, within right of way existing as of July 1, 1987, and contiguous publicly owned property utilized to support the operation and maintenance of public roads and highways.
- M. Alteration, restoration or replacement of a lawfully established dwelling that:
1. Has intact exterior walls and roof structure;
 2. Has indoor plumbing consisting of a 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. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling replaced under this section shall comply with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling.

If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this paragraph regarding replacement dwellings have changed to allow the siting of another dwelling. The county planning director or the director's designee shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions and release statements filed under this paragraph.

6. A secondary farm dwelling authorized pursuant to Section 402.03(F)(4)(c) may only be replaced by a manufactured dwelling. [Amended 3/19/98, Ord. 643]

- N. Public or private school, including all buildings essential to the operation of a school, subject to the Type B application procedures and Section 1101, Site Design Review. The school must be at least three miles from an urban growth boundary, and is not permitted on a tract identified as high-value farmland. Existing facilities on high-value farmland that are wholly within a farm use zone may be maintained, enhanced, or expanded. [Amended 3/19/98, Ord. 643; 8/13/98, Ord. 657]

- O. Churches and cemeteries in conjunction with churches, subject to the Type B application procedures and Section 1101, Site Design Review. The uses must be at least three miles from an urban growth boundary, and are not permitted on a tract identified as high-value farmland. Existing facilities on high-value farmland that are wholly within a farm use zone may be maintained, enhanced, or expanded. [Amended 3/19/98, Ord. 643; 8/13/98, Ord. 657]

- P. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground. [Added 3/19/98, Ord. 643]

- Q. On-site filming and activities accessory to on-site filming, as defined in ORS 215.306(4), may be conducted subject to ORS 30.930 to 30.947, when it involves no more than 45 days on any site within any one-year period and does not involve erection of sets that would remain in place for longer than any 45-day period. [Added 3/19/98, Ord. 643]

- R. Fire service facilities providing rural fire protection services. [Added 12/05/02; Ord. 720]

- S. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505. [Added 12/05/02; Ord. 720]

- T. Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
 1. A public right of way;

2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
 3. The property to be served by the utility. [Added 12/05/02; Ord. 720]
- U. Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural, or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in the exclusive farm use zone. [Added 12/05/02; Ord. 720]
- V. The maintenance, expansion or enhancement of an existing site on the same tract for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities or buildings necessary for its operation. The use must satisfy the standards set forth in ORS 215.296(1)(a) and (b) and the standards set forth in Section 1101, Site Design Review. The maintenance, expansion or enhancement of an existing use on the same tract on high-value farmland is permissible only if the existing use is wholly within a farm use zone. No other Yamhill County Zoning Ordinance criteria or Comprehensive Plan goal or policy shall apply as an approval standard for this use. [Added 9/22/11; Ord. 867]
- W. A “residential home” as defined in ORS 197.660 may be established in an existing dwelling. [Added 5/24/12; Ord. 872]
- X. Agri-tourism and other commercial events or activities that are related to and supportive of agriculture subject to Section 1013, Agri-Tourism Use Permits. [Added 5/24/12; Ord. 872]
- Y. Propagation and harvesting of psilocybin as regulated by the Oregon Health Authority in accordance with state law. [Added 8/10/23; Ord. 929]

402.03 Permitted Dwellings

The following residential uses shall be permitted in the Exclusive Farm Use District subject to the standards and limitations set forth in Section 402.09 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 of notice requirements of Section 1301 indicated.

- A. Principal dwelling customarily provided in conjunction with farm use on high-value farmland, subject to the following (Type A notice):
1. The subject tract is currently employed for farm use, and produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the gross income attributed to the tract.
 2. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1) of this Section.
 3. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract. [Subsection A added 3/19/98, Ord. 643]
- B. Principal dwelling customarily provided in conjunction with farm use on a tract that is not high-value farmland, subject to the following (Type A notice):

1. The subject tract is currently employed for farm use, and produced at least \$40,000 in gross annual income from the sale of farm products in each of the last two years, or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the gross income attributed to the tract.
[Amended 12/05/02; Ord. 720]
 2. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1) of this Section.
 3. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract.
[Subsection B added 3/19/98, Ord. 643]
- C. Principal dwelling customarily provided in conjunction with farm use on a parcel at least 160 acres in size that is not high-value farmland, under the following circumstances (Type A notice):
1. The subject tract is currently employed for farm use, as defined in Subsection 402.10(C).
 2. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale as defined in subsection 4 of this section.
 3. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract.
 4. The determination of whether the farm is "commercial" will be based upon whether the farm:
 - (a) Contributes in a substantial way to the area's existing agricultural economy; and
 - (b) Helps maintain agricultural processors and established farm markets;
 - (c) When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered.
[Subsection C amended 3/19/98, Ord. 643]
- D. Principal dwelling customarily provided in conjunction with farm use on a tract that is not high-value farmland, under the following circumstances (Type A notice):
1. The subject tract is at least as large as the median size of those commercial farm tracts capable of generating at least \$10,000 in annual gross sales that are located within the study area defined in subsection (6) of this Section.
 2. The subject tract is capable of producing annual gross sales of county indicator crops, as determined by OAR 660-33-135(4), at a level equal to or greater than the median of those farms within the study area defined in subsection (6) of this Section.
 3. The subject tract is currently employed for a farm use at a level capable of producing the annual gross sales required in subsection (2) of this Section. If no farm use has been established at the time of application, land-use approval shall be subject to a condition that no building permit for a residence may be issued prior to the establishment of the farm use required in this subsection.

4. The subject lot or parcel on which the dwelling is proposed is at least 10 acres in size.
 5. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract.
 6. In order to identify the commercial farm tracts to be used in subsections (1) and (2) of this Section, the gross sales capability of each tract in the study area, including the subject tract, must be determined, using the gross sales figures provided by the Land Conservation and Development Commission pursuant to OAR 660-33-135(4) as follows:
 - (a) Identify the study area. This includes all the land in the tracts wholly or partially within one mile of the perimeter of the subject tract;
 - (b) Determine for each tract in the study area the number of acres in every land classification from the county assessor's data;
 - (c) Determine the potential earning capability for each tract by multiplying the number of acres in each land class by the gross sales per acre for each land class provided by the Land Conservation and Development Commission pursuant to OAR 660-33-135(4). Add these to obtain a potential earning capability for each tract;
 - (d) Identify those tracts capable of grossing at least \$10,000 based on the data generated in subsection (6)(c) of this Section;
 - (e) Determine the median size and gross sales capability for those tracts capable of generating at least \$10,000 in annual gross sales to use in subsections (1) and (2) of this Section. [Subsection D added 3/19/98, Ord. 643]
- E. A secondary dwelling for a relative of the farm operator under the following circumstances (Type A notice):
1. The tract is currently employed for farm use, as defined in Subsection 402.10(C), at a commercial scale.
 2. The dwelling shall be located on the same lot or parcel as the dwelling of the farm operator.
 3. The dwelling shall be occupied by a relative of the farm operator or farm operator's spouse, which means grandparent, step-grandparent, grandchild, parent, step-parent, child, brother, sister, sibling, step-sibling- niece, nephew, or first cousin of either if the farm operator does, or will require the assistance of the relative in the management and farm use of the existing commercial farm use. [Amended 12/05/02; Ord. 720]
 4. The farm operator shall continue to play the predominant role in the management of the farm. A farm operator is a person who operates a farm, doing the work and making day-to-day decisions about such things as planting, harvesting, feeding, and marketing. [Subsection E amended 3/19/98, Ord. 643]
- F. A secondary dwelling customarily provided in conjunction with farm use for farm help, under the following circumstances (Type A notice):

1. The secondary dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator. [Amended 12/05/02; Ord. 720]
2. There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm and that could reasonably be used as a secondary farm dwelling.
3. The primary farm dwelling to which the proposed dwelling would be accessory satisfies one of the following:
 - (a) On land identified as high-value farmland, the primary farm dwelling is located on a farm operation that is currently employed for farm use, and produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the gross income attributed to the tract; or
 - (b) On land not identified as high-value farmland, the primary farm dwelling is located on a farm operation that is currently employed for farm use, and produced at least \$40,000 in gross annual income from the sale of farm products in each of the last two years, or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the gross income attributed to the tract.
4. The secondary dwelling will be located:
 - (a) On the same lot or parcel as the primary farm dwelling; or
 - (b) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - (c) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The secondary dwelling may remain if it is re-approved as a principal dwelling under this ordinance; or
[Subsection F added 3/19/98, Ord. 643, Amended 12/05/02; Ord. 720]
 - (d) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi- unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subparagraph to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

- (e) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(5) or (7), whichever is applicable;
[Subsection d and e added 12/05/02; Ord. 720]

G. A dwelling may be considered customarily provided in conjunction with a commercial dairy if:

- 1. The subject tract will be employed as a commercial dairy as defined in this ordinance; and
- 2. The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy; and
- 3. Except for seasonal farm worker housing, there is no other dwelling on the subject tract; and
- 4. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm; and
- 5. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
- 6. The Oregon Department of Agriculture has approved the following:
 - (a) A permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.200 to 468B.230; and
 - (b) A Producer License for the sale of dairy products under ORS 621.072.

[Added 12/05/02; Ord. 720]

H. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in the county inventory as historic property and on the National Register of Historic Places (Type A notice).

I. Principal dwelling not provided in conjunction with farm use on a lot or parcel created before January 1, 1993, subject to the following standards and criteria (Type B notice):

- 1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.
- 2. The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils. Soil assessments may be submitted from a professional soil classifier pursuant to OAR 660-033-0030.
[Amended 5/24/12; Ord. 872]
- 3. The dwelling will be sited on a lot or parcel created before January 1, 1993.
- 4. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern of the area, the cumulative impact of possible new nonfarm dwellings

on other lots or parcels in the area similarly situated shall be considered. To address this standard, the county shall:

- (a) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;
 - (b) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.) And the dwelling development trends since 1993. Determine the potential number of nonfarm/lot of record dwellings that could be approved, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph;
 - (c) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of the existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
5. The dwelling complies with other conditions the county considers necessary, including but not limited to provision for sewage disposal, emergency vehicle access, and public road approach.
 6. The tract on which the dwelling is to be sited does not include a dwelling.
 7. Prior to issuance of a residential building permit, the applicant shall provide evidence that the county assessor has disqualified the lot or parcel for valuation at true cash value for farm or forest use; and that additional tax or penalty has been imposed, if any is applicable, as provided by ORS 308A.050 to 308A.128 or other special assessment under ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855 and any additional tax imposed as the result of disqualification has been paid. A parcel that has been disqualified under this subsection shall not re-qualify for special assessment unless, when combined with another contiguous parcel, it constitutes a qualifying parcel.

[Subsection I amended 8/13/98, Ord. 657; Amd 5/24/12 Ord 872]

J. Principal lot of record dwelling not on high-value farmland subject to the following standards and criteria Type A notice):

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - (a) and has been owned continuously by such owner since prior to January 1, 1985;
or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985.
2. The tract on which the dwelling is to be sited does not include a dwelling.
3. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
4. The lot or parcel is not high-value farmland as defined in Subsection 402.10(E).
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 County Assessor shall be notified that the county intends to allow the dwelling.
8. For purposes of this section 402.03(J), "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.

[Subsection J amended 5/10/95, Ord. 591; 10/2/96, Ord. 615; 8/13/98, Ord. 657]

K. Principal lot of record dwelling not in conjunction with farm use on Class III and IV high-value farmland, subject to the following standards and criteria (Type A notice):

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - (a) and has been owned continuously by such owner since prior to January 1, 1985;
or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985.
2. The tract on which the dwelling is to be sited does not include a dwelling.
3. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.

4. 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.
5. 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.
6. The tract on which the dwelling is to be sited is:
 - (a) Composed predominantly of high-value farmland as defined in subsection 402.10(E)(2) or (3); and
 - (b) Twenty-one acres or less in size.
7. The tract on which the dwelling is to be sited is:
 - (a) Bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on them on January 1, 1993; or
 - (b) Not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. No more than two of the four dwellings may be within an Urban Growth Boundary, but only if the subject tract abuts an urban growth boundary; or
 - (c) A flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within 1/4 mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flaglot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flaglot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary;
 - i. "Flaglot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.
 - ii. "Geographic center of the flaglot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.

[Amended 12/05/02; Ord. 720]
8. The County Assessor shall be notified that the county intends to allow the dwelling.
9. For purposes of this section 402.03(K), "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.
Ord. 615; 8/13/98, Ord. 657]

[Subsection K amended 5/10/95, Ord. 591; 10/2/96,

- L. Principal lot of record dwelling not in conjunction with farm use on Class I and II high-value farmland, subject to the following standards and criteria (Type C notice):
1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - (a) and has been owned continuously by such owner since prior to January 1, 1985;
or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985.
 2. The tract on which the dwelling is to be sited does not include a dwelling.
 3. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
 4. 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.
 5. 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.
 6. The tract on which the dwelling is to be sited is on high-value farmland as defined in subsection 402.10(E)(1).
 7. The Planning Commission determines that:
 - (a) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;
 - (b) The dwelling will comply with the provisions of Section 402.07(A); and
 - (c) The dwelling will not materially alter the overall land use pattern of the area.

8. The County Assessor shall be notified that the county intends to allow the dwelling.
9. For purposes of this section 402.03(L), "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.
10. The State Department of Agriculture shall be provided notice of the application at least twenty (20) days prior to the public hearing before the Planning Commission.
[Subsection L amended 5/10/95, Ord. 591; 10/2/96, Ord. 615; 8/13/98, Ord. 657]

402.04 Conditional Uses.

The following uses are allowed in the Exclusive Farm Use District upon conditional use approval. Approval of these uses is subject to the Conditional Use criteria and requirements of Section 1202, and subsection 402.07(A) of this ordinance and any other provision set forth below. Applications shall be reviewed under the Type B procedure of Section 1301:

- A. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with as existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative, as defined in ORS 215, of the resident, subject to the following: [Amended 12/05/02; Ord. 720]
 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 temporary 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. When a recreational vehicle is allowed to be used as a temporary structure the recreational vehicle site shall have services, inspected and approved by the building department which includes electricity, plumbing and connection to an approved septic system. [Amended 12/05/02; Ord. 720]
 6. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. In the case of a recreational vehicle, within three months of the end of the hardship, it shall be removed, demolished or may remain on the property and used in accordance with Section 402.09(H). A temporary residence approved under this paragraph is not eligible for replacement. [Amended 3/19/98, Ord. 643/Amended 12/05/02; Ord. 720]
- B. A facility for the primary processing of forest products, subject to Subsection 402.07(B).

- C. Residential facility, as defined in ORS 197.660, in an existing dwelling. [Amended 5/24/12; Ord. 872]
- D. Community centers, parks, or playgrounds owned by a governmental agency or a nonprofit community organization, and operated primarily by and for residents of the local rural community, subject to Section 1101, Site Design Review. A public park may also be established consistent with the provisions of ORS 195.120. [Amended 12/05/02; Ord. 720]
- E. Dog kennel, except dog kennels are not allowed on a tract identified as high-value farmland. Existing dog kennels on high-value farmland that are wholly within a farm use zone may be expanded subject to conditional use approval. [Amended 3/19/98, Ord. 643]
- F. The propagation, cultivation, maintenance, and harvesting of aquatic or insect species. The insect species must comply with ORS 215.283(2)(p). Notice shall be mailed to the State Department of Agriculture at least 20 days prior to any administrative decision or initial public hearing on the application. [Amended 3/19/98, Ord. 643; 5/24/12, Ord 872]
- G. Commercial activities that are in conjunction with farm use as defined in Section 402.10(B), but not including the processing of farm crops which are a permitted use as described in subsection 402.02(E), subject to Section 1101, Site Design Review. [Amended 3/19/98, Ord. 643]
- H. The following mineral, aggregate, oil, and gas uses, subject to the standards of Section 404:
 - 1. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted in this Section.
 - 2. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral, and other subsurface resources subject to ORS 215.298.
 - 3. Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement more than two miles from one or more vineyards, totaling 40 acres or more, planted as of the date of application for processing.
 - 4. Processing of other mineral resources and other subsurface resources.
- I. Home occupation, subject to the standards and limitations set forth in Section 1004
- J. The following transportation facilities:
 - 1. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
 - 2. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings not resulting in the creation of new land parcels.
 - 3. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
- K. Personal use airports subject to subsection 402.07(C).
- L. Golf course, as defined in subsection 402.10(D), except new golf courses are not allowed on a tract identified as high-value farmland. Existing golf courses on high-value farmland that are

wholly within a farm use zone may be expanded to a total of no more than 36 holes, subject to conditional use approval and provided the expansion is consistent with the definition in Section 402.10(D). [Amended 3/19/98, Ord. 643]

- M. Commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height, subject to Subsection 402.07(D) and Section 1101, Site Design Review. Photovoltaic solar power generation facilities are not allowed on a tract that contains predominantly Class I through IV soils. [Amended 08/01/18, Ord. 903]
- N. Roads, highways and other transportation facilities and improvements not allowed under Subsections 402.02(K) or 402.04(J), subject to compliance with OAR 660-12. [Amended 3/19/98, Ord. 643]
- O. Private parks, playgrounds, hunting and fishing preserves and campgrounds as defined in subsection 402.10(A), subject to Section 1101, Site Design Review, except such uses are not allowed on a tract identified as high-value farmland. Existing facilities on high-value farmland that are wholly within a farm use zone may be expanded subject to conditional use approval. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law, may be established as a commercial activity in conjunction with psilocybin-producing fungi crop, on properties with approved private campgrounds, subject to additional conditional use approval and Section 1101 Site Design Review. Psilocybin service centers shall be located on “licensed premises” as that term is defined under OAR 333-333. [Amended 8/10/23, Ord. 929]
- P. On-site filming and activities accessory to on-site filming, as defined in ORS 215.306(4), that exceed 45 days on any site within a one-year period or involve erection of sets that would remain in place for longer than 45 days subject to ORS 30.930 to 30.947. [Added 8/13/98, Ord. 657]
- Q. Operations for the extraction and bottling of water. [Added 8/13/98, Ord. 657]
- R. Room and board arrangements for a maximum of five unrelated persons in an existing dwelling. [Added 8/13/98, Ord. 657]
- S. “Living History Museum” as defined in Oregon Administrative Rules 660-033-130(21). [Added 12/05/02; Ord. 720]
- T. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law, may be established as a commercial activity in conjunction with the psilocybin-producing fungi crop, subject to Section 1101 Site Design Review. Psilocybin service centers authorized under this subsection shall be located on:
1. Lots that produce at least one psilocybin crop annually; and
 2. “Licensed premises” as that term is defined under OAR 333-333. [Added 8/10/23; Ord. 929]
- U. Permanent facility for the purpose of manufacturing psilocybin products in accordance with ORS 215.555, and as otherwise regulated by ORS 475A and the Oregon Health Authority, subject to Section 1101 Site Design Review. [Added 8/10/23; Ord. 929]

402.05 Prohibited Uses.

Subdivisions and planned unit developments shall be prohibited.

402.06 Nonconforming Uses.

Nonconforming uses found in the Exclusive Farm Use District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

402.07 Additional Standards for Approval of Conditional Uses

- A. In the Exclusive Farm Use District, prior to establishment of a conditional use, the applicant shall demonstrate compliance with the following criteria in addition to other requirements of this ordinance:
 - 1. The use will not force significant change in accepted farming or forest practices on surrounding lands devoted to farm or forest use.
 - 2. The use will not significantly increase the cost of accepted farming or forest practices on surrounding lands devoted to farm or forest use.
- B. A facility for primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in Section 402.10(C). Such facility may be approved for a one-year period which is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.
- C. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through a waiver action by the Oregon Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to applicable rules of the Oregon Aeronautics Division.
- D. A power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise on a tract not identified as high-value farmland. Photovoltaic solar power generation facilities are not allowed on a tract that contains predominantly Class I through IV soils, unless an exception is taken pursuant to OAR 660, Division. [Amended 08/01/18; Ord. 903]

402.08 Permit Expiration Dates and Declaratory Statements for Dwelling Approvals

- A. Notwithstanding other provisions of this Ordinance and except as provided for in subsection 402.08 (D), a discretionary decision, except for a land division, approving a proposed development in the Exclusive Farm Use district 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: [Amended 12/05/02; Ord. 720]
 - 1. An applicant makes 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 Planning Director 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 or denial of an extension granted under this rule is an administrative decision, is not a land-use decision described in ORS 197.015, and is not subject to appeal as a land-use decision. However, the Board, on its own motion, may order review of the decision of the Director within 15 days of the decision.
 - C. Additional one-year extensions may be authorized by the Planning Director where applicable criteria for the decision have not changed.
 - D. If a permit is approved for a proposed residential development on agricultural land outside of an urban growth boundary, the permit shall be valid for four years. Any extension of a permit for residential development shall be valid for two years. For the purpose of this subsection, "residential development" only includes the dwellings provided for under ORS 215.283(1)(s), 215.284, and 215.705(1) to (3). [Added 12/05/02; Ord. 720]
 - E. Prior to issuance of any residential building permit for an approved dwelling located within 1 mile of an area which has been designated in the plan or zone or otherwise approved by Yamhill County for mineral resource uses, the landowner shall be required to sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records of Yamhill County;

"The subject property is located in an area designated for mineral resource uses. It is the County policy to protect mineral resource operations from conflicting land uses in such designated areas. Accepted mineral resource and quarry practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the responsibility of the operator of a mineral resource operation to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of State law." [Added 8/13/98, Ord. 657]
 - F. Prior to issuance of a residential building permit, the landowner shall sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Yamhill County:

"The subject property is located in an area designated by Yamhill County for agricultural uses. It is the county policy to protect agricultural operations from conflicting land uses in such designated areas. Accepted agricultural practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural operator's responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of state law." [Added 8/13/98, Ord. 657]

402.09. Standards and Limitations.

In the Exclusive Farm Use District, the following standards and limitations shall apply:

- A. Dwelling Density.
 1. Not more than one principal dwelling shall be allowed on any parcel.

2. Permitted Secondary Uses. Not more than one permitted secondary dwelling, as described in Subsection 402.03 A or B, shall be allowed per 40 acres.
3. Not more than one dwelling not in conjunction with farm use shall be allowed on any parcel.

B. Parcel Size and Dimension.

1. Newly-Created Parcels.
 - (a) Any new farm parcel proposed to be created shall be a minimum of 80 acres in the EF-80 district, 40 acres in the EF-40 district, and 20 acres in EF-20 district.
 - (b) Any new nonfarm parcel proposed to be created for nonfarm uses other than dwellings shall be no larger than the minimum size necessary for its use.
2. Lot-line adjustments. Any parcels subject to an alteration in size through a lot-line adjustment shall be shown to be of a size at least as appropriate to maintain the existing commercial agricultural enterprise in the area as were the parcels prior to adjustment. 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 the 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. The lot line adjustment shall not result in an increase in the potential number of dwellings on the parcels. When an area that contains an existing dwelling will be conveyed from one parcel (Parcel A) to the adjacent parcel (Parcel B), Parcel B must either receive land use approval for the dwelling under the terms of this ordinance, or, in the alternative, a deed affidavit shall be recorded by the owner of Parcel A prohibiting the establishment of any new principal dwellings on the adjusted parcel or parcels. [Amended 3/19/98, Ord. 643; 1/14/99, Ord. 668]
3. Existing Lots. Any permitted or conditional use provided for in this District may be established on an existing lot subject to satisfaction of the applicable requirements of the Exclusive Farm Use District.
4. A division of land smaller than the minimum parcel size noted under 402.09 (A) may be approved for the purpose of establishing a church, including cemeteries in conjunction with the church provided it satisfies the following:
 - (a) The church has been approved under subsection 402.02(O);
 - (b) The newly created lot or parcel is not larger than five acres; and
 - (c) The remaining lot or parcel, not including the church, meets the minimum parcel size described in 402.09(A) by itself or after consolidation with another lot or parcel. [Amended 12/05/02; Ord. 720]
5. A division of land smaller than the minimum parcel size noted under 402.09 (A) may be approved for the purpose of creating a parcel for a park provided it satisfies the following:
 - (a) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and

- (b) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
- (c) A parcel created pursuant to this subsection that does not contain a dwelling:
 - i. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - ii. May not be considered in approving or denying an application for siting any other dwelling;
 - iii. May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - iv. May not be smaller than 25 acres unless the purpose of the land division is:
 - 1. To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
 - 2. To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

[Amended 12/05/02; Ord. 720]

C. Setbacks.

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

- 1. The minimum setback for all yards for a livestock feeding or sales yard shall be 200 feet from the centerline of any watercourse used for domestic water supply, 500 feet from any residential zoning district or urban growth boundary unless the applicant has received a conditional use permit pursuant to Section 1202, and 50 feet from property lines in all other circumstances. [Amended 3/19/98, Ord. 643]
- 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. The minimum setback for a kennel shall be 50 feet from any property line and 500 feet from any off-site dwelling.
- 6. 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 (F). [Subsection C amended 7/9/98, Ord. 648]

D. Parcel Coverage.

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

E. Access.

Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe, and passable means of access by abutting at least 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 new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: county roads, public roads, private roads serving four or more parcels, and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding 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 intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least 12 feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

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

H. Occupancy of Recreational Vehicles.

1. 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 unless the necessary permits have been obtained. [Amended 7/9/98, Ord. 648]
2. Temporary structures as may be required during construction of any authorized permanent structure may be placed. Such temporary structure shall be removed within 30 days of occupancy of the permanent structure.
3. One manufactured dwelling may be stored on a lot or parcel for a period not to exceed nine months upon approval of the Director, with one extension of up to nine months if unusual circumstances are shown to exist. In no case shall a stored manufactured dwelling be connected to water or sewage disposal facilities.

I. Off-Street Parking.

1. In the Exclusive Farm Use 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 Exclusive Farm Use District shall be determined by the Director, subject to the provisions of Section 1007.

402.10 Definition of Terms Used in this Section

The following terms apply only to Section 402, and have no relevance to the same term used in other sections of this ordinance unless specifically stated.

- A. Campground - Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designated and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers to existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel trailer or recreational vehicle. The campground may also provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period. The park or campground may be public or private.

[Amended 8/13/98, Ord. 657/Amended 12/05/02; Ord. 720]

- B. Commercial Activities in Conjunction with Farm Use - As authorized under subsection 402.04, a commercial activity in conjunction with farm use is:

1. The processing, packaging, and wholesale distribution and storage of a product not derived primarily from farm activities on the premises;
2. Retail sales and promotion of agricultural products, supplies and services directly related to the production, harvesting, and processing of agricultural products. Such uses include, but are not limited to, the following:
 - Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture
 - Livestock auction or sales yards
 - Farm equipment storage and repair facilities
 - Storage, repair, or sale of fencing, irrigation pipe and pumps, and other commercial farm-related equipment and implements
 - Veterinarian clinics

- Slaughtering of animals, including attendant retail and wholesale sales
- Wineries not listed as a permitted use
- Rental or lease of facilities, with or without a fee, in conjunction with an agricultural use for events such as parties, receptions, and banquets with the primary intent of indirect promotion of the product harvested or processed on the site.
- Four or more promotional events in a calendar year that are directly related to the marketing of products harvested or processed on the site that are reasonably expected to attract more than 750 visitors daily. An "event" shall not exceed three consecutive days. [Subsection B amended 11/30/94, Ord. 582]
- Psilocybin Service Centers located on "licensed premises" as that term is defined under OAR 333-333. A permit to operate a psilocybin service center does not authorize any other use that would otherwise require authorization under the YCZO, unless additional land use approval is obtained. [Added 8/10/23, Ord. 929]

C. Farm Use - The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" also includes the current employment of land for the primary purpose of obtaining profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in the subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3), or land described in ORS 321.267(1) (3) or 321.824(3). [Amended 5/24/12; Ord. 872]

"Preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, composting or packaging of the products or by-products.

"Products or by-products raised on such land" means the those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring on land being used for the primary purposes of obtaining a profit in money from the farm use of the land. [Subsection C amended 3/19/98, Ord. 643; Added to 09/02/04, Ord 746]

"Current employment" of land for farm use includes:

- Farmland, the operation or use of which is subject to any farm-related government program;
- Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;

- Land planted in orchards or other perennials prior to maturity;
- Wasteland, dry or covered with water, neither economically tillable nor grazeable, lying in adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- Except for land under a single family dwelling, land under buildings supporting accepted farming practices, including the processing facilities allowed by ORS 215.283(1)(r) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.283(2)(a);
- Water impoundments lying in or adjacent to and in common ownership with farm use land;
- Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot in not utilized in conjunction with farm use;
- Land lying fallow for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family;
- Any land described under ORS 321.267 (1)(e) or 321.415 (5);
- Any land in an exclusive farm use zone used for the storage of agricultural products that would otherwise be disposed of through open field burning or propane flaming;
- Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing; and
- Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:
 - (i) Only the crops of the landowner are being processed;
 - (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
 - (iii) The landowner is custom processing crops into biofuel from other landowners in the area for their sale or use.

As used in this subsection, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

"Cultured Christmas trees" means trees:

- (a) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- (b) Of a marketable species;
- (c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

(d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

[Amended 5/24/12; Ord. 872]

D. Golf course - An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

1. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.
2. A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.
3. A "non-regulation golf course" means a golf course or golf course-like development that does not meet this definition of golf course, including but not limited to executive golf courses, par three golf courses, pitch and putt courses, miniature golf courses, and driving ranges. Non-regulation golf courses are not permitted by this section.
4. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course and conforms to the following:
 - a. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course include parking, maintenance buildings, cart storage and repair, practice range or driving range, clubhouse, restrooms, lockers and showers, food and beverage service, pro shop, and a practice or beginners course as part of an 18 hole or larger golf course or golf tournament.
 - b. Accessory uses to a golf course do not include sporting facilities unrelated to golf such as tennis courts, swimming pools, or weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.
 - c. A use is accessory to a golf course only when limited in size and orientation to serve the needs of persons and their guests who patronize the golf course to golf.
 - d. Commercial activities such as a pro shop are accessory to a golf course only when located in the clubhouse.
 - e. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

[Amended 09/02/04, Ord. 746]

- E. High-value farmland - A tract composed predominantly of:
1. Soils rated Class I, II, prime, or unique, either irrigated or not irrigated.
 2. The following Class III soils: Carlton, Chehalem, Dayton, Jory, Laurelwood, Nekia, Willakenzie, Woodburn, and Yamhill.
 3. The following Class IV soils: Carlton, Dayton, Jory, Laurelwood, Willakenzie, and Yamhill.

Soil classes, soil ratings or other soil designations used in or made pursuant to the lot of record dwelling are those of the Natural Resource Conservation Service Internet soil survey for that class, rating or designation before November 4, 1993. For purposes of approving a lot of record dwelling, the soil class, soil rating or other soil designation of the parcel may be changed if the property owner submits a statement of agreement from the Natural Resources Conservation Service that the class, rating or designation should be adjusted based on new information; or if the property owner submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the class, rating or designation should be changed, along with a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis to be soundly and scientifically based. [Amended 8/13/98, Ord. 657]

- F. Public parks - includes only the uses specified under OAR 660-034-0035. [Added 8/13/98, Ord. 657]

- G. Seasonal Farm Worker - Any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, precommercial thinning and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash and other related activities.

- H. Tract - One or more contiguous lots or parcels under the same ownership.

- I. Winery - As authorized under subsection 402.02(H), a winery is a facility that produces and sells wine and conforms to the following attributes: [Amended 5/24/12; Ord. 872]

1. A winery herein defined has a maximum annual production of:
 - (a) Less than 50,000 gallons and:
 - i. Owns an on-site vineyard of at least 15 acres;
 - ii. Owns a contiguous vineyard of at least 15 acres;
 - iii. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of vineyard contiguous to the winery; or
 - iv. Obtains grapes from any combination of (i), (ii), or (iii) above; or
 - (b) At least 50,000 gallons and no more than 100,000 gallons and:
 - i. Owns an on-site vineyard of at least 40 acres;

- ii. Owns a contiguous vineyard of at least 40 acres;
 - iii. Has a long-term contract for the purchase of all of the grapes from at least 40 acres of vineyard contiguous to the winery; or
 - iv. Obtains grapes from any combination of (i), (ii), or (iii) above.
 - (c) Prior to the issuance of building permits, the applicant shall provide evidence that the vineyards described in subsections (a) and (b) have been planted, or the contract has been executed, as applicable. [Added 3/19/98, Ord. 643]
2. The winery shall allow only the sale of:
- (a) Wines produced in conjunction with the winery; and
 - (b) Items directly related to wine, the sales of which are incidental to the retail sale of wine on-site and do not exceed 25 percent of the total gross receipts of the retail facility. Such items include those served by a limited service restaurant, as defined in ORS 624.010.
3. Permitted on-site marketing of wine includes up to three events of one to three days in duration during a calendar year intended to draw customers to the site for the tasting and purchase of wine, with an anticipated maximum of 750 daily visitors. The frequency and duration of these events may be limited through site design review approval based on the adequacy of public facilities. Rent or lease of space within or adjacent to the winery facility for events such as parties, receptions, and banquets that are not directly related to promotion of the wine is not included in this definition of a winery.
4. A facility for production and sale of wine that does not conform to the attributes described in subsections 402.10(I)(1) through (3) above may be deemed a commercial activity in conjunction with farm use pursuant to subsection 402.04(G). [Amended 5/24/12; Ord. 872]

SECTION 400 – NATURAL RESOURCE DISTRICTS

403. AGRICULTURE/FORESTRY DISTRICT (AF-20, AF-40, AF-80)

[Last amended 08/01/18; Ord. 903, 08/10/23; Ord. 929]

403.01 Purpose.

The purpose of the Agriculture/Forestry District is to identify and protect lands designated as Agriculture/Forestry Large Holding on the Comprehensive Plan, that are a mixture of agricultural and forest management operations, and other uses which are compatible with such operations. Properties in the Agriculture/Forestry District are primarily foothill and ridgetop holdings above the flat terrace and valley-floor commercial agriculture areas, and below the contiguous timberlands of the Coast Range. Uses of land and water which do not provide for a sustained production of crops, livestock and forest products or for the proper conservation of soil and water resources and fish and wildlife habitat shall be limited or prohibited.

403.02 Permitted Uses.

In the Agriculture/Forestry District, the following uses shall be permitted subject to the standards and limitations set forth in Subsection 403.11, and any other applicable provisions of this Ordinance:

- A. Farm uses as defined in Subsection 403.12(E).
 - B. Farm stands subject to a Type A miscellaneous land use application to evaluate health and safety requirements such as access, parking and sewage disposal, and to determine if:
 - i. The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
 - ii. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.
- [Amended 12/05/02; Ord. 720; 5/24/12; Ord. 872]
- C. Winery, as defined in Section 403.12(K), subject to Section 1101, Site Design Review.
 - D. Accessory uses, including buildings other than dwellings customarily provided in conjunction with farm use.
 - E. A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141 that is located on a farm operation and provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. The application will also be subject to Section 1101, Site Design Review.
- [Added 3/19/98, Ord. 643; Amended 5/24/12; Ord. 872]

- F. The following forest uses:
1. 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.
 2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
 3. 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.
 4. 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.
 5. Temporary forest labor camps limited to the duration of the forest operation requiring the use.
- G. Towers and fire stations for forest fire protection.
- H. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- I. Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale, or transmission towers over 200 feet in height. The applicant will also be subject to Section 1101, Site Design Review. A facility is "necessary" if it satisfies the requirements of ORS 215.275. [Amended 12/05/02; Ord. 720]
- J. Local distribution lines within existing rights-of-way (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.
- K. The following transportation facilities:
1. Climbing and passing lanes within the right of way existing as of July 1, 1987.
 2. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result. [Amended 3/19/98, Ord. 643]
 3. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
 4. Minor betterment of existing public roads and highway-related facilities such as maintenance yards, weigh stations, and rest areas, within right of way existing as of July 1, 1987, and contiguous to publicly owned property utilized to support the operation and maintenance of public roads and highways.
- L. Operations for the exploration of minerals as defined by ORS 517.750.

- M. Operations for the exploration for and the production of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to a wellhead, subject to the requirements of Section 404.10.
- 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 a 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. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling replaced under this section shall comply with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this paragraph regarding replacement dwellings have changed to allow the siting of another dwelling. The county planning director or the director's designee shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions and release statements filed under this paragraph.
[Amended 3/19/98, Ord. 643]
 6. A secondary farm dwelling authorized pursuant to Section 403.03(F)(4)(c) may only be replaced by a manufactured dwelling.
- O. Creation of, restoration of, or enhancement of wetlands.
- P. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- Q. Uninhabitable structures accessory to fish and wildlife enhancement.
- R. Caretaker residences for public parks and fish hatcheries. [Added 3/19/98, Ord. 643]
- S. Destination resorts reviewed and approved pursuant to ORS 197.435 to ORS 197.465 and Goal 8, except destination resorts are not allowed on a tract identified as high-value farmland.
[Amended 3/19/98, Ord. 643]
- T. Private hunting and fishing operations without any accommodations.
- U. Public or private school, including all buildings essential to the operation of a school, subject to the Type B application procedures and Section 1101, Site Design Review. The school

must be located at least three miles from an urban growth boundary, and is not permitted on a tract identified as high-value farmland. Existing schools on high-value farmland that are wholly within a farm use zone may be maintained, enhanced or expanded.

[Amended 3/19/98, Ord. 643; 8/13/98, Ord. 657]

- V. Churches and cemeteries in conjunction with churches, subject to the Type B application procedures and Section 1101, Site Design Review. The facilities must be located at least three miles from an urban growth boundary, and are not permitted on a tract identified as high-value farmland. Existing facilities on high-value farmland that are wholly within a farm use zone may be maintained, enhanced or expanded.
- [Amended 3/19/98, Ord. 643; 8/13/98, Ord. 657]
- W. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- [Added 3/19/98, Ord. 643]
- X. On-site filming and activities accessory to on-site filming, as defined in ORS 215.306(4), may be conducted subject to ORS 30.930 to 30.947, when it involves no more than 45 days on any site within any one-year period and does not involve erection of sets that would remain in place for longer than any 45-day period.
- [Added 3/19/98, Ord. 643]
- Y. Fire service facilities providing rural fire protection services.
- [Added 12/05/02; Ord. 720]
- Z. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.
- [Added 12/05/02; Ord. 720]
- AA. Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
1. A public right of way;
 2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
 3. The property to be served by the utility.
- [Added 12/05/02; Ord. 720]
- BB. Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural, or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in the exclusive farm use zone.
- [Added 12/05/02; Ord. 720]
- CC. A "residential home" as defined in ORS 197.660 may be established in an existing dwelling.
- [Added 5/24/12; Ord. 872]
- DD. Agri-tourism and other commercial events or activities that are related to and supportive of agriculture, subject to Section 1013 Agri-Tourism Use Permits.
- [Added 5/24/12; Ord. 872]

- EE. Propagation and harvesting of psilocybin as regulated by the Oregon Health Authority in accordance with state law. [Added 8/10/23; Ord. 929]

403.03 Dwellings Permitted Subject to Standards

The following residential uses shall be permitted in the Agriculture/Forestry District subject to the standards and limitations set forth in Section 403.11 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 requirements of Section 1301 unless otherwise stated.

- A. Principal dwelling customarily provided in conjunction with farm use on a tract that is predominantly high-value farmland, subject to the following (Type A notice):
1. The subject tract was predominantly in agricultural use on January 1, 1993.
 2. The subject tract is currently employed for farm use, and produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the gross income attributed to the tract. [Amended 12/05/02; Ord. 720]
 3. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1) of this Section.
 4. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract. [Section A added 3/19/98, Ord. 643]
- B. Principal dwelling customarily provided in conjunction with farm use on a tract that is not high-value farmland, subject to the following (Type A notice):
1. The subject tract was predominantly in agricultural use on January 1, 1993.
 2. The subject tract is currently employed for farm use, and produced at least \$40,000 in gross annual income from the sale of farm products in each of the last two years, or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the gross income attributed to the tract. [Amended 12/05/02; Ord. 720]
 3. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1) of this Section.
 4. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract. [Section B added 3/19/98, Ord. 643]
- C. Principal dwelling customarily provided in conjunction with farm use on a parcel at least 160 acres in size that is not high-value farmland, under the following circumstances:
1. The subject tract is currently employed for farm use, as defined in Subsection 403.12(E).
 2. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale as defined in subsection 4 of this section.

3. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract.
 4. The determination of whether the farm is "commercial" will be based upon whether the farm:
 - (a) Contributes in a substantial way to the area's existing agricultural economy; and
 - (b) Helps maintain agricultural processors and established farm markets;
 - (c) When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. [Section C amended 3/19/98, Ord. 643]
- D. Principal dwelling customarily provided in conjunction with farm use on a tract that is not high-value farmland, under the following circumstances:
1. The subject tract was predominantly in agricultural use on January 1, 1993.
 2. The subject tract is at least as large as the median size of those commercial farm tracts capable of generating at least \$10,000 in annual gross sales that are located within the study area defined in subsection (7) of this Section.
 3. The subject tract is capable of producing annual gross sales of county indicator crops, as determined by OAR 660-33-135(4), at a level equal to or greater than the median of those farms within the study area defined in subsection (7) of this Section.
 4. The subject tract is currently employed for a farm use at a level capable of producing the annual gross sales required in subsection (3) of this Section. If no farm use has been established at the time of application, land-use approval shall be subject to a condition that no building permit for a residence may be issued prior to the establishment of the farm use required in this subsection.
 5. The subject lot or parcel on which the dwelling is proposed is at least 10 acres in size.
 6. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract.
 7. In order to identify the commercial farm tracts to be used in subsections (2) and (3) of this Section, the gross sales capability of each tract in the study area including the subject tract must be determined, using the gross sales figures provided by the Land Conservation and Development Commission pursuant to OAR 660-33-135(4) as follows:
 - (a) Identify the study area. This includes all the land in the tracts wholly or partially within one mile of the perimeter of the subject tract;
 - (b) Determine for each tract in the study area the number of acres in every land classification from the county assessor's data;

- (c) Determine the potential earning capability for each tract by multiplying the number of acres in each land class by the gross sales per acre for each land class provided by the Land Conservation and Development Commission pursuant to OAR 660-33-135(4). Add these to obtain a potential earning capability for each tract;
- (d) Identify those tracts capable of grossing at least \$10,000 based on the data generated in subsection (7)(c) of this Section;
- (e) Determine the median size and gross sales capability for those tracts capable of generating at least \$10,000 in annual gross sales to use in subsections (2) and (3) of this Section. [Section D added 3/19/98, Ord. 643]

E. A secondary dwelling for a relative of the farm operator on a tract that was predominantly in agricultural use on January 1, 1993, under the following circumstances:

- 1. The tract is currently employed for farm use, as defined in Subsection 403.12(E), at a commercial scale.
- 2. The dwelling shall be located on the same lot or parcel as the dwelling of the farm operator.
- 3. The dwelling shall be occupied by a relative of the farm operator or farm operator's spouse, which means grandparent, step-grandparent, grandchild, parent, step-parent, child, brother, sister, sibling, step-sibling- niece, nephew, or first cousin of either if the farm operator does, or will require the assistance of the relative in the management and farm use of the existing commercial farm use. [Amended 12/05/02; Ord. 720]
- 4. The farm operator shall continue to play the predominant role in the management of the farm. A farm operator is a person who operates a farm, doing the work and making day-to-day decisions about such things as planting, harvesting, feeding, and marketing. [Section E amended 3/19/98, Ord. 643]

F. A secondary dwelling for farm help on a tract that was predominantly in agricultural use on January 1, 1993, under the following circumstances:

- 1. The secondary dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator. [Amended 12/05/02; Ord. 720]
- 2. There is no other dwelling on lands designated EF or AF owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm and that could reasonably be used as a secondary farm dwelling.
- 3. The primary farm dwelling to which the proposed dwelling would be accessory satisfies one of the following:
 - (a) On land identified as high-value farmland, the primary farm dwelling is located on a farm operation that is currently employed for farm use, and produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, or three of the last five years. In

determining the gross income, the cost of purchased livestock shall be deducted from the gross income attributed to the tract.

[Amended 12/05/02; Ord. 720]

- (b) On land not identified as high-value farmland, the primary farm dwelling is located on a farm operation that is currently employed for farm use, and produced at least \$40,000 in gross annual income from the sale of farm products in each of the last two years, or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the gross income attributed to the tract.

[Amended 12/05/02; Ord. 720]

4. The secondary dwelling will be located:

- (a) On the same lot or parcel as the primary farm dwelling; or

- (b) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

[Amended 12/05/02; Ord. 720]

- (c) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The secondary dwelling may remain if it is re-approved as a principal dwelling under this ordinance; or

[Subsection F added 3/19/98, Ord. 643; Amended 12/05/02; Ord. 720]

- (d) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subparagraph to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

- (e) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(5) or (7), whichever is applicable;

[Amended 12/05/02; Ord. 720]

G. A dwelling may be considered customarily provided in conjunction with a commercial dairy if:

1. The subject tract will be employed as a commercial dairy as defined in this ordinance; and
2. The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy; and

3. Except for seasonal farm worker housing, there is no other dwelling on the subject tract; and
 4. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm; and
 5. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
 6. The Oregon Department of Agriculture has approved the following:
 - (a) A permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.200 to 468B.230; and
 - (b) A Producer License for the sale of dairy products under ORS 621.072.
[Amended 12/05/02; Ord. 720]
- H. Replacement dwelling to be used in conjunction with farm use on a tract that was predominantly in agricultural use on January 1, 1993 if the existing dwelling has been listed in the county inventory as historic property and on the National Register of Historic Places.
- I. Principal dwelling not provided in conjunction with farm use on a tract that was predominantly in agricultural use on January 1, 1993, subject to Type B notice procedures and the following standards and criteria:
1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.
 2. The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils. Soil assessments may be submitted from a professional soil classifier pursuant to OAR 660-033-0030.
[Amended 5/24/12; Ord. 872]
 3. The dwelling will be sited on a lot or parcel created before January 1, 1993.
 4. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern of the area, the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the county shall:
 - (a) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

- (b) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.) And the dwelling development trends since 1993. Determine the potential number of nonfarm/lot of record dwellings that could be approved, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph;
- (c) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of the existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

- 5. The dwelling complies with other conditions the county considers necessary, including but not limited to provision for sewage disposal, emergency vehicle access, and public road approach.
- 6. The tract on which the dwelling is to be sited does not include a dwelling.
- 7. Prior to issuance of a residential building permit, the applicant shall provide evidence that the county assessor has disqualified the lot or parcel for valuation at true cash value for farm or forest use; and that additional tax or penalty has been imposed, if any is applicable, as provided by ORS 308A.050 to 308A.128 or other special assessment under ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855 and any additional tax imposed as the result of disqualification has been paid. A parcel that has been disqualified under this subsection shall not re-qualify for special assessment unless, when combined with another contiguous parcel, it constitutes a qualifying parcel.

[Section I amended 3/19/98, Ord. 643; 8/13/98, Ord. 657; Amended 5/24/12; Ord. 872]

J. Principal dwelling and creation of a new parcel not provided in conjunction with farm use, but in no case shall this provision be used to approve a subdivision or series partition as defined in ORS 92.305. The application is subject to Type B notice procedures and the following standards and criteria:

- 1. The originating lot or parcel was predominantly in agricultural use on January 1, 1993 and is:
 - (a) larger than the minimum lot size;
 - (b) not stocked to the requirements under ORS 527.610 to 527.770;
 - (c) composed of at least 95 percent Class VI through VIII soils; and

(d) composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber.

2. Any parcel created for a dwelling from the originating lot or parcel described in subsection (1) of this section will not be smaller than 20 acres.
3. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.
4. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern of the area, the county will consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated and whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area pursuant to the study required in Subsection 403.03(I)(4).
5. The dwelling complies with other conditions the county considers necessary, including but not limited to provision for sewage disposal, emergency vehicle access, and public road approach.
6. Prior to issuance of a residential building permit, the applicant shall provide evidence that the county assessor has disqualified the lot or parcel for valuation at true cash value for farm or forest use; and that additional tax or penalty has been imposed, if any is applicable, as provided by ORS 308.370 or 308.765 or ORS 321.352, 321.730, and 321.815. A parcel that has been disqualified under this subsection shall not re-qualify for special assessment unless, when combined with another contiguous parcel, it constitutes a qualifying parcel. [Section J amended 3/19/98, Ord. 643; 8/13/98, Ord. 657]

K. Principal lot-of-record dwelling on a lot or parcel which is not high-value farmland and was not predominantly devoted to forest use on January 1, 1993, subject to 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) And has been owned continuously by such owner since prior to January 1, 1985; or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985.
2. The tract on which the dwelling is to be sited does not include a dwelling.
3. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
4. The lot or parcel is not high-value farmland as defined in Subsection 403.12 (H).
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 county assessor shall be notified that the governing body intends to allow the dwelling.
8. For purposes of this section 403.03(K), "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.

[Subsection K amended 5/10/95, Ord. 591; 10/2/96, Ord. 615; 8/13/98, Ord. 657]

- L. Principal lot-of-record dwelling not in conjunction with farm use on a lot or parcel which is predominantly Class III and IV high-value farmland and was not predominantly devoted to forest use on January 1, 1993, subject to 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) and has been owned continuously by such owner since prior to January 1, 1985; or
 - (b) By devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985.
 2. The tract on which the dwelling is to be sited does not include a dwelling.
 3. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
 4. 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.
 5. 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.
 6. The tract on which the dwelling is to be sited is:
 - (a) Composed predominantly of high-value farmland defined in Section 403.12 (H)(2) or (3); and
 - (b) Twenty-one acres or less in size.
 7. The tract on which the dwelling is to be sited is:
 - (a) Bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on them on January 1, 1993; or

(b) Not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. No more than two of the four dwellings may be within an Urban Growth Boundary, but only if the subject tract abuts an urban growth boundary; or

[Amended 12/05/02; Ord. 720]

(c) A flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within 1/4 mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flaglot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flaglot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary;

i. "Flaglot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.

ii. "Geographic center of the flaglot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.

[Section c added 12/05/02; Ord. 720]

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

9. For purposes of this section 403.03 (L), "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.

[Subsection L amended 5/10/95, Ord. 591; 10/2/96, Ord. 615; 8/13/98, Ord. 657]

M. Principal lot-of-record dwelling not in conjunction with farm use on land on a lot or parcel which is predominantly Class I and II high-value farmland and was not predominantly devoted to forest use on January 1, 1993, subject to the following standards and criteria (Type C notice):

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:

(a) and has been owned continuously by such owner since prior to January 1, 1985; or

(b) by devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985.

2. The tract on which the dwelling is to be sited does not include a dwelling.

3. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
 4. 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.
 5. 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.
 6. The tract on which the dwelling is to be sited is on high-value farmland as defined in Section 403.12(H)(1).
 7. The Planning Commission determines that:
 - (a) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;
 - (b) The dwelling will comply with the provisions of Section 403.07(A); and
 - (c) The dwelling will not materially alter the overall land use pattern of the area.
 8. The county assessor shall be notified that the governing body intends to allow the dwelling.
 9. For purposes of this section 403.03 (M), "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.
 10. The State Department of Agriculture shall be provided notice of the application at least twenty (20) days prior to the public hearing before the Planning Commission.
[Subsection M amended 5/10/95, Ord. 591; 10/2/96, Ord. 615; 8/13/98, Ord. 657]
- N. Principal dwelling on a large tract of land that was in forest use on January 1, 1993, subject to the siting standards in Sections 403.09, 403.10, 403.11 and the following: A tract separated only by a public road or a waterway is considered contiguous.
1. The dwelling will be sited on land that contains the following minimum acreage:

- (a) At least 160 contiguous acres of land zoned for forest use; or
 - (b) At least 200 acres of land zoned for forest use that is not contiguous but is located entirely within Yamhill County or partially in an adjacent county.
2. There are no other dwellings on the parcels which make up the acreage.
 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.
 4. 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.

[Section N added 3/19/98, Ord. 643]

- O. Principal lot-of-record dwelling on a lot or parcel predominantly devoted to forest use on January 1, 1993, subject to Sections 403.09, 403.10, 403.11 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) and has been owned continuously by such owner since prior to January 1, 1985; or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985.
 2. The tract on which the dwelling is to be sited does not include a dwelling.
 3. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
 4. 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.
 5. The tract on which the dwelling is to be located is within 1,500 feet of a public road that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock. The road shall not be:
 - (a) A United States Bureau of Land Management Road; or
 - (b) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or state agency.

6. 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.
7. 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.
8. 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.
9. The county assessor shall be notified that the governing body intends to allow the dwelling.
10. For purposes of this section 403.03 (O), "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.

[Subsection O amended 5/10/95, Ord. 591; 10/2/96, Ord. 615; 3/19/98, Ord. 643]

P. Principal forest template dwelling on a lot or parcel predominantly devoted to forest use on January 1, 1993, except as provided in subsection Q of this Section, subject to Sections 403.09, 403.10, 403.11 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 remainder of the subject tract shall be consolidated into a single lot or parcel when the dwelling is allowed, which shall not be eligible for an additional dwelling; and
3. The lot or parcel is predominantly composed of soils that 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 circle with a 1489.46 foot radius or 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 and continue to exist on the other lots or parcels; or
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 circle with a 1489.46 foot radius or 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 and continue to exist on the other lots or parcels; or
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 circle with a 1489.46 foot radius or 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 and continue to exist on the other lots or parcels.

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.

7. 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.

[Subsection P amended 3/19/98, Ord. 643; 8/13/98, Ord. 657; 09/02/04, Ord 746]

Q. Principal forest template dwelling on a tract of 60 or more acres predominantly devoted to forest use on January 1, 1993, that abuts a public road that physically existed on January 1, 1993 or a perennial stream, subject to Sections 403.09, 403.10, 403.11 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; 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. The lot or parcel is predominantly composed of soils that 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 and continue to exist 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. 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 and continue to exist 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. 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 and continue to exist on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract.
 7. The measurement under subsections 5.a, 6.a, or 7.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. The one dwelling required to be on the same side of the road or stream pursuant to subsections 5.b, 6.b, or 7.b of this section may be outside the width of the rectangle described in subsection 8 of this section if it is within one-quarter mile of the subject tract.
 9. If the road crosses the subject tract on which the dwelling is to be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. [Subsection Q amended 3/19/98, Ord. 643; 8/13/98, Ord. 657; 09/02/04, Ord 746]

403.04 Conditional Uses.

The following uses are allowed in the Agriculture/Forestry District upon conditional use approval. Approval of these uses is subject to the Conditional Use criteria and requirements of Section 1202 of this ordinance, the criteria of Section 403.07 and any other provision set forth below. Applications shall be reviewed under the Type B procedure of Section 1301:

- A. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative of the resident, subject to the following: [Amended 12/05/02; Ord. 720]
 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 temporary 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. When a recreational vehicle is allowed to be used as a temporary structure the recreational vehicle site shall have services, inspected and approved by the building department which includes electricity, plumbing and connection to an approved septic system. [Section 5 added 12/05/02; Ord. 720]
 6. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. A temporary residence approved under this paragraph is not eligible for replacement as a permanent residence. [Subsection A amended 3/19/98, Ord. 643; 12/05/02; Ord. 720]
- B. Permanent facility for the primary processing of forest products.
 - C. Residential facility, as defined in ORS 197.660, in an existing dwelling. [Amended 05/24/12; Ord. 872]
 - D. Community centers, parks, or playgrounds owned by a governmental agency or a nonprofit community organization, and operated primarily by and for residents of the local rural community, subject to Section 1101, Site Design Review. A public park may also be established consistent with the provisions of ORS 195.120. [Amended 12/05/02; Ord. 720]
 - E. Dog kennel, except dog kennels are not allowed on a tract identified as high-value farmland. Existing dog kennels on high-value farmland that are wholly within a farm use zone may be expanded subject to conditional use approval. [Amended 3/19/98, Ord. 643]
 - F. The propagation, cultivation, maintenance, and harvesting of aquatic or insect species. The insect species must comply with ORS 215.283(2)(p). Notice shall be mailed to the State Department of Agriculture at least 20 days prior to any administrative decision or initial public hearing on the application. [Amended 3/19/98, Ord. 643; 5/24/12; Ord. 872]
 - G. Commercial activities that are in conjunction with farm use as defined in Section 403.12(C), but not including the processing of farm crops which are a permitted use as described in subsection 403.02(E), subject to Section 1101, Site Design Review.
 - H. The following mineral, aggregate, oil, and gas uses, subject to the standards of Section 404:
 1. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted in this Section.
 2. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral, and other subsurface resources subject to ORS 215.298.
 3. Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement more than two miles from one or more vineyards, totaling 40 acres or more, planted as of the date of application for processing.
 4. Processing of other mineral resources and other subsurface resources.

5. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects not within two miles of planted vineyards planted as of the date of application for processing.
- I. Home occupation, subject to the standards and limitations set forth in Section 1004.
 - J. The following transportation facilities:
 1. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
 2. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings not resulting in the creation of new land parcels.
 3. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
 4. Roads, highways and other transportation facilities and improvements not allowed under this subsection or subsection 403.02(K), subject to compliance with OAR 660-12. [Amended 3/19/98, Ord. 643]
 - K. Personal use airports subject to Subsection 403.07(B), and expansion of existing airports.
 - L. Golf course as defined in Section 403.12 G, except new golf courses are not allowed on a tract identified as high-value farmland. Existing golf courses on high-value farmland that are wholly within a farm use zone may be expanded to a total of no more than 36 holes, subject to conditional use approval and provided the expansion is consistent with the definition in Section 402.10(D). [Amended 3/19/98, Ord. 643]
 - M. The following utility facilities:
 1. New electric transmission lines with right of way widths up to 100 feet as specified in ORS 772.210.
 2. Transmission towers over 200 feet in height within existing right of way.
 3. Television, microwave and radio communication facilities and transmission towers on land principally devoted to forest use.
 4. Utility facilities for the purpose of generating power subject to site design review. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation or 20 acres from use as a commercial agricultural enterprise on a tract not identified as high-value farmland. Photovoltaic solar power generation facilities are not allowed on a tract that contains predominantly Class I through IV soils, unless an exception is taken pursuant to OAR 660, Division 4. [Amended 3/19/98, Ord. 643; 5/24/12, Ord. 872; 08/01/18, Ord. 903]
 5. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
 - N. Private parks, playgrounds, hunting and fishing preserves and campgrounds as defined in subsection 403.12(B), subject to Section 1101, Site Design Review, except such uses are not allowed on a tract identified as high-value farmland. Existing facilities on high-value

farmland that are located wholly within a farm use zone may be expanded subject to conditional use approval. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law, may be established as a commercial activity in conjunction with psilocybin-producing fungi crop, on properties with approved private campgrounds, subject to additional conditional use approval and Section 1101 Site Design Review. Psilocybin service centers shall be located on “licensed premises” as that term is defined under OAR 333-333. [Amended 8/10/23, Ord. 929]

- O. Permanent logging equipment repair and storage.
- P. Log scaling and weigh stations.
- Q. Fire stations for rural fire protection.
- R. Aids to navigation and aviation.
- S. Reservoirs and water impoundments.
- T. Firearms training facility.
- U. Cemeteries.
- V. Private seasonal accommodations for fee hunting operations, subject to Sections 403.09 and 403.10 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.
- W. New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width.
- X. Private accommodations for fishing occupied on a temporary basis, subject to Sections 403.09 and 401.10 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.

- Y. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- Z. On-site filming and activities accessory to on-site filming, as defined in ORS 215.306(4), that exceed 45 days on any site within a one-year period or involve erection of sets that would remain in place for longer than 45 days subject to ORS 30.930 to 30.947. [Added 8/13/98, Ord. 657]
- AA. Operations for the extraction and bottling of water. [Added 8/13/98, Ord. 657]
- BB. Room and board arrangements for a maximum of five unrelated persons in an existing dwelling. [Added 8/13/98, Ord. 657]
- CC. Youth camps subject to Section 1101 for site design review and the Oregon Administrative Rules Section 660-006-0031. [Added 12/05/02; Ord. 720]
- DD. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law, may be established as a commercial activity in conjunction with the psilocybin-producing fungi crop, subject to Section 1101 Site Design Review. Psilocybin service centers authorized under this subsection shall be located on:
 - 1. Lots that produce at least one psilocybin crop annually; and
 - 2. "Licensed premises" as that term is defined under OAR 333-333. [Added 8/10/23; Ord. 929]
- EE. Permanent facility for the purpose of manufacturing psilocybin products in accordance with ORS 215.555, and as otherwise regulated by ORS 475A and the Oregon Health Authority, subject to Section 1101 Site Design Review. [Added 8/10/23; Ord. 929]

403.05 Prohibited Uses.

Subdivisions and planned unit developments shall be prohibited.

403.06 Nonconforming Uses

Nonconforming uses found in the Agriculture/Forestry District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this Ordinance.

403.07 Additional Standards for Approval of Conditional Uses

- A. In the Agriculture/Forestry District, prior to establishment of a conditional use, the applicant may be required to demonstrate compliance with the following criteria in addition to other requirements of this ordinance:
 - 1. The use will not force a significant change in accepted farming or forest practices on surrounding lands devoted to farm or forest use.
 - 2. The use will not significantly increase the cost of accepted farming or forest practices on surrounding lands devoted to farm or forest use.
- B. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the

owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through a waiver action by the Oregon Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to applicable rules of the Oregon Aeronautics Division.

- C. A facility for primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in Section 403.12(E). Such facility may be approved for a one-year period which is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.

[Added 3/19/98, Ord. 643]

403.08 Permit Expiration Dates and Declaratory Statements for Dwelling Approvals

- A. Notwithstanding other provisions of this Ordinance and except as provided for in subsection 403.08 (D), a discretionary decision, except for a land division, approving a proposed development in the Agriculture Forestry Large Holding district 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 makes 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 Planning Director 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 or denial of an extension granted under this rule is an administrative decision, is not a land-use decision described in ORS 197.015, and is not subject to appeal as a land-use decision. However, the Board, on its own motion, may order review of the decision of the Director within 15 days of the decision.
- C. Additional one-year extensions may be authorized by the Planning Director where applicable criteria for the decision have not changed.

[Amended 3/19/98, Ord. 643]

- D. If a permit is approved for a proposed residential development on agricultural land outside of an urban growth boundary, the permit shall be valid for four years. Any extension of a permit for residential development shall be valid for two years. For the purpose of this subsection, "residential development" only includes the dwellings provided for under ORS 215.283(1)(p), (replacement dwelling, exclusive farm zone) 215.284 (nonfarm dwelling), 215.705(1) to (3) (lot-of-record dwelling), 215.720 (lot-of-record dwelling), 215.750 (forest template dwelling) and 215.755(1) (replacement dwelling, forest zone) and (3).

[Amended 12/05/02; Ord. 720; 5/24/12; Ord. 872]

- E. Prior to issuance of any residential building permit for an approved dwelling located within 1 mile of an area which has been designated in the plan or zone or otherwise approved by Yamhill County for mineral resource uses, the landowner shall be required to sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records of Yamhill County;

“The subject property is located in an area designated for mineral resource uses. It is the County policy to protect mineral resource operations from conflicting land uses in such designated areas. Accepted mineral resource and quarry practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the responsibility of the operator of a mineral resource operation to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator’s violation of State law.” [Added 8/13/98, Ord. 657]

- F. Prior to issuance of a residential building permit, the landowner shall sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records for Yamhill County:

“The subject property is located in an area designated by Yamhill County for agricultural uses. It is the county policy to protect agricultural operations from conflicting land uses in such designated areas. Accepted agricultural practices in this area may create inconveniences for the owners or occupants of this property. However, Yamhill County does not consider it the agricultural operator's responsibility to modify accepted practices to accommodate the owner or occupants of this property, with the exception of such operator's violation of state law.” [Added 8/13/98, Ord. 657]

403.09 Siting Standards for Dwellings and Structures.

The following siting standards shall apply to all new dwellings on forest land:

- 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 Chapter 629). 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. [Amended 8/13/98, Ord. 657; 5/24/12; Ord. 872]
- C. As a condition of approval for a dwelling under subsections 403.03 (M) through (P), if the tract is more than 5 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. [Amended 8/13/98, Ord. 657]

403.10 Fire Siting and Construction Standards for Dwellings and Structures

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

- A. The dwelling shall have a fire-retardant roof;
- B. The dwelling shall not be sited on a slope of greater than 40 percent;
- C. The dwelling is located 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:
 - 1. The applicant provides evidence that the applicant has asked to be included in the nearest fire protection district, but that district is unable to provide residential fire protection by contract; and
 - 2. The dwelling shall be provided with a fire sprinkling system; and
 - 3. The parcel 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 403.11(E).
- E. If the 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 fire break is only required to be constructed on land surrounding the dwelling that is owned or controlled by the owner. 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 100 feet outside the primary firebreak shall also be constructed. The fire break is only required to be constructed on land surrounding the dwelling that is owned or controlled by the owner. Vegetation within the secondary firebreak should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent spread of fire into the crowns of the larger trees. Dead fuels shall be removed. The secondary fire break shall be increased to 150 feet if the dwelling or structure is located on a slope of greater than 25% or other fire hazards exist. [Amended 3/19/98, Ord. 643]
- 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.

403.11 Standards and Limitations.

In the Agriculture/Forestry District, the following standards and limitations shall apply:

A. Dwelling Density.

1. Not more than one principal dwelling shall be allowed on any parcel.
2. Permitted Secondary Uses. Not more than one permitted secondary dwelling, as described in Subsection 403.03(A) or B, shall be allowed per 20 acres in the AF-20 zone or 40 acres in the AF-40 and AF-80 zone.
3. Not more than one dwelling not in conjunction with farm or forest use shall be allowed on any parcel.

B. Parcel Size and Dimension.

1. Newly-Created Parcels.

- (a) Any new farm/forest parcel proposed to be created shall be a minimum of 20 acres in the AF-20 district, 40 acres in the AF-40 district and 80 acres in the AF-80 district.
- (b) Any new nonfarm parcel created to support a dwelling shall comply with Subsection 403.03(J).
- (c) Any new nonfarm/nonforest parcel proposed to be created for nonfarm/nonforest uses other than dwellings shall be no larger than the minimum size necessary for its use.

2. Lot-line adjustments.

- (a) Any parcel principally devoted to farm use subject to alteration in size through a lot-line adjustment shall be shown to be of a size at least as appropriate for the continuation of the existing commercial agricultural enterprise in the area as were the parcels prior to adjustment.
- (b) Any parcel principally devoted to forest use subject to alteration in size through a lot-line adjustment shall be shown to be at least as economically efficient for forest practices, provide for continuous growing and harvesting of forest tree species at least as well as, and conserve other forest values at least as well as did the parcel prior to adjustment.
- (c) When one or more parcels subject to a proposed adjustment are larger than the minimum lot size, the same number of parcels shall be as large or larger than the minimum lot size after the adjustment. When all parcels subject to the 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.
- (d) The lot line adjustment shall not result in an increase in the potential number of dwellings on the parcels. When an area that contains an existing dwelling

will be conveyed from one parcel (Parcel A) to the adjacent parcel (Parcel B), Parcel B must either receive land use approval for the dwelling under the terms of this ordinance, or, in the alternative, a deed affidavit shall be recorded by the owner of Parcel A prohibiting the establishment of any new principal dwellings on the adjusted parcel or parcels. [Added 3/19/98, Ord. 643]

3. Existing Lots. Any permitted or conditional use provided for in this District, may be established on an existing lot subject to satisfaction of the applicable requirements of the Agriculture/ Forestry District.
4. For a property predominantly devoted to farm use, a division of land smaller than the minimum parcel size noted under 403.11 (B)(1)(a) may be approved for the purpose of establishing a church, including cemeteries in conjunction with the church provided it satisfies the following: [Section 4 added 12/05/02; Ord. 720]
 - (a) The church has been approved under subsection 403.02(V);
 - (b) The newly created lot or parcel is not larger than five acres; and
 - (c) The remaining lot or parcel, not including the church, meets the minimum parcel size described in 403.11(B)(1)(a) by itself or after consolidation with another lot or parcel.
5. A division of a lot or parcel may be allowed if:
 - (a) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - (b) Each dwelling complies with the criteria for a replacement dwelling under 403.02(N);
 - (c) Except for one lot or parcel, each lot or parcel created under this paragraph is between two and five acres in size;
 - (d) At least one dwelling is located on each lot or parcel created under this paragraph; and
 - (e) The landowner of a lot or parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with the county clerk of the county in which the lot or parcel is located. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the lot or parcel is located indicating that the comprehensive plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use. (3) A county planning director shall maintain a record of lots and parcels that do not qualify for division under the restrictions imposed under subsections (2)(e) and (4) of this section. The record shall be readily available to the public. (4) A lot or parcel may not be divided under subsection (2)(e) of this section if an existing dwelling on the lot or parcel was

approved under: (a) A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or Enrolled Senate Bill 715 (SB 715-B) Page 2 (b) A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under a statewide planning goal protecting forestland. [Section 5 added 12/05/02; Ord. 720]

6. A division of land smaller than the minimum parcel size noted under 403.11 (B)(1) may be approved for the purpose of creating a parcel for a park provided it satisfies the following:

(a) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and

(b) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.

(c) A parcel created pursuant to this subsection that does not contain a dwelling:

i. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

ii. May not be considered in approving or denying an application for siting any other dwelling;

iii. May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and

iv. May not be smaller than 25 acres unless the purpose of the land division is:

1. To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

2. To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization that has cumulative ownership of at least 2,000 acres of open space or park property.

[Amended 5/24/12, Ord. 872]

C. Setbacks.

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

1. The minimum setback for all yards for a livestock feeding or sales yard shall be 200 feet from the centerline of any watercourse used for domestic water supply, 500 feet from any residential zoning district or urban growth boundary unless the applicant has received a conditional use permit pursuant to Section 1202, and 50 feet from property lines in all other circumstances. [Amended 3/19/98, Ord. 643]
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. The minimum setback for a kennel shall be 50 feet from any property line and 500 feet from any off-site dwelling.
6. 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 (F). [Subsection C amended 7/9/98, Ord. 648]

D. Parcel Coverage.

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

E. Access.

The following standards apply to all roads and driveways, except for private roads accessing only commercial farm or forest uses, which access uses permitted under Section 403.02 or approved under Sections 403.03 or 403.04 of this section. 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 the access is acceptable for their fire-fighting equipment: [Amended 12/05/02; Ord. 720]

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. [Amended 12/05/02; Ord. 720]
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 new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: County roads, public roads, private roads serving four or more parcels, and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding 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 intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least 12 feet of visual clearance within the triangle below the lowest hanging branches.

G. Height.

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

H. Occupancy of Recreational Vehicles.

1. 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 such any recreational vehicle be used as a principal dwelling or rented unless the necessary permits have been obtained. [Amended 7/9/98, Ord. 648]
2. Temporary structures as may be required during construction of any authorized permanent structure may be placed. Such temporary structure shall be removed within 30 days of occupancy of the permanent structure.
3. One manufactured dwelling may be stored on a lot or parcel for a period not to exceed nine months upon approval of the Director, with one extension of up to nine months if

unusual circumstances are shown to exist. In no case shall a stored manufactured dwelling be connected to water or sewage disposal facilities.

I. Off-Street Parking.

1. In the Agriculture/Forestry 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 Agriculture/Forestry District shall be determined by the Director subject to the provisions of Section 1007.

403.12 Definition of Terms Used in this Section

The following terms apply only to Section 403, 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 - Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designated and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers to existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel trailer or recreational vehicle. The campground may also provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period. The park or campground may be public or private.

[Amended 8/13/98, Ord. 657; 12/05/02; Ord. 720]

C. Commercial Activities in Conjunction with Farm Use - As authorized under subsection 403.04, a commercial activity in conjunction with farm use is:

1. The processing, packaging, and wholesale distribution and storage of a product not derived primarily from farm activities on the premises;
2. Retail sales and promotion of agricultural products, supplies and services directly related to the production, harvesting, and processing of agricultural products. Such uses include, but are not limited to, the following:

[Amended 5/24/12, Ord. 872]

- Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture
- Livestock auction or sales yards
- Farm equipment storage and repair facilities
- Storage, repair, or sale of fencing, irrigation pipe and pumps, and other commercial farm-related equipment and implements
- Veterinarian clinics
- Slaughtering of animals, including attendant retail and wholesale sales
- Wineries not listed as a permitted use
- Psilocybin Service Centers located on “licensed premises” as that term is defined under OAR 333-333. A permit to operate a psilocybin service center does not authorize any other use that would otherwise require authorization under the YCZO, unless additional land use approval is obtained. [Added 8/10/23, Ord. 929]

D. Commercial tree species - Trees recognized under rules adopted under ORS 527.715 for commercial production.

E. Farm Use - The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. “Farm use” also includes the current employment of land for the primary purpose of obtaining profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in the subsection. “Farm use” does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3), or land described in 321.267(1)(3) or 321.824(3). [Amended 3/19/98, Ord. 643; 09/02/04, Ord 746; 5/24/12; Ord. 872]

“Preparation” of products or by-products includes but is not limited to the cleaning, treatment, sorting, composting or packaging of the products or by-products.

“Products or by-products raised on such land” means the those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring on land being used for the primary purposes of obtaining a profit in money from the farm use of the land.

“Current employment” of land for farm use includes:

- Farmland, the operation or use of which is subject to any farm-related government program;

- Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- Land planted in orchards or other perennials prior to maturity;
- Wasteland, dry or covered with water, neither economically tillable nor grazeable, lying in adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- Except for land under a single family dwelling, land under buildings supporting accepted farming practices, including the processing facilities allowed by ORS 215.283(1)(r) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.283(2)(a);
- Water impoundments lying in or adjacent to and in common ownership with farm use land;
- Land under buildings supporting accepted farming practices;
- Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- Land lying fallow for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family;
- Any land described under ORS 321.267 (1)(e) or 321.415 (5);
- Any land in an exclusive farm use zone used for the storage of agricultural products that would otherwise be disposed of through open field burning or propane flaming;
- Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing; and
- Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:
 - (i) Only the crops of the landowner are being processed;
 - (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
 - (iii) The landowner is custom processing crops into biofuel from other landowners in the area for their sale or use.

As used in this subsection, “accepted farming practice” means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

“Cultured Christmas trees” means trees:

- (a) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

(b) Of a marketable species;

(c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

(d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

[Amended 5/24/12; Ord. 872]

- F. Forest operation - Any commercial activity relating to the growing or harvesting of any tree species as defined in ORS 527.620(6).
- G. Golf course - An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:
1. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.
 2. A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.
 3. A "non-regulation golf course" means a golf course or golf course-like development that does not meet this definition of golf course, including but not limited to executive golf courses, par three golf courses, pitch and putt courses, miniature golf courses, and driving ranges. Non-regulation golf courses are not permitted by this section.
 4. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course and conforms to the following:
 - (a) An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course include parking, maintenance buildings, cart storage and repair, practice range or driving range, clubhouse, restrooms, lockers and showers, food and beverage service, pro shop, and a practice or beginners course as part of an 18 hole or larger golf course or golf tournament.
 - (b) Accessory uses to a golf course do not include sporting facilities unrelated to golf such as tennis courts, swimming pools, or weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.
 - (c) A use is accessory to a golf course only when limited in size and orientation to serve the needs of persons and their guests who patronize the golf course to golf.

- (d) Commercial activities such as a pro shop are accessory to a golf course only when located in the clubhouse.
- (e) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

[Amended 09/02/04, by Ord 746]

H. High-value farmland - A tract composed predominantly of:

- 1. Soils rated Class I, II, prime, or unique, either irrigated or not irrigated.
- 2. The following Class III soils: Carlton, Chehalem, Dayton, Jory, Laurelwood, Nekia, Willakenzie, Woodburn, and Yamhill.
- 3. The following Class IV soils: Carlton, Dayton, Jory, Laurelwood, Willakenzie, and Yamhill.

Soil classes, soil ratings or other soil designations used in or made pursuant to the lot of record dwelling are those of the Natural Resource Conservation Service Internet soil survey for that class, rating or designation before November 4, 1993. For purposes of approving a lot of record dwelling, the soil class, soil rating or other soil designation of the parcel may be changed if the property owner submits a statement of agreement from the Natural Resources Conservation Service that the class, rating or designation should be adjusted based on new information; or if the property owner submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the class, rating or designation should be changed, along with a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis to be soundly and scientifically based.

[Amended 8/13/98, Ord. 657; 5/24/2012, Ord 872]

I. Public parks - includes only the uses specified under OAR 660-034-0035.

[Added 8/13/98, Ord. 657]

J. Seasonal Farm Worker - Any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, precommercial thinning and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash and other related activities.

K. Tract - One or more contiguous lots or parcels under the same ownership.

L. Winery - As authorized under subsection 403.02(C), a winery is a facility that produces and sells wine and conforms to the following attributes:

- 1. A winery herein defined has a maximum annual production of:
 - (a) Less than 50,000 gallons and:

- i. Owns an on-site vineyard of at least 15 acres;
 - ii. Owns a contiguous vineyard of at least 15 acres;
 - iii. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of vineyard contiguous to the winery; or
 - iv. Obtains grapes from any combination of (i), (ii), or (iii) above; or
 - (b) At least 50,000 gallons and no more than 100,000 gallons and:
 - i. Owns an on-site vineyard of at least 40 acres;
 - ii. Owns a contiguous vineyard of at least 40 acres;
 - iii. Has a long-term contract for the purchase of all of the grapes from at least 40 acres of vineyard contiguous to the winery; or
 - iv. Obtains grapes from any combination of (i), (ii), or (iii) above; and
 - (c) Prior to the issuance of building permits, the applicant shall provide evidence that the vineyards described in subsections (a) or (b) have been planted, or the contract has been executed, as applicable.
- 2. The winery shall allow only the sale of:
 - (a) Wines produced in conjunction with the winery; and
 - (b) Items directly related to wine, the sales of which are incidental to the retail sale of wine on-site and do not exceed 25 percent of the total gross receipts of the retail facility. Such items include those served by a limited service restaurant, as defined in ORS 624.010.
- 3. Permitted on-site marketing of wine includes up to three events of one to three days in duration during a calendar year intended to draw customers to the site for the tasting and purchase of wine, with an anticipated maximum of 750 daily visitors. The frequency and duration of these events may be limited through site design review approval based on the adequacy of public facilities. Rent or lease of space within or adjacent to the winery facility for events such as parties, receptions, and banquets that are not directly related to promotion of the wine is not included in this definition of a winery.
- 4. A facility for production and sale of wine that does not conform to the attributes described in subsections 403.12(L) may be deemed a commercial activity in conjunction with farm use pursuant to subsection 403.04(G).

[Section K added 3/19/98, Ord. 643]

SECTION 400 – NATURAL RESOURCE DISTRICTS

404. MINERAL RESOURCE DISTRICT (MR)

[Last Amended 5/24/12; Ord. 872]

404.01 Purpose.

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

404.02 Permitted Uses - MR-1.

In the MR-1 District, the following uses shall be permitted:

- A. Quarry or mining operations for the extraction of rock, clay, soil, sand and gravel;
- B. Exploration for oil, natural gas or geothermal resources;
- C. Rock crushing, washing or screening;
- D. Stockpiling of rock or earth products in conjunction with the operation of the mineral resource business on-site;
- E. Portable concrete batching or portable hot-mix batching plants;
- F. A dwelling for the owner, in conjunction with a permitted use as established by subsections 404.02 (I) and 404.02 (J);
- G. A dwelling and accessory structures for a caretaker or watchman in conjunction with the operation of a mineral resource business;
- H. Storage of heavy equipment in conjunction with the operation of the mineral resource business on-site;
- I. Farm uses;
- J. Propagation and harvesting of a forest product; and
- K. Manufacture and storage of brick and tile.

404.03 Permitted Uses - MR-2.

In the MR-2 District, the following uses shall be permitted:

- A. Quarry or mining operations for the extraction of rock, clay, soil, sand and gravel;
- B. Exploration for oil, natural gas or geothermal resources;
- C. Rock crushing, washing or screening;
- D. Stockpiling of rock or earth products in conjunction with the operation of the mineral resources business on-site;
- E. A dwelling for the owner, in conjunction with a permitted use as established by subsections 404.03(H) and 404.03 (I);
- F. A dwelling and accessory structures for the caretaker or watchman in conjunction with the operation of a mineral resource business;
- G. Storage of heavy equipment in conjunction with the operation of the mineral resource business on-site;
- H. Farm uses;
- I. Propagation and harvesting of a forest product; and
- J. Manufacture and storage of brick and tile.

404.04 Conditional Uses.

In the MR District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Manufacture and storage of concrete and aggregate products such as preformed steps, beams, fences, vaults and similar products, provided that the aggregate needs are supplied from the same site where storage and manufacturing takes place;
- B. Extraction and development of oil, natural gas or geothermal resources, subject to the requirements of subsection 404.10;
- C. Coal and precious metals extraction, processing and stockpiling from the same site where extraction takes place;
- D. Any structure necessary and appurtenant to the above uses;
- E. Permanent concrete batching or hot-mix batching plants;
- F. The following additional use may be allowed conditionally in the MR-2 Districts.
 - 1. Portable concrete batching or portable hot-mix batching plants.

- G. Parks or playgrounds owned and operated by a governmental agency or a nonprofit community organization, subject to Section 1101, Site Design Review. [Added 5/28/97, Ord. 630]
- H. Commercial storage and distribution of explosives and related materials. [Added 6/14/01, Ord. 701]

404.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section are prohibited in the MR District. In order to preserve MR lands for mineral resource uses, residential subdivisions shall be prohibited; however, land divisions for purposes of conveyance of mineral resource operations shall be permitted.

404.06 Standards and Limitations.

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

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

404.07 Operating Standards.

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

- A. Operating setbacks.
 - 1. Extraction shall not be conducted within twenty-five (25) feet of any non-mineral resource zoning district boundary; and shall not be conducted closer than five hundred (500) feet from any dwelling existing at the time of adoption of this Ordinance. [Amended 12/05/02; Ord. 720]
 - 2. Processing activities shall not be conducted within five hundred (500) feet of any LDR., VLDR or AF-10 zoning district boundary; or within two hundred fifty (250) feet of any other zoning district boundary. In no case shall processing and other processing-related activities be conducted closer than five hundred (500) feet from any dwelling existing at the time of adoption of this Ordinance.

B. Screening.

Adequate screening with indigenous planting shall be preserved or established to block the view at the site from any public road, residential zoning district and from any existing dwelling located within one thousand (1000) feet of the site prior to establishment of the MR District. Existing trees and other natural vegetation shall be preserved and maintained at the perimeter of the site to provide screening. This landscaping, fencing for safety purposes, berms or other similar devices shall be submitted as a site plan for Commission approval.

C. Environmental Standards.

1. All excavation, including blasting, processing, maintenance and truck traffic shall be conducted in a manner that minimizes the adverse effect to persons and activities on adjoining property due to noise, dust, odor, vibration or surface water pollution or erosion.
2. Any mining operation shall not exceed Department of Environmental Quality noise emission, air contamination and water quality standards. Additionally, appropriate federal environmental quality permits shall be obtained for each site.
3. Excavation which results in ponding shall be deep enough to prevent stagnation and development of mosquito-breeding areas or shall be backfilled with a material that will not impair groundwater quality.

D. Roadways.

In the MR District for all mineral resource sites approved by the Board, all access to a mineral resource site shall be by a route or routes approved by the Board and shall be constructed and maintained in such a manner as to eliminate, as far as practical, noise or dust which adversely affects persons living in the vicinity, or crops or livestock being raised in the vicinity.

E. Site Operation and Safety.

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

1. Blasting shall be restricted to the hours of 7:00 A.M. to 6:00 P.M. Monday through Saturday. No blasting shall occur on Sundays or holidays. In the event the operator cannot comply with this restriction due to unforeseen circumstances, the operator may exceed the limitations set forth above; provided that in no event shall the owner or operator blast outside the restrictions set forth above more than four (4) times in and one (1) calendar year..
2. Prior to a blasting operation, the operator shall be responsible for notifying adjacent property owners as to the date and approximate time of the blasting activity.

F. Land Reclamation.

1. Any parcel or site used as a mineral resource site for which a reclamation plan is required by the Department of Geology and Mineral Industries (DOGAMI) shall be reclaimed in accordance with the site operation and reclamation plan on file with and approved by the County.
2. The approved reclamation plan shall be implemented in accordance with a schedule contained therein showing the planned order and sequence of said reclamation.
3. The approved reclamation plan shall require all excavations to be backfilled, contoured or terraced or put to a use shown on the reclamation plan which is compatible with the final depth and slopes within the excavation site.
4. The approved reclamation plan shall require topsoil to be saved and stored in such a manner as to prevent erosion, and that said topsoil shall be replaced to at least the

depth of the original overburden, or to a depth adequate to achieve the approved reclamation use.

5. The approved reclamation plan may, in the County's discretion, provide for reclamation of portions of the site prior to total exhaustion of the resource found on the site.

G. Performance Agreement.

Pursuant to the requirements of this section and any conditions imposed hereunder, the applicant shall enter into a performance agreement with the County, using the applicant's performance agreement with DOGAMI as a minimum standard. Should the Board find that the DOGAMI performance agreement for a specific site is inadequate, the Board shall modify it accordingly.

404.08 Application for Zone Change to MR District.

In addition to the Type C Application procedure set forth in Section 1301, and subject to the amendment review criteria listed in Section 1207, application for an MR zone shall contain:

- A. The documentation, as applicable, required for any application for a site design review as set forth in Section 1101;
- B. Plans showing the location, area, dimensions, acreage and legal description of the parcel to be developed or used, together with north point, scale, date of application, and all intended uses, including estimates of the total volume of the resource to be mined and initial contours for the proposed site.
- C. Provisions for landscaping and screen-planting of all parts of the site;
- D. Provisions for preventing the collection and stagnation of water at all stages of the operation;
- E. Plans, profiles and cross-sections of all access roads; and
- F. Plans for the reclamation of the site.
- G. All plans prepared and submitted shall be prepared at a scale no smaller than one (1) inch to two hundred (200) feet, with five (5) foot contours, and such information shall be furnished for a distance beyond the site sufficient to determine the impact of the operation on adjacent and surrounding lands.

404.09 MR Zone Change Criteria.

Approval of a zone change to the MR District shall be based upon satisfactory compliance with the requirements set forth in Oregon Administrative Rule OAR 660-023-180. [Modified 5/24/12, Ord. 872]

404.10 Oil, Natural Gas and Geothermal Exploration and Extraction.

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

The term exploration includes both non-surface and surface disturbance activities, such as sonar sightings and test drilling, necessary to locate potential resource sites.

The term extraction includes any excavation made for producing oil, natural gas and/or geothermal resources and also includes activities and structures ancillary to the extraction operation including, but not limited to, pumping facilities, storage tanks, pipelines, waste ponds and equipment sheds.

A. Application Procedure - Exploration Permit.

1. An application for the exploration of oil, natural gas and/or geothermal resources shall be prepared on an approved form available from the Department of Planning and Development. The applicant shall provide all information required under this section and any additional information deemed necessary by the Director.
2. An application for the exploration of oil, natural gas and/or geothermal resources shall be made by the mineral property owner or the lessee of the property, if the application also bears the signature of the mineral property owner.
3. The following information shall be included with the application for an exploration permit:
 - (a) A surface plat of the property to be explored;
 - (b) The approximate location of exploration points on the surface plat;
 - (c) A description of the type of equipment to be used during the exploration process; and
 - (d) Anticipated time frame for exploration.
4. For zoning districts in which exploration is allowed as a permitted use, the application shall be reviewed pursuant to the Type A application procedure set forth in Section 1301.
5. For zoning districts in which exploration is allowed as a conditional use, the application shall be reviewed pursuant to the Type B application procedure set forth in Section 1301 and the conditional use review criteria listed in Section 1202.
6. The application for an exploration permit shall be reviewed for compliance with the following criteria for approval:
 - (a) The parcel lies within appropriate zoning districts;
 - (b) The applicant has submitted all information required under this subsection;
 - (c) DOGAMI has issued an exploration permit for the operation (not required for seismic exploration);

- (d) The applicant has posted a performance bond, if required by the Director or the Road Department; and
 - (e) The applicant has demonstrated that the proposed location and method of exploration will have a minimal impact on adjacent land use activities.
7. If the applicant proposed to drill an exploration well, it shall be sited according to the set back standards outlined in subsection 404.10 (D)(1).
 8. If the Director determines that the applicant has satisfied the criteria noted above, the Director shall issue a one hundred twenty (120) day exploration permit. The Director may establish conditions of approval deemed necessary to carry out the intent of this Ordinance.
 9. At the discretion of the Director, the applicant may be required to file a performance bond to provide for the repair of any County roads which may be damaged or diminished in quality due to exploration activities. The amount of the performance bond shall be determined by the Road Department.
 10. Upon expiration of the exploration permit, all equipment and materials associated with the exploration operation shall be removed from the site and the site shall be reclaimed in accordance with DOGAMI standards. If the exploration is successful, the applicant may apply for an extraction permit.

B. Application Procedure - Extraction Permit

1. An application for the extraction of oil, natural gas and/or geothermal resources shall be processed as a conditional use permit pursuant to the type B application procedure set forth in Section 1301.
2. An application for the extraction of oil, natural gas and/or geothermal resources shall be made by the mineral property owner or the lessee of the property, if the application also bears the signature of the mineral property owner.
3. The following information shall be included with the conditional use permit application:
 - (a) An 8 ½ x 14 inch reproducible site plan which identifies the property under the applicant's control. The site plan shall include:
 - i. The location of areas proposed for extraction, materials storage and transmission;
 - ii. The location of all existing and proposed structures within five hundred (500) feet of the extraction site;
 - iii. The location of all existing and proposed roads to the property and extraction site; and
 - iv. The location of all wells and springs within five hundred (500) feet of the proposed extraction site.

- (b) Evidence of application to the Department of Geology and Mineral Industries for a permit to site and operate an oil, natural gas and/or geothermal extraction facility.
- (c) A reclamation plan which complies with the minimum standards promulgated and administered by DOGAMI.
- (d) A generalized project development timetable.
- (e) A generalized geologic and engineering presentation with sufficient data to indicate the presence of a viable resource.

C. Review Criteria.

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

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

D. Operating Standards.

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

Outer boundary of parcel	100 feet
Surface waterway or well	250 feet
Public road	100 feet
Existing residence	500 feet
- 2. All equipment storage shall be set back a minimum of two hundred (200) feet from any existing dwelling or fifty (50) feet from any other boundary of the parcel.
- 3. All work in preparation of the site for drilling shall be conducted between the hours of 7 a.m. and 7 p.m.

4. Delivery or removal of equipment or materials shall be limited to the hours between 7 a.m. and 7 p.m., except in a case of emergency.
5. Unattended well sites shall be enclosed with a six (6) foot chain link fence with a locked gate.
6. All extraction operations shall be in compliance with state and federal standards on noise, vibrations and emissions.
7. Off-street parking shall be provided at a ratio of three (3) spaces per well site.
8. Light rays shall be directed or shielded to confine direct rays to the site.
9. The drilling site and access roads to the site shall be treated to reduce dust and mud.
10. Drilling may occur on a twenty four (24) hour basis if all of the above standards have been met.

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Zoning Ordinance

Section 405.00 - Parks, Recreation, Open Space District (PRO)

[Last amended 7/9/98, Ord. 648]

405.01 Purpose

The purpose of the PRO District is to accommodate the immediate foreseeable demand for public parks and recreation and open space in designated areas inside or outside urban growth boundaries to serve local and regional residents' needs as identified in the [Comprehensive Plan](#). The size, character and intensity of development of park, recreation and open space areas and the performance characteristics of recreation areas shall be commensurate with the capability of land and water areas to support the uses intended and shall not result in any unusual service demands on nearby urban centers. Uses of land and water not compatible with public parks, public recreation and open space uses, including recreation commercial service facilities, shall be prohibited.

405.02 Permitted Uses

In the PRO district, the following uses shall be permitted subject to the standards and limitations set forth in subsection [405.07](#), and pursuant to Section [1101](#) for site design review:

- A. Park, recreation area, or open space, publicly or privately owned, operated and maintained and including hunting and fishing preserves;
- B. Public campground or picnic site;
- C. Historical, archaeological, or geological site;
- D. Public boat-launching and fishing facilities;
- E. Public bicycle and pedestrian paths or trails systems not within County or public rights-of-way;
- F. Equestrian paths or trails systems;

- G. Public playlot, playground, or playfield, including game court, ball diamond, swimming pool and similar uses;

- H. Public RV park subject to the RV park provisions of Section [1003](#);

- I. Golf course, excluding miniature golf;

- J. Driving range, in conjunction with a golf course;

- K. Dwelling for caretaker or watchman, in conjunction with a permitted use. Site design review is not required for the dwelling; [Last amended 7/9/98, Ord. 648]

- L. Accessory uses;

- M. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

- N. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the [Type A](#) application procedure set forth in Section [1301](#);

- O. Community or municipal water supply system;

- P. Community or municipal sanitary sewer system; and

Q. Signs, pursuant to the sign provisions set forth in Section [1006](#).

405.03 Conditional Uses

In the PRO District, pursuant to the [Type B](#) application procedure set forth in Section [1301](#) and subject to the conditional use review criteria listed in Section [1202](#), and subject to Section [1101](#) for site design review and any other applicable criteria established by this Ordinance, the following use may be allowed conditionally:

A. Driving range, not in conjunction with a golf course.

405.04 Similar Uses

Any use not specifically listed as a permitted or conditional use in this District that is similar in character, scale and performance to the permitted uses specified in subsection 405.02, may be allowed as a similar use, subject to the similar use provisions of Section [1206](#) and pursuant to the [Type A](#) application procedure set forth in Section [1301](#).

405.05 Prohibited Uses

Uses of land and water not specifically mentioned in this Section and not allowed as a similar use, are prohibited in the PRO District.

405.06 Nonconforming uses

Nonconforming uses found in the PRO District are subject to the nonconforming use provision of Section [1205](#) as well as any other applicable provisions of this Ordinance.

405.07 Standards and Limitations

In the PRO District, the following standards and limitations shall apply unless varied or waived subject to Section [903](#) for Planned Unit Development:

A. Parcel Size and Dimension

The minimum parcel size for any use shall be one (1) acre, except that fifty (50) acres shall be the minimum parcel size for a golf course.

B. Setbacks

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

1. The minimum setback for signs shall be five (5) feet.

2. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
3. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
4. 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 [405.07 \(D\)](#). [Last amended 7/9/98, Ord. 648]

C. Access

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any [Land Division Ordinance](#) legally adopted by Yamhill County.

D. Clear-Vision Areas

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

E. Height

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

F. Occupancy of Recreational Vehicles

One (1) 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 such any recreational vehicle be used as a principal dwelling or rented unless and until the necessary permits have been obtained. [Last amended 7/9/98, Ord. 648]

G. Off-street Parking

Off-street parking and loading requirements for any use provided for in the PRO District shall be as provided in Section [1007](#).

SECTION 500 – RURAL RESIDENTIAL DISTRICTS

501. AGRICULTURE/FORESTRY SMALL HOLDING DISTRICT (AF-10)

[Last amended 06/29/2023; Ord. 928]

501.01 Purpose.

The purpose of the AF-10 District is to provide for low density rural residential development on selected lands identified as Agricultural/Forestry Small Holding in the Comprehensive Plan; and, at the same time, to encourage small-scale or more intensive farm and forestry activities. Within this District, no limitations shall be placed on farm and forestry uses of the scale, type and performance characteristics commonly found in the F-80, EF-20, -40 or -80 and AF-20, -40 or -80 Districts. In areas immediately adjacent to urban centers, the AF-10 District is intended to be a transitional zone between F-80, EF-20, -40 or -80 and AF-20, -40 or -80 Districts and higher-density VLDR and LDR Districts or urban districts identified in city comprehensive plans.

[Amended 12/05/02; Ord. 720]

501.02 Permitted Uses.

In the AF-10 District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 501.06:

- A. Farm uses; [Amended 7/9/98; Ord. 648]
- B. Propagation and harvesting of forest products;
- C. The boarding of horses for profit, subject to Section 1101 for site design review;
- D. Principal dwelling;
- E. Park or open space which is publicly or privately owned, operated or maintained, including fishing and wildlife preserves but excluding hunting preserves;
- F. Subdivisions, subject to the land division requirements set forth in Ordinance 205;
- G. Residential Planned Unit Developments, subject to Section 903 of this Ordinance and the land division requirements set forth in Ordinance 205;
- H. Accessory uses;
- I. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the Type A application procedure set forth in Section 1301;
- J. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- K. Manufactured home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;
- L. Signs, pursuant to the sign provisions set forth in Section 1006;

- M. Residential home; and [Added 3/19/98; Ord. 643]
- N. Accessory dwelling unit subject to the Type A application procedure set forth in Section 1301 and the standards in Section 1014. [Amended 06/29/23; Ord. 928]

501.03 Conditional Uses.

In the AF-10 District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Secondary dwelling, for persons engaged full-time in farm activities on the premises for at least six (6) months in each year, in conjunction with a principal dwelling on the same parcel, and provided that:
 - 1. The applicant demonstrates that the nature of the farm activities on the premises makes it necessary for the occupants of the secondary dwelling to reside there.
 - 2. The occupants of the secondary dwelling will perform work related to the management of the farm that the occupants of other dwellings on the property cannot perform.
 - 3. If the occupants of a secondary dwelling approved hereunder have no proprietary interest in the land, the dwelling shall be a manufactured home. In such a case, if at any time the requirements of this Section can no longer be satisfied, the manufactured home shall be removed.
- B. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative, as defined in ORS 215, of the 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 temporary 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. When a recreational vehicle is allowed to be used as a temporary structure the recreational vehicle site shall have services, inspected and approved by the building department which includes electricity, plumbing and connection to an approved septic system.
6. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. In the case of a recreational vehicle, within three months of the end of the hardship, it shall be removed, demolished or may remain on the property and used in accordance with Section 501.06(H). A temporary residence approved under this paragraph is not eligible for replacement. [Amended 07/29/04; Ord. 743]

- C. Home occupation, as defined by this ordinance, subject to the standards and limitations set forth in Section 1004;
- D. Mineral resource extraction, subject to the applicable criteria in Section 404;
- E. Extraction and development of oil, natural gas or geothermal resources, subject to the criteria specified in subsection 404.10;
- F. Personal use airports or helicopter pads, including associated hangars, maintenance and service facilities. For the purpose of this section, a personal use airport is defined as an airstrip restricted, except for aircraft emergencies, to use by the owner or by his invited guests, on an infrequent and occasional basis, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based or stored at a personal use airport except those owned or controlled by the owner of the airstrip;
- G. Kindergarten, day nursery or day care facility in conjunction with a principal dwelling on the same parcel, subject to the standards for day care facilities set forth in Section 1008;
- H. Veterinary hospital;
- I. Kennel;
- J. Community or municipal water-supply system, except within acknowledged service boundaries;
- K. Community or municipal sewer system;
- L. Utility facility, subject to Section 1101 for Site Design Review;
- M. Public or private school, including all buildings essential to the operation of the school; and
- N. Church
- O. A church may offer overnight camping space on institution property to homeless persons living in vehicles provided there are three or fewer vehicles and campers have access to sanitary facilities including but not limited to toilet, hand washing and trash disposal facilities. [Amended 12/05/02; Ord. 720]

- P. Winery, including production and wholesale and retail sale of wine, subject to Section 1101 site design review and the following:
1. A winery shall be permitted to conduct on-site marketing activities events such as festivals and group tastings that are directly related to promotion and sale of the wine produced on-site with an anticipated maximum of 750 daily visitors. Only three such events may be conducted in one calendar year, and the events shall not exceed a duration of three days. The frequency and duration of these events may be further limited through site design review approval based on the adequacy of public facilities.
 2. The winery shall allow only the sale of:
 - (a) Wines produced in conjunction with the winery;
 - (b) Items directly related to wine, the sales of which are incidental to the retail sale of wine on-site and do not exceed 25 percent of the total sales gross receipts of the retail facility. Such items include those served by a limited service restaurant, as defined in ORS 624.010, and local agricultural products commonly sold in conjunction with wine; and
 - (c) Wines not produced in conjunction with the winery, the sales of which are incidental to the sale of wine produced on-site; [Amended 12/05/02; Ord. 720]
- Q. Community Centers. [Added 09/02/04; Ord. 746]
- R. Residential facility as defined in ORS 197.660. [Added 09/02/04; Ord. 746]

501.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this section are prohibited in the AF-10 District.

501.05 Nonconforming Uses.

Nonconforming uses found in the AF-10 District are subject to the nonconforming use provisions of Section 1205 as well as to any other applicable provisions of this ordinance.

501.06 Standards and Limitations.

In the AF-10 District, the following standards and limitations shall apply:

- A. Dwelling Density.
1. Permitted Uses.
 - (a) The overall dwelling density shall not exceed one (1) principal dwelling per ten (10) acres; and
 - (b) Not more than one (1) principal dwelling shall be permitted on any parcel except in the case of a planned unit development.

B. Parcel Size and Dimension.

1. Newly-Created Parcels.

Except as provided in Subsection 4 below, the minimum size of any newly-created parcel shall be ten (10) acres, except in the case of parcel size averaging the minimum parcel size shall be five (5) acres.

2. Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section.

3. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 4:1.

4. Division of Pre-existing Dwellings. A division of a lot or parcel may be allowed if:

- (a) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
- (b) Each dwelling complies with the criteria for a replacement dwelling under 403.02(N);
- (c) Except for one lot or parcel, each lot or parcel created under this paragraph is between two and five acres in size; and
- (d) At least one dwelling is located on each lot or parcel created under this paragraph. [501.06(B)(4) added 09/02/04, Ord 746]

C. Setbacks.

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

- 1. No dwelling shall be located within one hundred (100) feet of the property line of an existing extraction or mining operation nor less than two hundred (200) feet from an existing extraction operation;
- 2. The minimum setback for a kennel and a veterinary hospital shall be fifty (50) feet;
- 3. The minimum setback for signs shall be five (5) feet; and
- 4. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
- 5. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
- 6. 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 501.06(F). [Amended 7/9/98; Ord. 648]

D. Parcel Coverage.

Not applicable, except that for any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

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

G. Height.

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

H. Occupancy of Recreational Vehicles

One (1) 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 unless the necessary permits have been obtained.

[Amended 7/9/98; Ord. 648]

I. Off-street Parking.

1. In the AF-10 District, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround; and
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the AF-10 District shall be determined by the Director subject to the provisions of Section 1007.

SECTION 500 – RURAL RESIDENTIAL DISTRICTS

502. VERY LOW DENSITY RESIDENTIAL DISTRICTS (VLDR-5, VLDR-2 ½, VLDR-1)

[Last Amended 06/29/23; Ord. 928]

502.01 Purpose.

The purpose of the VLDR Districts is to provide for medium-to-high density rural residential development on selected lands identified as Very Low Density Residential in the Comprehensive Plan. The VLDR Districts are intended to accommodate rural residential development at an anticipated magnitude or density level that does not require more than a very basic level of services, such as single local-road access, individual domestic wells and sewage-disposal systems, and rural fire protection. Ultimate density limitations in VLDR Districts shall be determined in part by prevailing lot sizes, and limitations of domestic water sources or soil conditions for subsurface sewage disposal. Opportunities for small-scale or intensive farm and forestry activities compatible with rural residential uses shall be encouraged in the VLDR Districts. In areas immediately adjacent to urban centers, the VLDR Districts are intended as transitional zones between F-80, EF-20, -40 or -80, AF-20, -40 or -80 and AF-10 Districts and higher-density LDR Districts or urban districts identified in city comprehensive plans.

[Amended 12/05/02; Ord. 720]

502.02 Permitted Uses.

In the VLDR Districts, the following uses shall be permitted subject to the standards and limitations set forth in subsection 502.06:

- A. Farm uses. The number of livestock and other animals that may be raised on a parcel is subject to the limitations in subsection 502.06(J); [Amended 3/19/98, Ord. 643; 7/9/98, Ord 648]
- B. Propagation and harvesting of Christmas trees;
- C. Principal Dwelling;
- D. Subdivisions, subject to the land division requirements set forth in Ordinance 205;
- E. Residential planned unit developments, subject to Section 903 of this ordinance and the land division requirements set forth in Ordinance 205;
- F. Accessory uses;
- G. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- H. Manufactured home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;
- I. Signs, pursuant to the sign provisions set forth in Section 1006;
- J. Residential home or a registered or certified family child care home; [Amended 5/24/12; Ord. 872]

- K. Propagation and harvesting of forest products; and [Added 12/05/02; Ord. 720]
- L. Accessory dwelling unit subject to the Type A application procedure set forth in Section 1301 and the standards in Section 1014. [Amended 06/29/23; Ord. 928]

502.03 Conditional Uses.

In the VLDR Districts, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative, as defined in ORS 215, of the 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 temporary 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. When a recreational vehicle is allowed to be used as a temporary structure the recreational vehicle site shall have services, inspected and approved by the building department which includes electricity, plumbing and connection to an approved septic system.
 - 6. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. In the case of a recreational vehicle, within three months of the end of the hardship, it shall be removed, demolished or may remain on the property and used in accordance with Section 501.06(H). A temporary residence approved under this paragraph is not eligible for replacement. [Amended 07/29/04; Ord. 743]
- B. Home occupation, as defined by this ordinance, subject to the standards and limitations set forth in Section 1004.
- C. Operations conducted for the exploration of oil, natural gas or geothermal resources subject to the requirements in subsection 404.10;

- D. Kindergarten in conjunction with a principal dwelling on the same parcel, subject to the standards for day care facilities set forth in Section 1008; [Amended 5/24/12; Ord. 872]
- E. Community or municipal water-supply system, except within acknowledged service boundaries;
- F. Community or municipal sanitary-sewer system;
- G. Utility facility, subject to Section 1101 for site design review;
- H. Public or private school, including all buildings essential to the operation of a school, subject to Section 1101, Site Design Review; and [Amended 8/13/98, Ord. 657]
- I. Church, subject to Section 1101, Site Design Review. [Amended 8/13/98, Ord. 657]
- J. A church may offer overnight camping space on institution property to homeless persons living in vehicles provided there are three or fewer vehicles and campers have access to sanitary facilities including but not limited to toilet, hand washing and trash disposal facilities. [Added 12/05/02; Ord. 720]
- K. Park, playground, recreational area or open space which is publicly or privately owned, operated or maintained, including fishing and wildlife preserves but excluding hunting preserves. [Added 05/25/04; Ord. 741]
- L. Community Centers. [Added 09/02/04; Ord. 746]
- M. Residential facility as defined in ORS 197.660. [Added 09/02/04; Ord. 746]

502.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this section shall be prohibited in the VLDR Districts.

502.05 Nonconforming Uses.

Nonconforming uses found in the VLDR Districts are subject to the nonconforming use provisions of Section 1205 as well as any other applicable provisions of this ordinance.

502.06 Standards and Limitations.

In the VLDR Districts, the following standards and limitations shall apply:

- A. Dwelling Density.
 - 1. Permitted Uses.
 - (a) The maximum overall dwelling density for any new development shall not exceed:
 - i. one (1) dwelling per five (5) acres in the VLDR-5 District;
 - ii. one (1) dwelling per two and one-half (2 1/2) acres in the VLDR-2 1/2 District; and

- iii. one (1) dwelling per acre in the VLDR-1 District.
- (b) Not more than one (1) principal dwelling shall be permitted on any parcel, except in the case of a planned unit development and except as follows:
 - i. one (1) duplex may be allowed on any ten (10) acre parcel in the VLDR-5 District.
 - ii. one (1) duplex may be allowed on any five (5) acre parcel in the VLDR-2 ½ District; and
 - iii. one (1) duplex may be allowed on any two (2) acre parcel in the VLDR-1 District.
- (c) For the division of any contiguous lands under the same ownership, parcel sizes may be averaged provided that the maximum overall density of the applicable VLDR District is not exceeded, and provided that no parcel shall be below the applicable minimum parcel size established by subsection 502.06(B). In the case of parcel-size averaging, the landowner shall record an affidavit with the county clerk specifying the imposed conditions which are applicable to the newly-created parcels, including overall residential density, etc.

2. Conditional Uses.

Not more than one (1) secondary dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

1. VLDR-5 District.

- (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be five (5) acres, except as follows:
 - i. In the case of parcel-size averaging, the minimum parcel size shall be two and one-half (2 ½) acres;
 - ii. In the case of a duplex, the minimum parcel size shall be (10) acres; and
 - iii. In the case of a duplex or multi-family planned unit development, the minimum parcel size shall be twenty (20) acres.
- (b) Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

2. VLDR-2 ½.

- (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be two and one-half (2 ½) acres, except as follows:
 - i. in the case of parcel-size averaging, the minimum parcel size shall be one (1) acre; and
 - ii. in the case of a duplex, the minimum parcel shall be five (5) acres; and
 - iii. in the case of a residential planned unit development, the minimum parcel size shall be ten (10) acres.
- (b) Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

3. VLDR-1.

- (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be one (1) acre, except as follows:
 - i. in the case of parcel-size averaging, the minimum parcel size shall be 20,000 square feet; and
 - ii. in the case of a duplex, the minimum parcel size shall be two (2) acres; and
 - iii. in the case of a residential planned unit development, the minimum parcel size shall be five (5) acres.
- (b) Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

The following setback requirements apply to all VLDR Districts unless varied or waived by a planned unit development, subject to Section 903:

- 1. Front Yard. The minimum front yard setback shall be thirty (30) feet except as follows:

- (a) No dwelling shall be located within one hundred (100) feet of the property line of an existing extraction or mining operation nor less than two hundred (200) feet from an existing extraction operation.
 - (b) The minimum setback for all yards for signs shall be five (5) feet; and
 - (c) No structure housing livestock shall be located within fifty (50) feet of any front parcel line, twenty-five (25) feet of any other parcel line, and forty (40) feet of any dwelling.
2. Side and Rear Yard. The minimum side and rear yard setbacks shall be fifteen (15) feet, except as provided in this subsection.
 3. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
 4. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
 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 502.06(F).

[Subsection C amended 7/9/98, Ord. 648]

D. Parcel Coverage.

For any parcel of one (1) acre or more, but less than ten (10) acres, the maximum parcel coverage shall be ten (10) percent. For any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

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

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
[Amended 4/9/97; Ord. 624]
2. The maximum building height for all other structures shall be forty-five (45) feet, except for accessory structures on any parcel of less than ten (10) acres the maximum building height shall be thirty-five (35) feet; and
[Amended 4/9/97; Ord. 624]
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Occupancy of Recreational Vehicles.

One (1) 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 unless and until the necessary permits have been obtained.

[Amended 7/9/98, Ord. 648]

I. Off-Street Parking.

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

J. Livestock.

The keeping of livestock shall be allowed subject to the following restrictions:

1. On any parcel of one-half ($\frac{1}{2}$) acre or less, the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25) and no other livestock of any kind shall be permitted;
2. On any parcel of less than ten (10) acres, the total number of animal units shall not exceed one (1) for each one (1) acre of parcel area. Animal units shall be counted as follows: horse 1.0, cow over 18 months old 1.0, calf 0.6, cow and calf pair 1.35, sheep 0.2, pig 0.5 and goat 0.2.
[Amended 12/05/02; Ord. 720]
3. On any parcel of less than ten (10) acres, the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25), plus one (1) for each five hundred (500) square feet of parcel area in excess of one-half ($\frac{1}{2}$) acre and the total number of bee colonies shall not exceed one (1) per two thousand (2,000) square feet of parcel area;
4. All livestock shall be properly fenced and contained so as to minimize adverse impacts to surrounding property owners; and
5. All animal food shall be stored in metal or other rodent-proof receptacles.

SECTION 500 – RURAL RESIDENTIAL DISTRICTS

503. LOW DENSITY RESIDENTIAL DISTRICTS (LDR-12,000, LDR-9,000, LDR-6,750)

[Last Amended 06/28/18; Ord. 906]

503.01 Purpose.

The purpose of the LDR Districts is to provide for high-density rural residential development on selected lands identified as Low Density Residential in the Comprehensive Plan. The LDR Districts are intended to accommodate rural residential development in locations generally adjacent to urban centers and are characterized by patterns of subdivision or partitioning creating a scale of service and access requirements that are complementary or similar to city residential zones. Depending upon location, LDR Districts may be converted in a timely and orderly manner through annexation to city residential lands. The LDR Districts shall apply only to those lands zoned LDR at the time of adoption of this ordinance.

503.02 Permitted Uses.

In the LDR Districts, the following uses shall be permitted subject to the standards and limitations set forth in subsection 503.06:

- A. Principal Dwelling;
- B. Subdivisions, subject to the land division requirements set forth in Ordinance 205;
- C. Residential planned unit developments, subject to Section 903 of this ordinance and the land division requirements set forth in Ordinance 205;
- D. Accessory uses;
- E. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- F. Manufactured home storage and temporary sales offices for permitted uses, pursuant to the Type A application procedure set forth in Section 1301 and subject to Section 1009 for temporary permits;
- G. Signs, pursuant to the sign provisions set forth in Section 1006;
- H. Residential home; and [Added 3/19/98; Ord. 643]
- I. Accessory dwelling unit subject to the Type A application procedure set forth in Section 1301 and the standards in Section 1014. [Amended 06/29/23; Ord. 928]

503.03 Conditional Uses.

In the LDR Districts, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Home occupation, as defined by this ordinance, subject to the standards and limitations set forth in Section 1004;
- B. Kindergarten, pre-school nursery, or day care facility in conjunction with a principal dwelling on the same parcel, subject to the standards for day care facilities set forth in Section 1008;
- C. Utility facilities, subject to Section 1101 for site design review;
- D. Duplex or multi-family dwelling, subject to the planned unit development requirements in Section 903; and
- E. Residential facility, subject to the planned unit development requirements in Section 903.

[Added 8/13/98, Ord. 657]

503.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this section are prohibited in the LDR Districts.

503.05 Nonconforming Uses.

Nonconforming uses found in the LDR Districts are subject to the provisions of Section 1205 as well as any other applicable provisions of this ordinance.

503.06 Standards and Limitations.

In the LDR Districts, the following standards and limitations shall apply:

- A. Dwelling Density.
 - 1. The maximum overall dwelling density for any new development shall not exceed:
 - (a) One (1) dwelling per twelve thousand (12,000) square feet in the LDR-12,000 District;
 - (b) One (1) dwelling per nine thousand (9,000) square feet in the LDR-9,000 District; and
 - (c) One (1) dwelling per six thousand seven hundred fifty (6,750) square feet in the LDR-6,750 District.
 - 2. Not more than one (1) principal dwelling shall be permitted on any parcel, except in the case of a planned unit development, and except as follows:
 - (a) For the division of any contiguous lands under the same ownership, parcel sizes may be averaged provided that the maximum overall density of the applicable LDR District is not exceeded and provided that no parcel shall be below the applicable minimum parcel size established by subsection 503.06(B). In the case of parcel-size averaging, appropriate conditions shall be imposed to prevent redivision of oversized parcels which would exceed the maximum overall residential density requirements of the applicable LDR District.

B. Parcel Size and Dimension.

1. LDR-12,000 District.

- (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be twelve thousand (12,000) square feet, except as follows:
 - i. in the case of parcel-size averaging, the minimum parcel size shall be nine thousand (9,000) square feet; and
 - ii. in the case of a duplex or multi-family planned unit development, the minimum parcel size shall be two (2) acres.
- (b) Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

2. LDR-9,000 District.

- (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be nine thousand (9,000) square feet, except as follows:
 - i. in the case of parcel-size averaging, the minimum parcel size shall be six thousand seven hundred fifty (6,750) square feet; and
 - ii. in the case of a duplex or multi-family planned unit development, the minimum parcel size shall be two (2) acres.
- (b) Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

3. LDR-6,750 District.

- (a) Newly-Created Parcels. The minimum size of any newly-created parcel shall be six thousand seven hundred fifty (6,750) square feet, except as follows:
 - i. in the case of parcel-size averaging, the minimum parcel size shall be six thousand (6,000) square feet; and

- ii. in the case of duplex or multi-family planned unit development, the minimum parcel size shall be one (1) acre.
- (b) Pre-existing Lots of Record. Any permitted or conditional use provided for in this District may be established on a substandard pre-existing lot of record, subject to the applicable requirements of this section. In addition, prior to issuance of a building permit for a principal dwelling, the provisions of Section 1204 shall be satisfied.
- (c) Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

The following setback requirements apply to all LDR Districts unless varied or waived under a Planned Unit Development, subject to Section 903:

- 1. Front Yard. The minimum front yard setback shall be thirty (30) feet except as follows:
 - (a) No dwelling shall be located within one hundred (100) feet of the property line of an existing extraction or mining operation nor less than two hundred (200) feet from an existing extraction operation; and
 - (b) The minimum setback for all yards for signs shall be five (5) feet.
- 2. Side and Rear Yard. The minimum side and rear yard setbacks shall be ten (10) feet except as provided in this subsection.
- 3. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
- 4. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
- 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 503.06(F).

[Subsection C amended 7/9/98, Ord. 648]

D. Parcel Coverage.

For any parcel of one (1) acre or more, but less than ten (10) acres, the maximum parcel coverage shall be ten (10) percent. For any parcel of less than one (1) acre, the maximum parcel coverage shall be fifteen (15) percent.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width

for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

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

G. Height.

1. The maximum building height for any dwelling shall be twenty-five (25) feet;
2. The maximum building height for all other structures shall be forty-five (45) feet, except for accessory structures on any lot of less than ten (10) acres the maximum building height shall be twenty-five (25) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Occupancy of Recreational Vehicles

One (1) 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 unless and until the necessary permits have been obtained.

[Amended 7/9/98; Ord. 648]

I. Off-Street Parking.

1. In the LDR Districts, sufficient area must be provided to allow for at least one (1) emergency vehicle turnaround; and
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the LDR Districts shall be determined by the Director subject to the provisions of Section 1007.

SECTION 600 – COMMERCIAL DISTRICTS

601. RECREATION COMMERCIAL DISTRICT (RC)

[Last Amended 8/10/23; Ord. 929]

601.01 Purpose.

The purpose of the RC District is to provide specialized commercial services in conjunction with a recreational use. This district is intended to meet present foreseeable demand for recreational commercial services both inside and outside urban growth boundaries where special location and space requirements are necessary for the recreational use. The size and intensity of development or facilities and uses within this district shall be commensurate with the capability of land and water areas to support the uses intended, and shall not result in any unusual service demands on nearby urban centers.

601.02 Permitted Uses.

In the RC District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 601.07, and pursuant to Section 1101 for site design review.

- A. Resort;
- B. Entertainment facility, food store (maximum floor area of two thousand (2,000) square feet), gift, souvenir or antique shop, motel, restaurant or other similar uses in conjunction with a resort;
- C. Indoor commercial recreation facility;
- D. Golf course, golf course and driving range or driving range, not in conjunction with a golf course; [Golf Course Added 12/05/02; Ord. 720]
- E. Miniature golf;
- F. RV park, subject to the RV park provisions of Section 1003;
- G. Dwelling in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]
- H. Accessory uses;
- I. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- J. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10;
- K. Community or municipal water supply system;
- L. Community or municipal sewer system; and
- M. Signs, pursuant to the sign provisions set forth in Section 1006.

- N. Country inn. [Added 5/24/12; Ord. 872]
- O. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit. [Added 06/28/18; Ord. 906]

601.03 Conditional Uses.

In the RC District, pursuant to the Type B application procedure as set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Drive-in theater;
- B. Open-land commercial or private recreation use, such as zoo, racing circuit, motorcycle hill climb, skydiving facility and similar uses;
- C. Home occupation, subject to the standards and limitations set forth in Section 1004;
- D. Utility facility, subject to Section 1101 for site design review; and
- E. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law. [Added 8/10/23; Ord. 929]

601.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 601.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

601.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the RC District.

601.06 Nonconforming Uses.

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

601.07 Standards and Limitations.

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

- A. Dwelling Density.
 - 1. Not more than one (1) dwelling shall be permitted on any parcel.
- B. Parcel Size and Dimension.
 - 1. Minimum Parcel Size. The minimum parcel size for any use, including a PUD, shall be two (2) acres.

2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

1. Front Yard. The minimum front yard setback shall be thirty (30) feet, except as follows:
 - (a) The minimum setback for all yards for an RV park shall be twenty (20) feet when abutting a road and otherwise shall be ten (10) feet for all yards; and
 - (b) The minimum setback for all yards for signs shall be five (5) feet.
2. Side and Rear Yard. The minimum side and rear yard setbacks shall be thirty (30) feet, except as provided in this subsection.
3. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
4. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
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 601.07(E).

[Amended 7/9/98, Ord. 648]

D. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

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 thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

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

3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.
- G. Off-street Parking.
- Off-street parking and loading requirements for any use in the RC District shall be as provided in Section 1007.

SECTION 600 -- COMMERCIAL DISTRICTS

602. NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

[Last amended 06/28/18; Ord. 906]

602.01 Purpose.

The purpose of the NC District is to provide limited convenience commercial services for a specific residential market area outside urban growth boundaries. This district is intended to maintain the service function of rural hamlets in the county; or to locate a present foreseeable demand for small-scale, local convenience centers in an area where access, traffic-turning movement and off-street parking can be provided in a convenient and economic manner. The size of such centers shall reflect real market demand in the residential areas to be served and the spacing of such centers shall be commensurate with the spacing of existing centers and arterial or collector intersections. In areas adjacent to Highways 99W and 18, the layout and design of such centers shall ensure that the view from the highway and rural atmosphere of the county are not impaired and that the scale and service requirements of the facilities do not have an adverse impact on, unduly compete with, or place any unusual service demands on nearby urban centers.

602.02 Permitted Uses.

In the NC District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 602.07 and pursuant to Section 1101 for site design review:

- A. Automobile service station;
- B. Automobile repair garage;
- C. Drive-in restaurant, restaurant, or refreshment stand;
- D. Food store, maximum floor area of two thousand (2,000) square feet;
- E. Dwelling in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]
- F. Accessory uses;
- G. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector.
- H. Community or municipal water supply system;
- I. Community or municipal sewer system; and
- J. Signs, pursuant to the sign provisions set forth in Section 1006.
- K. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit. [Added 06/28/18; Ord. 906]

The following uses have been approved as similar uses in the NC district:

- axle and hitch assembly shop
- beauty salon
- tavern
- farm equipment sales
- furniture sales
- lumber sales

602.03. Conditional Uses.

In the NC District, pursuant to the Type B application procedure as set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Home occupation, subject to the standards and limitations set forth in Section 1004;
- B. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10;
- C. Utility facility, subject to Section 1101 for site design review.

602.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 602.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

602.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the NC District.

602.06 Nonconforming Uses.

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

602.07 Standards and Limitations.

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

- A. Dwelling Density.
Not more than one (1) dwelling shall be permitted on any parcel.
- B. Parcel Size and Dimension.

1. **Minimum Parcel Size.** The minimum parcel size for any use shall be 20,000 square feet, except the minimum parcel size for a planned unit development shall be two (2) acres.
2. **Depth-to-Width Ratio.** The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. **Setbacks.**

1. **Front Yard.** The minimum front yard setback shall be thirty (30) feet, except that the minimum setback for all yards for signs shall be five (5) feet.
2. **Side and Rear Yard.** The minimum side and rear yard setbacks shall be ten (10) feet, except as follows:
 - (a) An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
 - (b) A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
3. **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 602.07(F).

[Amended 7/9/98, Ord. 648]

D. **Parcel Coverage.**

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

E. **Access.**

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. **Clear-Vision Areas.**

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

G. Height.

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

H. Off-street Parking.

Off-street parking and loading requirements for any use in the NC District shall be as provided in Section 1007.

SECTION 600 – COMMERCIAL DISTRICTS

603. HIGHWAY/TOURIST COMMERCIAL DISTRICT (HC)

[Last amended 06/28/18; Ord. 906]

603.01 Purpose.

The purpose of the HC District is to provide limited small-scale highway and tourist commercial services for the traveling public in specially designated highway-service centers where access, traffic-turning movements and off-street parking can be provided in a safe, convenient, economic and attractive manner. The establishment of an HC District shall be based on present foreseeable demand for limited services to the traveling public. In areas adjacent to Highways 99W and 18, the size, spacing, layout and design of such centers shall ensure that the view from the highway and the rural atmosphere of the county are not impaired; and that the scale and service requirements of the facilities do not have an adverse impact on, unduly compete with, or place any unusual service demands on nearby urban centers.

603.02 Permitted Uses.

In the HC District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 603.07 and pursuant to Section 1101 for site design review:

- A. Automobile service station;
- B. Drive-in restaurant, restaurant, or refreshment stand;
- C. Food store, maximum floor area of two thousand (2,000) square feet;
- D. Fruit or vegetable stand, commercial;
- E. Gift, souvenir or antique shop;
- F. Motel;
- G. Dwelling in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]
- H. Accessory uses;
- I. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- J. Community or municipal water supply system;
- K. Community or municipal sewer system; and
- L. Signs, pursuant to the sign provisions set forth in Section 1006.

- M. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit. [Added 06/28/18; Ord. 906]

The following use has been approved as a similar use in the HC district:

- RV sales

603.03 Conditional Uses.

In the HC District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Home occupation, subject to the standards and limitations set forth in Section 1004;
- B. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements of subsection 404.10;
- C. Utility facility, subject to Section 1101 for site design review.

603.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted use specified in subsection 603.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

603.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the HC District.

603.06 Nonconforming Uses.

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

603.07 Standards and Limitations.

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

- A. Dwelling Density.

No more than one (1) dwelling shall be permitted on any parcel.
- B. Parcel Size and Dimension.
 - 1. Minimum Parcel Size. The minimum parcel size shall be 20,000 square feet for any use, except the minimum parcel size for a motel shall be one (1) acre and the minimum parcel size for a planned unit development shall be two (2) acres.

2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

1. Front Yard. The minimum front yard setback shall be thirty (30) feet, except that the minimum setback for all yards for signs shall be five (5) feet.
2. Side and Rear Yard. The minimum side and rear yard setbacks shall be ten (10) feet, except as follows:
 - (a) An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
 - (b) A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
3. 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 603.07(F).

[Amended 7/9/98, Ord. 648]

D. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any land division ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

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

G. Height.

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

3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Off-street Parking.

Off-street Parking and loading requirements for any use in the HC District shall be as provided in Section 1007.

SECTION 700 - INDUSTRIAL DISTRICTS

701. RESOURCE INDUSTRIAL DISTRICT (RI)

[Last amended 06/28/18; Ord. 906]

701.01 Purpose.

The purpose of the RI District is to accommodate the present foreseeable demand for food-packaging and processing industries in areas close to the resources utilized, where high weight or bulk, low-value, perishable produce must be transported short distances in short time to processing plants. Such uses shall be compatible with existing or projected urban development, and shall not require municipal water supply, municipal sewage services, or other municipal services, and shall coordinate site and building design through application of the site design review process.

701.02 Permitted Uses.

In the RI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 701.07, and pursuant to Section 1101 for site design review:

- A. Fruit, nut or vegetable packing, processing, warehousing or cold storage operations;
- B. Winery, including production and wholesale and retail sale of wine, subject to the following:
 - 1. A winery shall be permitted to conduct on-site marketing activities events such as festivals and group tastings that are directly related to promotion and sale of the wine produced on-site with an anticipated maximum of 750 daily visitors. Only three such events may be conducted in one calendar year, and the events shall not exceed a duration of three days. The frequency and duration of these events may be further limited through site design review approval based on the adequacy of public facilities.
 - 2. A winery shall be permitted to rent or lease facilities, with or without a fee, within or adjacent to the winery for events such as parties, receptions, and banquets that are not directly related to winery promotional activities, only at the frequency customary prior to January 1, 1994.
 - 3. The winery shall allow only the sale of:
 - (a) Wines produced in conjunction with the winery;
 - (b) Items directly related to wine, the sales of which are incidental to the retail sale of wine on-site and do not exceed 25 percent of the total sales gross receipts of the retail facility. Such items include those served by a limited service restaurant, as defined in ORS 624.010, and local agricultural products commonly sold in conjunction with wine; and
 - (c) Wines not produced in conjunction with the winery, the sales of which are incidental to the sale of wine produced on-site;

[Amended 11/30/94; Ord. 582]

- C. Wholesale nursery;
- D. Dwelling for caretaker or watchman in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]
- E. Accessory uses;
- F. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- G. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10;
- H. Community or municipal sewer system; and
- I. Signs, pursuant to the sign provisions set forth in Section 1006.
- J. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit. [Added 06/28/18; Ord. 906]

701.03 Conditional Uses.

In the RI District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Home occupation, subject to the standards and limitations set forth in Section 1004;
- B. Livestock packing, processing and warehousing;
- C. Utility facility, subject to Section 1101 for site design review; [Added 3/15/85; Ord. 408]
- D. Rental or lease of facilities, with or without a fee, in conjunction with an agricultural use for events such as parties, receptions, and banquets with the primary intent of indirect promotion of the product harvested or processed on the site. [Added 11/30/94; Ord. 582]
- E. Four or more promotional events in a calendar year that are directly related to the marketing of products harvested or processed on the site that are reasonably expected to attract more than daily 750 visitors. [Added 11/30/94; Ord. 582]

701.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 701.02 may be allowed as a similar use, subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

701.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the RI District.

701.06 Nonconforming Uses.

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

701.07 Standards and Limitations.

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

A. Dwelling Density.

1. Permitted Uses.

Not more than one (1) dwelling, as allowed for a caretaker or watchman in conjunction with a permitted use, shall be allowed on any parcel.

2. Conditional Uses.

The maximum overall dwelling density for any dwelling allowed by conditional use shall be established by the decision-making body subject to Section 1101 for site design review.

B. Parcel Size and Dimension.

1. Minimum Parcel Size.

The minimum parcel size for any use shall be one (1) acre.

2. Depth-to-Width Ratio.

The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

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

1. The minimum setback shall be five (5) feet for all yards for signs.

2. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.

3. 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 701.07 (F).

[Amended 7/9/98, Ord. 648]

D. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

E. Access.

Before a dwelling may be established on any lot or parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

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

G. Height.

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

H. Off-street Parking.

Off-street parking and loading requirements for any use in the RI District shall be as provided in Section 1007.

SECTION 700 - INDUSTRIAL DISTRICTS

702. LIGHT/GENERAL INDUSTRIAL DISTRICT (LI)

[Last Amended 06/28/18; Ord. 906]

702.01 Purpose.

The purpose of the LI District is to provide for light and general industrial uses with similar service needs within urban growth boundaries and in other locations which are or will be compatible with adjacent urban development. Such areas shall maintain high performance standards for light and general industrial uses and shall coordinate site and building design through application of the site design review process.

702.02 Permitted Uses.

In the LI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 702.07 and pursuant to Section 1101 for site design review:

- A. Manufacture of machine tools, medical and dental equipment, electronic instruments, mobile homes, and food products not generating noxious odors;
- B. Farm, industrial or contractor's equipment or materials manufacture, storage, sales, repair or service, including automobile repair garage;
- C. Warehousing, wholesale storage and distribution, and motor freight terminals contained only within a building;
- D. Fruit, nut or vegetable packing, processing warehousing or cold storage operations;
- E. Winery;
- F. Veterinary hospital;
- G. Accessory uses;
- H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- I. Community or municipal water supply system;
- J. Community or municipal sewer system; and
- K. Signs, pursuant to the sign provisions set forth in section 1006;
- L. Dwelling for a caretaker or watchman in conjunction with permitted use. Site design review is not required for the dwelling.

[Amended 7/9/98, Ord 648]

- M. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit. [Added 06/28/18; Ord. 906]

The following uses have been approved as a similar use in the LI district:

- RV storage (Docket SU-01-91 in TL File 5405-1001)
- Mini-storage

702.03 Conditional Uses.

In the LI District pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection 404.10.
- B. Utility facility, subject to Section 1101 for site design review. [Added 5/15/85; Ord. 408]

702.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district, that is similar in character, scale and performance to the permitted uses specified in subsection 702.02 may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

702.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the LI District.

702.06 Nonconforming Uses.

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

702.07 Standards and Limitations.

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

- A. Parcel Size and Dimension.
 - 1. Minimum Parcel Size. The minimum parcel size for any use shall be 20,000 square feet.
 - 2. Depth-to-width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.
- B. Setbacks.

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

1. The minimum setback shall be five (5) feet for all yards for signs.
2. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
3. 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 702.07 (D).

[Amended 7/9/98, Ord 648]

C. Parcel Coverage.

The maximum parcel coverage shall be thirty (30) percent for any use.

D. Access.

Before a dwelling may be established on any lot or parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by butting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

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 planting exceeding thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

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

H. Off-street Parking.

Off-street parking and loading requirements for any use in the LI District shall be as provided in Section 1007.

SECTION 700 – INDUSTRIAL DISTRICTS

703. HEAVY INDUSTRIAL DISTRICT (HI)

[Last Amended 06/28/18; Ord. 906]

703.01 Purpose.

The purpose of the HI District is to provide for industrial uses with high-nuisance characteristics that are incompatible with adjacent urban residential uses or for industrial uses where space or performance characteristics demand a specialized locale. All required services shall be available to the site, including necessary major utility lines and sewer and water facilities. Whenever appropriate, heavy industrial uses shall be located within urban growth boundaries so that necessary urban-level services can be provided in an efficient and economic manner.

703.02 Permitted Uses.

In the HI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 703.07, and pursuant to Section 1101 for site design review:

- A. Grain elevators, feed mills and seed cleaning plants;
- B. Manufacture of forest products, including sawmills, planing mills, plywood and particle board plants and pulp and paper mills;
- C. Auto wrecking yards;
- D. Animal slaughtering, meat-packing and rendering plants;
- E. Facilities for the processing or production of oil, natural gas, geothermal resources or other hydrocarbons;
- F. Manufacture of clay products, brick, tile and cement and including mining of materials used in production;
- G. Outdoor storage of raw materials or finished products associated with any permitted use;
- H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- I. Community or municipal water supply system;
- J. Community or municipal sewer system; and
- K. Signs, pursuant to the sign provisions set forth in Section 1006.
- L. Dwelling for caretaker or watchman in conjunction with permitted use. Site design review is not required for the dwelling.

[Added 6/5/85, Ord. 409; Amended 7/9/98, Ord. 648]

- M. Utility facility. [Added 12/05/02; Ord. 720]
- N. Accessory dwelling unit within an urban growth boundary, subject to the standards in Section 1014. Site design review is not required for the accessory dwelling unit. [Added 06/28/18; Ord. 906]

The following uses have been approved as a Similar Use in the HI district:

- Asphalt batch plant (SU-01-98),
- Cell Tower (SU-01-99)

703.03 Conditional Uses.

In the HI District, no use may be allowed as a conditional use.

703.04 Similar Uses.

Any use not specifically listed as a permitted use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 703.02, may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

703.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the HI District.

703.06 Nonconforming Uses.

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

703.07 Standards and Limitations.

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

- A. Parcel Size and Dimensions.
 - 1. Minimum Parcel Size. The minimum parcel size for any use shall be two (2) acres.
 - 2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.
- B. Setbacks.

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

- 1. The minimum setback shall be five (5) feet for all yards for signs.

2. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
3. 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 703.07 (E).

[Amended 7/9/98, Ord. 648]

C. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section 1101 for site design review.

D. Access.

Before a principal use may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

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 thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner as measured along the parcel lines adjacent to the intersecting rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

1. The maximum building height for all structures shall be sixty (60) feet; and
2. 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. Off-street Parking.

Off-street parking and loading requirements for any use in the HI District shall be as provided in Section 1007.

SECTION 800 – PUBLIC FACILITIES DISTRICTS

801. PUBLIC ASSEMBLY INSTITUTIONAL DISTRICT (PAI)

[Last amended 8/10/23, Ord. 929]

801.01 Purpose.

The purpose of the PAI District is to accommodate the present foreseeable demand for public and private assembly uses and institutional facilities to serve both local and regional needs. When sited adjacent to urban development, PAI uses shall be compatible and coordinated with city comprehensive plans. The PAI District shall be subject to the site design review provisions of this ordinance regarding the review, approval and staging of all phases of development and the programming, installation and maintenance of all improvements.

801.02 Permitted Uses.

In the PAI District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 801.07 and pursuant to Section 1101 for site design review:

- A. Any use providing for the public or private assembly of persons for religious, charitable, philanthropic, cultural, recreational, or educational purposes, including churches, auditoriums, armories, youth centers, social halls, fairgrounds, group camps, schools, kindergartens, play-schools, day nurseries and day-care schools;
- B. Clinic;
- C. Club or lodge;
- D. Convalescent or nursing home;
- E. Cemetery;
- F. Dwelling for caretaker or watchman in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]
- G. Accessory uses;
- H. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- I. Community or municipal water supply system;
- J. Community or municipal sewer system;
- K. Signs, pursuant to the sign provisions set forth in Section 1006;
- L. Farm uses, subject to the limitations in subsection 801.07(J); and [Amended 7/9/98, Ord. 648]
- M. Propagation and harvesting of a forest product. [Amended 7/9/98, Ord. 648]

801.03 Conditional Uses.

In the PAI District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and subject to Section 1101 for site design review and any other applicable criteria established by this ordinance, the following uses may be allowed conditionally:

- A. Duplex or multi-family dwelling, or group living quarters, in conjunction with a permitted use;
- B. Operations conducted for the exploration of oil, natural gas or geothermal resources subject to the requirements in subsection 404.10; and
- C. Psilocybin service centers operating under the rules and regulation of the Oregon Health Authority in accordance with state law. [Added 8/10/23; Ord. 929]

801.04 Similar Uses.

Any use not specifically listed as a permitted or conditional use in this district that is similar in character, scale and performance to the permitted uses specified in subsection 801.02, may be allowed as a similar use subject to the provisions of Section 1206, and pursuant to the Type A application procedure set forth in Section 1301.

801.05 Prohibited Uses.

Uses of land and water not specifically mentioned in this section, and not allowed as a similar use, are prohibited in the PAI District

801.06 Nonconforming Uses.

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

801.07 Standards and Limitations.

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

- A. Dwelling Density.
 - 1. Permitted Uses. Not more than one (1) dwelling, as allowed for a caretaker or watchman in conjunction with a permitted use, shall be allowed on any parcel.
 - 2. Conditional Uses. The maximum overall dwelling density for any dwelling allowed by conditional use shall be established by the decision-making body subject to Section 1101 for site design review.
- B. Parcel Size and Dimension.
 - 1. Minimum Parcel Size. The minimum parcel size for any use shall be one (1) acre, plus 10,000 square feet for each dwelling.

2. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

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

1. The minimum setback shall be five (5) feet for all yards for signs.
2. No structure housing livestock shall be located within a distance of fifty (50) feet of any front parcel line, twenty-five (25) feet of any other parcel line, and forty (40) feet of any dwelling.
3. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
4. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
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 801.07 (F).

[Amended 7/9/98, Ord. 648]

D. Parcel Coverage.

The maximum parcel coverage shall be thirty (30) percent for any use.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

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

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be sixty (60) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Off-street Parking.

Off-street parking and loading requirements for any use in the PAI District shall be as provided in Section 1007.

I. Livestock.

The keeping of livestock may be allowed pursuant to subsection 801.03 and subject to the following restrictions:

1. On any parcel of one-half ($\frac{1}{2}$) acre or less the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25) and no other livestock of any kind shall be permitted.
2. On any parcel of less than ten (10) acres, the total number of horses, cows, sheep, pigs, goats and other similar large animals over the age of six (6) months shall not exceed one (1) for each one (1) acre of parcel area;
3. On any parcel of less than ten (10) acres, the total number of fowl, rabbits and other similar small animals shall not exceed twenty-five (25), plus one (1) for each five hundred (500) square feet of parcel area in excess of one-half ($\frac{1}{2}$) acre and the total number of bee colonies shall not exceed one (1) per two thousand (2,000) square feet of parcel area;
4. All livestock shall be properly fenced and contained so as to minimize adverse impacts to surrounding property owners; and
5. All animal food shall be stored in metal or other rodent-proof receptacles.

Zoning Ordinance

Section 802.00 - Public Works/Safety District (PWS)

[Last amended 07/09/98, Ord. 648]

802.01 Purpose

The purpose of the PWS District is to accommodate the present foreseeable demand for public works and safety facilities and utility facilities and uses to serve local needs and to serve regional needs, when appropriate. When sited adjacent to urban development, PWS uses shall be compatible and coordinated with city comprehensive plans. The PWS District shall be subject to the site design review provisions of this ordinance regarding the review, approval, programming, installation and maintenance of all improvements.

802.02 Permitted Uses.

In the PWS District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 802.06, and pursuant to Section [1101](#) for site design review:

- A. Utility facility, substation, transformer, gate station, pumping or lift station; telephone, telegraph, radio, microwave, or television transmitter facilities of any kind, any storage facilities in conjunction with any of the above;
- B. Municipal water supply, treatment, storage, transmission and distribution facility;
- C. Municipal sewage collection, treatment and disposal system;
- D. Sanitary landfill;
- E. Public works yards, shops, bus barns, equipment and materials storage yards, and similar uses;
- F. Fire stations;

G. Dwelling for caretaker or watchman in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]

H. Accessory uses;

I. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;

J. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection [404.10](#); and

K. Signs, pursuant to the sign provisions set forth in Section [1006](#).

802.03 Conditional Uses.

In the PWS District, pursuant to the Type B application procedure set forth in Section [1301](#), and subject to the conditional use review criteria listed in Section [1202](#), and any other applicable criteria established by this Ordinance, the following use may be allowed conditionally:

Parks or playgrounds owned and operated by a governmental agency or a nonprofit community organization, subject to Section [1101](#), Site Design Review.
[Updated 5/28/97, Ord. 630]

802.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this section shall be prohibited in the PWS District.

802.05 Nonconforming Uses.

Nonconforming uses found in the PWS District are subject to the nonconforming use provisions of Section [1205](#) as well as to any other applicable provisions of this ordinance.

802.06 Standards and Limitations.

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

A. Dwelling Density.

Not more than one (1) dwelling shall be permitted on any parcel.

B. Parcel Size and Dimension.

1. Minimum Parcel Size.

The minimum parcel size shall be 20,000 square feet, plus 20,000 square feet for any dwelling.

2. Depth-to-Width Ratio.

The maximum depth-to-width ratio for any newly-created parcel shall be 3:1.

C. Setbacks.

The minimum setback for all yards shall be twenty (20) feet for all uses, except as follows:

1. The minimum setback shall be five (5) feet for all yards for signs.

2. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision requirements of subsection 802.07(F). [Amended 7/9/98, Ord. 648]

D. Parcel Coverage.

The maximum parcel coverage shall be appropriate to the use, subject to Section [1101](#) for site design review.

E. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

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

G. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be sixty (60) feet; and
3. Appurtenances usually required to be placed above the roof level and not intended for human occupancy such as spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys and wind generators are not subject to the height limitations of this ordinance.

H. Off-street Parking.

Off-street parking and loading requirements for any use in the PWS District shall be as provided in Section [1007](#).

Zoning Ordinance

Section 803.00 - Public Airports/Landing Fields District (PALF)

[Last amended 07/09/98, Ord. 648]

803.01 Purpose

The purpose of the PALF District is to accommodate the present foreseeable demand for public airports and private landing fields to serve both local and regional business and leisure use. When sited adjacent to an urban growth boundary or an urban center, PALF uses shall be compatible and coordinated with city comprehensive plans. The PALF District shall be subject to the site design review provisions of this ordinance regarding the review, approval and staging of all phases of development and the programing, installation and maintenance of all improvements.

803.02 Permitted Uses.

In the PALF District, the following uses shall be permitted subject to the standards and limitations set forth in subsection 803.06 and pursuant to Section [1101](#) for site design review.

- A. Aircraft landing field, public or private;
- B. Farm uses; [Amended 7/9/98, Ord. 648]
- C. Dwelling for owner, caretaker or watchman in conjunction with a permitted use. Site design review is not required for the dwelling; [Amended 7/9/98, Ord. 648]
- D. Accessory uses;
- E. Temporary structures as may be required during construction of an authorized permanent structure. Such temporary structure shall be removed upon final inspection of the permanent structure by the Building Inspector;
- F. Operations conducted for the exploration of oil, natural gas or geothermal resources, subject to the requirements in subsection [404.10](#);

G. Community or municipal water supply system;

H. Community or municipal sewer system; and

Yamhill County Zoning Ordinance

I. Signs, pursuant to the sign provisions set forth in Section [1006](#).

803.03 Conditional Uses.

In the PALF District, no use may be allowed as a conditional use.

803.04 Prohibited Uses.

Uses of land and water not specifically mentioned in this Section shall be prohibited in the PALF District.

803.05 Nonconforming Uses

Nonconforming uses found in the PALF District are subject to the nonconforming uses provisions of Section [1205](#) as well as to any other applicable provisions of this ordinance.

803.06 Standards and Limitations.

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

A. Dwelling Density.

The maximum overall dwelling density shall be established by the decision-making body subject to Section 1101 for site design review, and not more than one (1) dwelling shall be permitted in conjunction with any proposed aircraft landing field.

B. Parcel Size and Dimension.

1. Minimum Parcel Size.

The minimum parcel size for an aircraft landing field shall be ten (10) acres and the parcel size for any other use shall be established by the decision-making body subject to Section 1101 for site design review.

2. Parcel Width.

The minimum parcel width for any use shall be established by the decision-making body subject to Section 1101 for site design review.

3. Depth-to-Width Ratio.

The maximum depth-to-width ratio for any newly-created parcel shall be established by the decision-making body subject to Section [1101](#) for site design review.

C. Setbacks.

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

1. The minimum setback shall be five (5) feet for all yards for signs.
2. An accessory structure not more than fifteen (15) feet in height, at least sixty (6) feet from a road, and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in side yard or rear yard.
3. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision requirements of subsection 803.06(E). [Amended 7/9/98, Ord. 648]

D. Access.

Before a dwelling may be established on any parcel as provided in this section, the parcel shall have a legal, safe and passable means of access by abutting at

least twenty (20) feet either directly upon a public road, or by a private easement which is at least thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet. Nothing in this section shall be construed to vary or waive the requirements for creation of new access contained in any land division ordinance legally adopted by Yamhill County.

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 thirty (30) inches in height within a triangle formed by the lot corner nearest the intersection, and the two points twenty (20) feet from this corner is measured along the parcel lines adjacent to the intersection rights-of way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least twelve (12) feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

1. The maximum building height for any dwelling shall be thirty-five (35) feet;
2. The maximum building height for all other structures shall be sixty (60) 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. Off-street Parking.

Off-street parking and loading requirements for any use in the PALF District shall be as provided in Section [1007](#).

SECTION 900 – OVERLAY DISTRICTS

901. FLOODPLAIN OVERLAY DISTRICT (FP)

[Last Amended 10/17/2013; Ord.884]

901.01 Purpose.

The purpose of the FP Overlay District is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood damage by establishing methods and provisions designed to recognize such hazards.

901.02 Area of Application

- A. The provisions of this section shall apply to all areas of special flood hazards in the county identified as the FP Overlay District , and includes those areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas” dated March 2, 2010, with accompanying Flood Insurance Rate Map (FIRM), which study and map are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and FIRM are on file at the Yamhill County Department of Planning and Development, McMinnville, Oregon. [Amended 2/24/2010; Ord.851]
- B. The FP Overlay District shall be combined with at least one (1) underlying zoning district, and may be combined with any zoning district pursuant to this ordinance. All property within the FP Overlay District shall be subject both to the provisions of this section and to the provisions of the underlying zoning district. Nothing in this section shall be construed as a waiver or suspension of the provisions of any underlying zoning district.

901.03 Use of Other Base Flood Data.

In areas of the FP Overlay District for which flood elevation data are not provided by the FIRM in accordance with subsection 901.02, the applicant shall supply to the county other base flood elevation and floodway data or any other evidence available from governmental or private sources that is identified by the county as data appropriate to demonstrate compliance with subsection 901.10 and the flood protection standards of this section.

901.04 Floodplain Overlay District Use Provisions.

All uses of land and water provided for in the underlying zoning district may be permitted in the FP Overlay District, with the provisions that those uses shall require a floodplain development permit, and shall be subject to the provisions set forth in subsection 901.05 through 901.14. The following uses shall not require a floodplain development permit unless the uses involve fill or are otherwise determined to constitute construction or development:

- A. Residential uses such as lawns, gardens, parking areas and play areas.

- B. Agricultural uses such as farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry sod farming and wild crop harvesting. [Amended 2/24/2010; Ord.851]

901.05 Floodplain Development Permit Application.

Except as provided in subsection 901.04, a floodplain development permit shall be obtained before the start of any construction or development, including manufactured homes, within the FP Overlay District. In the event a variance is necessary for construction within the floodplain, such application shall be processed in conjunction with the floodplain permit application, and shall be subject to the provisions of subsection 901.18.

A floodplain development permit may be authorized pursuant to the Type B application procedure set forth in Section 1301 and subject to compliance with the review criteria listed in subsections 901.06 through 901.10. In addition to the notification requirements of Section 1402, written notice of the request and action taken will be sent to the Oregon Department of Fish and Wildlife and the Department of Land Conservation and Development. The following information shall be required to be provided by the applicant:

- A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
- B. Elevation, expressed in feet above mean sea level, to which any structure has been floodproofed.
- C. Certification by a registered professional engineer or architect that the proposed floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 901.08.
- D. Specific data regarding the extent to which any watercourse will be altered or relocated as a result of the proposed development. [Amended 2/24/2010; Ord.851]

901.06 Floodplain Development Permit Criteria.

Prior to issuance of a floodplain development permit, the applicant must demonstrate that:

- A. The proposed development conforms with the permit requirements and conditions of this section and the use provisions, standards and limitations of the underlying zoning district and other overlay district. [Amended 2/24/2010; Ord.851]
- B. The proposed development, if located within the floodway, satisfies the provisions of subsection 901.09.
- C. The proposed development will not increase the water surface elevation of the base flood more than one (1) foot at any point.
- D. All applicable permits have been obtained from federal, state or local governmental agencies, and all applicable National Flood Insurance Program requirements have been satisfied.
- E. The proposed development is consistent with policies j. and k. of the Comprehensive Plan, as amended by ordinance 471.

For convenience, Policies j. and k. of the Comprehensive Plan, as amended by Ordinance 471 are reprinted here.

j. It is the policy of Yamhill County to protect riparian vegetation from damage that may result from land use applications for development that is otherwise permitted outright or conditionally under county zoning regulations. To achieve this goal, Yamhill County will review land use applications for development in riparian areas in an effort to mitigate or prevent damage to riparian vegetation that might result from the development. For purposes of this policy, "riparian areas" refers to areas within 100 feet measured horizontally from the ordinary high water line of streams identified as "Fish Habitat" in the comprehensive plan inventory (Natural Resource Conservation Plan, Yamhill County, Oregon, May 1979 -U.S.D.A. - Soil Conservation Services), that are not regulated under the Forest Practices Act. (Ord 471)

k. It is county policy that land use management practices and nonstructural solutions to problems of erosion and flooding are preferred to structural solutions. Water erosion control structures, including riprap and fill, should be reviewed by the appropriate state permitting authority to insure that they are necessary, are designed to incorporate vegetation where possible, and designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

901.07 Floodplain Overlay District General Standards.

In all areas within the FP Overlay District the following standards shall apply:

- A. Manufactured Homes.
 - 1. Manufactured homes shall be anchored in accordance with subsection 901.07 B.
 - 2. No manufactured home park or mobile home subdivision shall be developed in the FP Overlay District.
- B. Anchoring.
 - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure. Except in the case of a manufactured home, elevation of a structure on fill above the base flood level shall be considered to satisfy the anchoring requirement.
 - 2. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors, subject to the following specifications:
 - (a) Over-the-top ties shall be provided at each corner of the manufactured home, with two (2) additional ties per side at intermediate points, or with one (1) additional tie per side for manufactured homes less than fifty (50) feet in length.

- (b) Frame ties shall be provide at each corner of the manufactured home, with five (5) additional ties per side at intermediate points, or with four (4) additional ties per side for manufactured home less than fifty (50) feet in length.
- (c) All components of the anchoring system shall be capable of withstanding a force of 4,800 pounds per square inch.
- (d) Any structure appurtenant to the manufactured home shall be similarly anchored.

C. Construction Materials Methods and Certification.

- 1. All new construction and substantial improvements to existing structures shall be constructed with materials and utility equipment resistant to flood damage.
- 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- 3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 4. All new construction and substantial improvements with fully enclosed areas below the floor and subject to flooding shall be designed to automatically equalize the hydrostatic forces to exterior walls by allowing entry and exit of floodwaters. A minimum of two openings having a total net area of not less than one square inch for every square foot of floor area subject to the flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade, and may be equipped with screens, louvers, or other devices that automatically permit entry and exit of floodwaters.
- 5. All floodproofed nonresidential construction shall include certification by a registered professional engineer or architect that the standards of this subsection subsection 901.08 (A) are satisfied based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the Yamhill County Planning Director.

[Amended 2/24/2010; Ord.851; 10/17/13; Ord 884]

D. Utilities and Services.

- 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- 2. New and replacement sanitary sewage systems shall be designed and located to minimize or eliminate flood water infiltration and contamination resulting from discharge of effluent consistent with the requirements of the Oregon Department of Environmental Quality (DEQ).

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the DEQ.

[Amended 2/24/2010; Ord.851]

E. Subdivision Proposals.

No new subdivisions shall be allowed in floodway areas. New subdivisions in flood fringe areas shall be subject to the following:

1. All subdivision proposals shall be consistent with the requirement to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage.
[Amended 2/24/2010; Ord.851]
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Base flood elevations in feet above mean sea level shall be provided for all subdivisions and other proposed developments which contain at least 50 lots or 5 acres, whichever is less, in the FP Overlay District.

F. Fills and Levees.

Except for approved relocation of a water course, no fill or levee shall extend into a floodway area. Fills or levees in a flood fringe area shall be subject to the following:

1. Fills shall consist only of natural materials such as earth or soil aggregate and including sand, gravel and rock, concrete and metal.
2. Any fill or levee must be shown to have a beneficial purpose and therefore to be no greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled or diked land will be put and the final dimensions of the proposed fill.
3. Such fill or levee shall be protected against erosion by vegetative cover, rip-rap, bulkheading or similar provisions. No fill or levee shall cause additional flood waters on adjacent land.
[Amended 10/17/2013; Ord.884]

901.08 Specified Standards for Areas Where Base Flood Elevation Data are Available.

In the FP Overlay District where base flood elevation data have been provided, as set forth in subsection 901.02 or 901.03, the following standards shall apply:

- A. For any new residential construction and substantial improvement of any residential structure, the lowest floor level shall be a minimum of one (1) foot above the base flood elevation. New construction and substantial improvement of any commercial, industrial or other nonresidential structures and accompanying utility and sanitary facilities shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or together with attendant utility and sanitary facilities be subject to the following:
[Amended 10/17/2013; Ord.884]

1. Be floodproofed so that all portions of the structure below the base flood level are watertight, with walls that are substantially impermeable to the passage of water.
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- B. For the placement of a manufactured home the bottom of the longitudinal chassis frame beam shall be one (1) foot above the base flood elevation, and the provisions of section 901.07(C)(4) shall be satisfied, if applicable. In addition, the mobile home must be elevated on a permanent foundation and is subject to the anchoring requirements in subsection 901.07 (B). [Amended 10/17/2013; Ord.884]
- C. Nonresidential structures that are elevated, not floodproofed, shall meet the same standards for space below the lowest floor as described in Section 901.07(C). [Added 10/17/2013; Ord.884]
- D. Recreational vehicles placed on sites are required to either:
1. Be on the site for fewer than 180 consecutive days; or
 2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type security devices, and has no permanently attached additions.
[Amended 2/24/2010; Ord.851]

901.09 Floodway or Watercourse Development Provisions.

- A. The placement of any dwelling in the floodway shall be prohibited.
- B. Except those uses provided for in subsection 901.04, all development, including substantial improvements, in the floodway shall be prohibited unless certification is provided by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in conformance with standard engineering practice that the proposal will not result in any increase in flood levels during the occurrence of the base flood discharge.
[Amended 10/17/2013; Ord.884]
- C. For any proposed alteration of a watercourse a floodplain development permit shall be required, and approval of the permit shall be subject to the following additional requirements:
1. Adjacent communities, the State Department of Land Conservation and Development, and other appropriate state and federal agencies shall be notified by the Director of any proposed alteration or relocation of a watercourse, and evidence of such notification shall be submitted to the Federal Insurance Administration.
 2. All appropriate state and federal permits shall be obtained.
 3. It shall be the applicant's responsibility to maintain the altered or relocated portion of said watercourse so that its flood carrying capacity is not diminished.
[Amended 10/17/2013; Ord.884]

901.10 Review of Permits in Generalized Floodplain Areas.

Where specific flood elevation data are not available, pursuant to subsections 901.03 and 901.04, applications for floodplain development permits shall be reviewed to ensure that the proposed development will be reasonably safe from flooding or resistant to flood damage. In determining whether the proposed floodplain development is reasonably safe, historical data, high water marks, photographs of past flooding, etc. shall be utilized, where available. In addition to the applicable requirements of this section, the following factors shall be considered when reviewing a floodplain development permit for any proposal in an area where specific flood elevation data are not available:

- A. The danger to life and property due to flooding or erosion damage. [Amended 10/17/2013; Ord.884]
- B. The danger that materials may be swept onto other lands or downstream to the injury of others.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner. [Amended 10/17/2013; Ord.884]
- D. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage. The importance of the services provided by the proposed facility to the community.
- E. The necessity to the facility of a waterfront location, where applicable and the compatibility of the proposed use with existing and anticipated development. [Amended 10/17/2013; Ord.884]
- F. The relationship of the proposed use to the Comprehensive Plan and any floodplain management program of the area.
- G. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- H. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site. [Amended 10/17/2013; Ord.884]
- I. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges. [Added 10/17/2013; Ord.884]

901.11 Conditions of Approval.

In approving an application for a floodplain development permit, the decision-making body may impose such conditions as it deems appropriate to ensure the intent of this section is carried out. Such conditions shall be reasonably related to the applicable criteria and standards set forth in subsections 901.08 through 901.10.

901.12 General Requirements.

Any floodplain development permit authorized pursuant to this ordinance shall be subject to the following additional requirements:

- A. An authorized floodplain development permit is not personal to the applicant and shall be deemed to run with the land, provided the subsequent owner or developer adheres to the specific proposal originally approved and complies with conditions of approval.

- B. A floodplain development permit involving construction shall become null and void 180 days from the date it is granted unless substantial construction has taken place. The Director may extend the permit for an additional 180 days if there have been no revisions to the FIRM or FIS, upon receipt of a written request for extension from the applicant demonstrating good cause for the delay and provided that the request to extend the permit is received by the Director prior to the expiration date of the permit. In the event that a permit expires prior to renewal, the Director may require a new application fee. [Amended 10/17/2013; Ord.884]
- C. Where base flood elevation data has been provided, as set forth in subsection 901.02 or 901.03, the actual elevation (in relation to mean sea level) of the lowest floor, including basements, of all new or substantially improved structures must be obtained from the applicant and the elevation, together with information regarding whether the structure contains a basement, must be recorded on the building permit and FEMA's current Elevation Certificate form. [Amended 10/17/2013; Ord.884]
- D. For all new or substantially improved floodproofed structures, the Planning Director must verify and record the actual elevation of the structure (in relation to mean sea level) and maintain the floodproofing certifications required in subsection 901.07(C)(5).
- E. All records pertaining the provisions of this section are to be maintained for public inspection.

901.13 Appeals.

Appeal of any decision made pursuant to this section shall be as provided in Section 1404 of this ordinance.

901.14 Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that areas outside of the FP Overlay District or uses permitted within such district will be free from flooding or flood damages. This section shall not create liability on the part of Yamhill County or any officer or employee thereof, for any flood damages that result from reliance on this Section or any decision lawfully made thereunder.

901.15 Map Revisions.

Floodplain/floodway maps may be revised in accordance with provisions of the National Flood Insurance Program outlined in the Federal Register 44 CRF Part 70, upon approval of the Federal Emergency Management Agency.

901.16 Denial of Flood Insurance Coverage.

In the event that the county finds a violation of floodplain ordinance provisions or a violation of other National Flood Insurance Program requirements, a declaration shall be submitted to the Federal Emergency Management Agency, according to the provisions of 44 CRF Part 70, notifying them of the violation(s), and resulting in the denial of floodplain insurance eligibility for the property in violation.

901.17 Rate Criteria and Notice.

In the event that the lowest floor of proposed construction is not elevated at least two feet above the highest adjacent grade in floodplain areas where elevation data is not available, higher insurance rates may result. [Amended 2/24/2010; Ord.851]

Applicants floodproofing non-residential buildings are hereby notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level.

901.18 Floodplain Variance Criteria

A variance to this Section may be authorized, pursuant to the Type B application procedure set forth in Section 1301 and upon consideration of all technical evaluations, all relevant factors, applicable standards specified in other sections of this ordinance, and the factors specifically listed in subsection 901.10.

901.19 Conditions for Variances

- A. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the factors listed in subsection 901.10 have been fully considered. As the lot sizes increase, the technical justification required for issuing the variance increases.
- B. Variances may be issued for reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
- C. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- F. Variances as interpreted by the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property, they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- G. Variances may be issued for nonresidential structures in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 901.19 (A), and otherwise complies with subsection 901.07(B), (C) and (D).

- H. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

[901.19 Added 10/17/2013; Ord.884]

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902. WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT (WRG)

[Amended 5/24/12; Ord. 872]

902.01 Purpose.

The purpose of the WRG Overlay District is to:

- A. Protect and preserve the natural, scenic and recreational qualities of lands along the Willamette River in Yamhill County;
- B. Preserve and allow the restoration of historical sites, structures, facilities and objects on lands along the Willamette River;
- C. Implement the goals and policies of the Comprehensive Plan and of the State of Oregon's Willamette River Greenway program;
- D. Establish standards and requirements for the use of lands within the Willamette River Greenway of Yamhill County; and
- E. Provide for the review of any intensification, change of use or development of properties located within the Willamette River Greenway of Yamhill County.

902.02 Definitions.

For the purpose of this Section, the following words, terms and expressions shall be interpreted in accordance with the following definitions, unless the context requires otherwise:

- A. **BOAT MOORAGE** - a structure located within the waters of the Willamette River and attached to shore for the purpose of securing one or more boats.
- B. **CHANGE OF USE** - making a different use of the land or water than that which existed on December 6, 1975, including a change which requires construction, alterations of the land or water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water.
- C. **DEVELOPMENT** - any activity within the WRG Overlay District which would alter the elevation of the land, remove or destroy plant life, cause structures of any kind to be installed, erected, or removed, or a change of any kind from the conditions existing as of the effective date of this Ordinance, but not including farm use.
- D. **INTENSIFICATION OF USE** - any additions which increase or expand the area or amount of an existing use, or the level of activity.
- E. **NATURAL VEGETATIVE FRINGE** - the natural vegetative area that provides a transition between the water of a River and to most landward edge of such natural vegetated area.
- F. **ORDINARY HIGH WATER** - the level to which waters ordinarily rise annually, usually represented by the line of permanent vegetation.
- G. **WATER-DEPENDENT USE** - a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. Except as necessary for water-dependent uses or facilities, residences,

parking lots, factories and trailer parks are not generally considered to be water-dependent uses.

- H. **WATER-RELATED USE** - a use which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water-dependent land or waterway use, and which goods or services, if the use were not located adjacent to water, would be of lesser quality resulting in a public loss. Except where as necessary for water-dependent or water-related uses or facilities, highways, restaurants, businesses, factories, and trailer parks are not generally considered to be water-related uses.

902.03

Area of Application.

- A. The provisions of this Section shall apply to all land and water located within the WRG Overlay District of Yamhill County as indicated on the Official Zoning Map. The boundary of this District is shown in detail on the aerial photo maps of the Official Willamette River Greenway Boundary as adopted by the State of Oregon. A copy of this document is on file in the Yamhill County Department of Planning and Development and is hereby adopted by reference and declared to be a part of this Section. Interpretation of the exact location of the boundary shall be made by the Director through use of the aerial photo maps.
- B. The WRG Overlay District shall be combined with at least one (1) underlying zoning district and may be combined with any zoning district pursuant to this Ordinance. All property within the WRG Overlay District shall be subject both to the provisions of this Section and to the provisions of the underlying zoning district. Nothing in this Section shall be construed as a waiver or suspension of the provisions of any underlying zoning district, or any other applicable overlay district.

902.04

Use Provisions.

All uses of land and water provided for in the specific underlying zoning district may be permitted in the WRG Overlay District, with the provisions that those uses which would result in a change of use, intensification of use, or development within the WRG Overlay District shall require a Greenway permit pursuant to the procedures set forth in subsection 902.05 for obtaining a Greenway permit, except for the following uses, which shall not require a Greenway permit:

- B. Farm uses as follows: the current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the purpose of obtaining a profit in money by raising, harvesting and selling crops; or by the feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals, or honey bee; or by dairying and the sale of dairy products and other agricultural or horticultural use or animal husbandry; or by any combination thereof. Farm use includes the preparation, storage and marketing of the products raised on such land for man's use and animal use;
- C. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical and natural uses on public lands, except that any substantial increase in the level of development of existing public recreational, scenic, historical or natural uses on public lands shall require a Greenway permit and shall be subject to the procedures set forth in subsection 902.05;
- D. Signs, markers, aids, etc., placed by a public agency to serve the public;
- E. Reasonable emergency procedures necessary for the safety or protection of property from natural hazards;

- F. Landscaping, construction of driveways, modifications of existing structures or the construction of accessory structures, provided that such activities are conducted in conjunction with uses already existing on the same lot and that they are accomplished in a manner compatible with the purpose of this Section;
- G. Maintenance and repair that is usual and necessary for the continuance of an existing use;
- H. The propagation of timber or the cutting of timber for public safety or personal noncommercial use and which does not require a permit in accordance with the Oregon Forest Practices Act;
- I. Water intakes and utilities in conjunction with a dwelling or an agricultural use;
- J. Gravel removal between the low water marks in the Willamette River, conducted under permit from the State of Oregon and in a manner compatible with the purpose of this Section; and
- K. Customary dredging and channel maintenance conducted under permit from the State of Oregon.

902.05 Greenway Permit Application.

Except as provided in subsection 902.04, a Greenway permit shall be obtained before the start of any development, change of use or intensification of use within the WRG Overlay District. A Greenway permit may be authorized pursuant to the Type B application procedure set forth in Section 1301 and subject to compliance with the considerations and criteria in subsection 902.06.

902.06 Greenway Permit Considerations and Criteria.

Prior to issuance of a Greenway permit, the applicant must demonstrate compliance with the following considerations and criteria:

- A. That the proposal conforms with the use provisions and standards and limitations of the underlying zoning district.
- B. That the proposal is consistent with the purpose of the WRG Overlay District as provided in subsection 902.01.
- C. That the natural vegetative fringe along the river shall be maintained in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the River.
- D. That the quality of the air, water and land resources in and adjacent to the WRG Overlay District shall be preserved with any development, change of use, or intensification of use, within the WRG Overlay District.
- E. That lands exhibiting Class I-IV soils for agricultural production shall be preserved and maintained for farm use.
- F. That significant fish and wildlife habitats shall be protected.
- G. That significant natural and scenic areas, viewpoints and vistas shall be preserved.
- H. That areas of ecological, scientific, historical or archeological significance shall be protected, preserved, restored or enhanced to the maximum extent possible.
- I. That areas of annual flooding, flood plains and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention,

overflow and other natural functions.

- J. That any harvesting of timber shall be done in a manner which will ensure that wildlife habitat and the natural scenic qualities found in the WRG Overlay District will be maintained and will be restored.
- K. That the proposed development, change of use or intensification of use is compatible with the site, the surrounding area and the environment.
- L. That areas considered for development, change of use or intensification of use, which have erosion potential, shall be protected from loss by appropriate means which are compatible with the character of the Willamette River Boundary.
- M. That any extraction of aggregate deposits and reclamation shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety.
- N. That recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of land and with minimum conflict with farm use.
- O. That maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.
- P. That any development shall be located away from the River to the greatest possible degree. A minimum building setback line of fifty (50) feet from the ordinary high water line of the Willamette River shall be maintained, except for buildings and structures in conjunction with a water-dependent use.
- Q. The public access where necessary and appropriate, shall be provided to and along the River by appropriate legal means for any public use or development:
- R. That the development, change or intensification of use shall provide the maximum possible landscaped area, open space or vegetation between the activity and the River.

902.07 Conditions of Approval.

In approving an application for a Greenway permit, the decision-making body may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out. Such conditions shall be reasonably related to the criteria set forth in subsection 902.06.

902.08 General Requirements.

Any Greenway permit authorized pursuant to this Ordinance shall be subject to the following additional requirements:

- A. An authorized Greenway permit is not personal to the applicant and shall be deemed to run with the land, provided the subsequent owner or developer adheres to the specific proposal originally approved and complies with any conditions of approval.
- B. A Greenway permit shall become null and void one (1) year from the date it is granted unless substantial construction has taken place. The Director may extend the Greenway permit for an additional period not to exceed one (1) year upon receipt of a written request for extension from the applicant demonstrating good

cause for the delay and provided that the request to extend the permit is received by the Director prior to expiration of the original approval.

902.09 Appeals.

Appeal of any decision made pursuant to this Section shall be as provided in Section 1404 of this Ordinance.

902.10 Trespass by Public.

Nothing in this Section is intended to authorize public use of private property. Public use of Private property is a trespass unless appropriate easements and access have been acquired in accordance with law to authorize such use.

Zoning Ordinance

Section 903.00 - Planned Unit Development (PUD)

903.01 Purpose and Scope

The purpose of the PUD Overlay District is to allow and encourage:

- A. Comprehensive development rather than traditional parcel-by-parcel development;
- B. A more flexible and creative approach to the development of land which will result in an efficient, aesthetic and desirable use of open area, while maintaining the same population density and area coverage permitted in the zoning district in which the project is located;
- C. Flexibility in the design and placement of buildings, open spaces, circulation facilities and off-street parking areas to best utilize the site potential and characteristics of geography, topography, parcel size and shape;
- D. Development which will provide an attractive and stable setting in harmony with development in the surrounding area and the environment in general.

All provisions of the underlying zoning district with which the PUD Overlay District is combined shall continue to apply unless varied or waived by the decision-making body in accordance with the provisions of this section.

903.02 Area of Application

The PUD Overlay District shall be combined with the VLDR District for any multi-family residential development and shall be combined with the LDR District for any duplex or multi-family residential development. The PUD Overlay District may also be combined with the VLDR District for any other permitted residential development.

903.03 General Development Standards and Requirements

In considering a proposed Planned Unit Development project, the approval thereof may involve modifications of some of the regulations, requirements and standards of the underlying zoning district. In the PUD Overlay District, the following guidelines and standards shall apply in modifying standards and limitations of the underlying zoning district:

A. Development Acreage

The minimum parcel size of any PUD shall be as provided in the standards and limitations of the underlying zoning district. If no such standard for a PUD is specified, the minimum parcel size shall be determined by the decision-making body, but in no case shall the parcel size of the proposed development be less than the minimum parcel size established for a permitted use in the underlying district.

B. Density of Development

The density of a PUD shall not exceed the density of the underlying zoning district and shall be computed by dividing the total acreage of the PUD by the number of dwelling units. The total acreage shall include street dedications.

C. Site Adaptation

To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.

D. Setbacks

Yard setbacks for parcels on the perimeter of a PUD shall be the same as required for the underlying zoning district. In modifying setback requirements for all other parcels within a PUD, the decision-making body shall consider such factors as public safety, ease of emergency vehicle access, solar access, environmental and scenic feature and compatibility with adjacent uses.

E. Circulation

1. Access

Planned Unit Developments shall be appropriately designed to provide a single, direct access onto a county road or other public road, unless the scale of the PUD is such that more than one access is necessary to provide safe and efficient circulation. Entrances and exits for automotive vehicles shall be designed to encourage smooth traffic flow with controlled turning

movements and minimum hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. Merging and turnout lanes shall be required where existing or anticipated heavy flows of passing traffic or traffic to or from the PUD indicate the need for such lanes.

2. Internal Circulation

Roads, pedestrian and bikeway paths shall be integrated into a system designed to provide efficient, safe circulation to all uses. Developments should be designed to minimize the length of roadway. Pedestrian paths/bikeways shall be clearly signed and have adequate crossing facilities where warranted.

3. Siting of Roadways and Parking Areas

The siting of roadways and parking areas shall be consistent with the character of the property, avoiding excessive cuts and fills, etc.

4. Parking

In addition to the applicable parking standards set forth in Section [1007](#), the following requirements shall apply to off-street parking in a PUD:

- a. Off-street parking may be provided on each parcel or clustered in parking pads in proximity to any dwelling units they serve.
- b. On residential developments, parking space may be required for storage of residents' recreational vehicles. If required, a recreational vehicle parking area shall be located so as to be compatible with surrounding land uses. If an RV parking space is located along the perimeter of the PUD, it shall be adequately screened from adjacent properties outside the PUD.

F. Building Height

The decision-making body may limit height requirements of the underlying zoning district as follows:

1. Along the outer fringe of the PUD; and
2. To protect scenic vistas from encroachments.

G. Utilities

1. All utilities and sewer and water facilities shall be approved by the appropriate agencies before the plans are approved by the decision-making body.
2. All utility services shall be placed underground.
3. Provision shall be made for fire prevention, including service waterlines and free emergency access for firefighting equipment around buildings.
4. Provision shall be made for control of site storm water drainage.

H. Homeowners Association

In residential PUD's, a nonprofit, incorporated homeowners association shall be required if other satisfactory arrangements have not been made for improving, operating and maintaining common facilities, including agricultural lands, forest lands, open space, roads, parking areas and recreation areas. An alternative to a homeowners association may include deed restrictions or conservation easements, if the decision-making body determines such restrictions or easements will protect the intent and purpose of this ordinance and will be in the public interest.

903.04 Review Criteria

In addition to the development standards and requirements specified in this section, the applicant shall demonstrate and the decision-making body shall determine that the following criteria have been met prior to approval of a Planned Unit Development:

- A. The proposed development is consistent with the Comprehensive Plan and with the intent and purpose of the underlying zoning district.
- B. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the basic zoning district requirements.
- C. The proposed development can be well integrated with its surroundings in substantial harmony with adjacent and surrounding lands.
- D. The roads within the proposed development will be adequate to support the anticipated traffic and traffic generated by the development will not adversely impact adjacent roads.
- E. Adequate provision is made for the preservation of natural resources such as bodies of water, significant vegetation and special terrain features.

- F. The proposed water supply, sewerage, utility and drainage facilities are adequate for the population, residential densities and types of development proposed.
- G. The development can be financed and completed within a reasonable period of time.

903.05 Application Procedure

There shall be a three-stage review process for a PUD proposal, consisting of a pre-application conference (stage one), preliminary approval (stage two) and final approval (stage three).

A. Pre-application Conference (Stage One)

The applicant, or his authorized representative, shall meet with the Director in a pre-application conference to review requirements and concerns pertaining to the applicant's proposal. An outline plan of the proposal shall be submitted for determination of compliance with the minimum applicable standards of this section and the underlying zoning district.

B. Preliminary Approval (Stage Two)

The applicant shall submit a conceptual development plan together with the appropriate application form and fee as prescribed by the Director. The conceptual development plan shall include maps and a written statement setting forth the nature of the proposed development, as follows:

1. Maps

The maps shall show the entire PUD area and shall contain the following information:

- a. Site topography, drainage, tree and ground cover, existing access and services, known areas of flood, soil or geologic hazard, and an inventory and classification of the soil types within the PUD;
- b. Existing land uses, ownerships, property lines, and Plan and zoning district designations;
- c. Proposed land uses, buildings and structures, access, urban services, residential densities and design population;
- d. A plan for pedestrian and vehicular circulation showing the general locations and widths of all roads, bikeways and pedestrian paths;
- e. Proposed park, recreation and open space uses;
- f. Proposed site grading, drainage and landscaping plan; and

- g. Proposed method of water supply and sewage disposal.

2. Written Statement

The written statement shall contain an explanation of:

- a. The character of the proposed development and the manner in which it has been designed to take advantage of the PUD regulations;
- b. The present ownership of all land included within the proposed PUD;
- c. The method proposed to maintain private common open areas, roads and other facilities;
- d. The anticipated schedule of development, including proposed dates for commencement of construction on all phases of the PUD; and
- e. How the review criteria of subsection [903.04](#) are satisfied by the proposal.

Upon submittal of a complete application form and the preliminary plan as described above, the proposal shall be reviewed pursuant to the Type C application procedure set forth in Section [1301](#) and subject to compliance with the review criteria listed in subsection [903.04](#) and with the applicable provisions of the underlying zoning district.

C. Final Approval

- 1. Within six (6) months of preliminary approval, the applicant shall file a final plan for the entire development with the Director. If the development is to be phased, the final plan for the first phase of development shall be filed within six (6) months of preliminary approval. Final plans for approved subsequent phases shall be filed at least ninety (90) days prior to the construction date set forth in the applicant's timetable. The final plan shall conform in all substantial respects with the approved preliminary plan.
- 2. Within thirty (30) days of receipt of the final plan, the Director shall present the plan to the Commission. The Commission shall examine the plan and determine whether it conforms in all substantial respects to the previously approved proposal. The decision of the Commission shall be final unless appealed to the Board as provided in Section [1403](#).

903.06 Conditions of Approval

In approving a proposal for a PUD, the Commission may impose such conditions as it determines are necessary to carry out the purpose of this section and of the underlying

zoning district. Such conditions may include a requirement that the applicant enter into a performance agreement with the county and furnish the county with an appropriate financial guarantee to ensure that the PUD is completed and that all services are provided in accordance with the standards and requirements imposed pursuant to this ordinance and all other county ordinances.

903.07 Additional Requirements

Any PUD authorized pursuant to this ordinance shall be subject to the following additional requirements:

- A. Building permits issued in connection with any part of a Planned Unit Development shall be issued only on the basis of the plan approved by the Commission.
 - B. Any proposed changes in connection with an approved plan shall be reviewed and approved in accordance with the same procedures prescribed under this section.
 - C. If no application for building permits relating to an approved PUD have been received within one (1) year of the date of final approval of the PUD, the approval shall be rescinded and the PUD Overlay District designation repealed in respect to the area affected.
-

SECTION 900 – OVERLAY DISTRICTS

904. LIMITED USE OVERLAY DISTRICT (LU)

[Last amended 12/05/02; Ord. 720]

904.01 Purpose.

The purpose of the Limited Use Overlay District is to limit permitted use(s) and activities in a specific location to only those uses and activities which are justified and approved through Comprehensive Plan Amendments and/or zone changes.

[Amended 12/05/02; Ord. 720]

904.02 Area of Application

The LU Overlay District shall apply to that specific area for which a reasons exception has been taken or other area as deemed appropriate to protect Goal 5 resources. The required use of the Limited Use Overlay District is intended to carry out the administrative rule requirement for exceptions pursuant to OAR 660-04-018 and ORS 197.732 and for Goal 5 resource protection pursuant to OAR 660-16-010. The Limited Use Overlay District may also be applied by the Board of Commissioners or Planning Commission to Plan Amendments and/or zone changes.

[Amended 12/05/02; Ord. 720]

904.03 Allowable Uses

- A. When the Limited Use Overlay District is applied, the uses permitted in the underlying zone shall be limited to those specifically referenced in the ordinance adopting the Limited Use Overlay District.
- B. The Limited Use Overlay District may be used to require conditional use approval for uses normally permitted outright.
- C. Reasonable conditions may be imposed in the Limited Use Overlay District as are necessary to assure compliance with the provisions of the Comprehensive Plan and this ordinance.
- D. Until the overlay has been removed or amended, the only permitted uses in an LU district shall be those specifically referenced in the adopting ordinance.

904.04 Procedures

- A. The Limited Use Overlay District is to be applied through a zone amendment application utilizing the Type C process at the time the underlying zone is being changed in the case of an exception.
- B. It shall not be necessary to disclose in the public hearing notice of a zone change that a Limited Use Overlay may be applied.
- C. The ordinance adopting overlay zone shall, by section reference or by name, identify those permitted uses in the zone that will remain permitted uses or become conditional uses. The description of the permitted or conditional use may be qualified as necessary to achieve the intent of the LU overlay zone.

904.05 Map Amendment

The Official County Zoning Map shall be amended to show an LU on any parcel where the Limited Use Overlay District has been approved.

904.06 Site Plan Review

Uses approved in an LU District may be subject to Section 1101, Site Design Review. The LU Ordinance may indicate any special concerns or location requirements that must be addressed in the site plan. All other specifications and standards of the underlying zone remain in effect unless specifically altered by the site plan approval or adopting ordinance.

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Zoning Ordinance

Section 905.00 - Watershed Overlay District (WS)

[Adopted 12/29/93, Ord. 566]

905.01 Purpose

The purpose of the Watershed Overlay District is to identify municipal watershed areas as an overlay to the Official County Zoning Map. Within the designated Watershed Overlay, Yamhill County will provide the respective city an opportunity to participate in land use actions to be taken by the county.

905.02 Area of Application

The boundaries of the Watershed Overlay District shall be defined in coordination with individual cities and potentially affected property owners. Yamhill County will not apply the Watershed Overlay District unless specifically requested by a city. The boundaries of the Watershed Overlay District will be defined to follow established topographic and drainage patterns.

905.03 Allowed Uses

Uses within a designated Watershed Overlay District shall be allowed as provided in the underlying zone, subject to the notification and review procedure applicable to the proposed use. Uses and activities governed by the provisions of the Forest Practices Act are exempt from the Watershed Overlay District.

905.04 Review Procedure

Prior to final action, land use actions within a designated Watershed Overlay District shall be forwarded to the respective city for review and recommendation. Land use actions shall include, but not be limited to, the following:

- A. Plan Map Amendments
- B. Zone Changes
- C. Conditional Use Permits
- D. Subdivisions and Partitions
- E. Public Improvement Projects

905.05 Review Criteria

In addition to the review criteria established in the underlying zone and other sections of the zoning ordinance, Yamhill County shall consider the potential effect of land use actions on water quality values within designated watershed areas. Conditions may be imposed on development permits to protect water quality.

Zoning Ordinance

Section 906.00 - Scenic Waterway Overlay District (SW)

[Adopted 12/29/93, Ord. 566]

906.01 Purpose

The purpose of the Scenic Waterway Overlay District is to reflect the designation of Oregon Scenic Waterways on the Official County Zoning Map. Additionally, the Overlay describes the review process administered by the State Parks and Recreation Department under the Scenic Waterways Act (ORS [390.805-390.925](#)).

906.02 Area of Application

The Scenic Waterway Overlay District applies only to river segments included within the Oregon Scenic Waterways system. Under the provisions of Oregon Revised Statutes, a scenic waterway includes the river and its shoreline and all land and tributaries within one-quarter mile of its banks. The boundaries of the Scenic River Overlay to the Yamhill County Zoning Map are defined to correlate with the boundaries established by the State Parks and Recreation Department.

906.03 Prohibited Uses

To protect the free-flowing character of designated rivers for fish, wildlife and recreation, the Scenic Waterways Act specifically prohibits placer mining and construction of dams, reservoirs, or impoundments within scenic waterways. This statutory prohibition takes precedence over the permitted and conditional uses listed in the underlying zone.

906.04 Allowed Uses

Uses that are not specifically prohibited under the Scenic Waterways Act are allowed as provided in the underlying zone, subject to a notification and review procedure administered by the State Parks and Recreation Department.

906.05 Review Procedure

- A. Property owners wishing to build roads or houses, develop mines, cut timber or make other proposed changes within one-quarter mile of each side of a designated scenic waterway must notify the State Parks and Recreation Department in advance. Within one year of notification, State Parks and Recreation must decide if a proposed change will affect the scenic beauty of the river. The Scenic Waterways Act allows the Parks and Recreation Commission to purchase land or timber if impairment of a river's scenic qualities cannot be prevented by any other means.
 - B. Yamhill County will not accept a land use application for a use within the Scenic Waterway Overlay District until the State Parks Department notification and review process is completed.
-

Zoning Ordinance

Section 907.00 - Airport Overlay District

[Adopted 03/19/98, Ord. 643]

907.01 Areas of Concern

There are 3 public airport or landing facilities in the county which come under the provisions of this section. These airports currently include McMinnville, Sheridan, and Sportsman Air Park in Newberg. Areas of concern around each of these facilities are delineated on the official zoning map as the Airport Overlay District. Nonpublic use, private landing strips and heliports are not delineated but may still be subject to applicable regulations.

907.02 Standards and Requirements

The following standards shall apply to all landing field and public airport improvements, and to improvements on all adjacent properties affected by such standards as delineated on the Official Zoning Map:

A. Uses within the Airport Overlay District

All structures and uses within the Airport Overlay District shall conform to the requirements of Federal Aviation Regulations (F.A.R.) Part 77, or successor, and to other federal and state laws regulating structural height, smoke, steam or dust and other hazards to flight, air navigation, or public health, safety and welfare. The Airport Overlay District has been further regulated as follows:

1. Approach Zones

The following uses are prohibited except as required for airport use:

- a. Places of public assembly.
- b. Residential density greater than one dwelling per five acres except as allowed in the underlying zone existing prior to the date of adoption of this ordinance.
- c. Retirement homes and other residential institutions.
- d. Hospitals.
- e. Schools

- f. Aggregate extraction where ponding and birds pose a strike hazard.
- g. Storage of hazardous material as defined by the National Fire Protection Association (NFPA).
- h. Communications towers.
- i. Solid waste disposal sites.
- j. Commercial or industrial use with potential operations hazards such as electrical interference, high intensity lighting, smoke, glare, noise, etc.
- k. All other uses as listed in the underlying zone with a hold harmless agreement and navigational easement.

2. Clear Zones

- a. The clear zone shall be free of any construction or obstacle and shall be minimally used by people.
- b. Agriculture which does not attract birds is permitted. No structures are allowed.
- c. Above ground power lines are prohibited.
- d. Airport clear zones are subject to the conditions as shown in the airport's master plan.

3. Transition Zones

In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal surface, no approval shall be required for any tree or structure less than fifty feet of vertical height about the ground, except when such tree or structure because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree in excess of any of the height limits established by this ordinance.

B.

C. Prohibited Uses

Regardless of any other provisions of this ordinance, no use may be made of land or water within any area covered by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

D. Exceptions.

1. In the area lying within the limits of the horizontal surface and conical surface, no permit shall be required for any tree or structure less than fifty feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.

E. Height Limitations.

Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow to a height in excess of the applicable height limitations established in accordance with Federal Aviation Regulations (F.A.R.), Part 77, "Object Affecting Navigable Airspace".

F. Marking and Lighting.

The owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the county to indicate to the operators or aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner.

G. Variances.

Any person desiring to erect or increase the growth of any tree, or use property not in accordance with the regulations prescribed in this section, may apply for a variance from such regulations pursuant to [Section 1203](#) for variances. The application for variance shall be accompanied by a determination from the

Federal Aviation Administration and the Department of Transportation, Aeronautics Division, as to the effect of the proposal on operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where the requirements of [Section 1203](#) have been met and it is found that the relief granted will not be contrary to the public interest and will not create a hazard to air navigation. Additionally, no application for variance to the requirements of this section may be approved unless a copy of the application has been furnished to the airport owner for comment as to the aeronautical effects of the variance. Failure of the airport owner to respond to the request for comments shall not prevent the county from taking final action on the variance application.

907.03 Definitions

- A. Airport Hazard: Any structure, tree, or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
- B. Airport Imaginary Surfaces: Those imaginary areas in space which are defined by the approach zone, clear zone, transitional zone, horizontal surface, and conical surface and in which any object extending above these imaginary zones and surfaces is an obstruction.
- C. Approach Zone: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach zone is the same width as the primary surface and extends to a width of: 1250 feet for a utility runway having only visual approaches; 1500 feet for a runway other than a utility runway having only visual approaches; 2000 feet for a utility runway having a nonprecision instrument approach; and 3500 feet for a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile. The approach zone extends for a horizontal distance of 5000 feet at a slope of 20:1, horizontal:vertical for all utility and visual runways and 10,000 feet at a slope of 34:1 for all nonprecision instrument runways other than utility.
- D. Clear Zone: Extends at the same slope and horizontal angle as the approach zone from the primary surface to a point where the approach zone is 50 feet above the runway end elevation.
- E. Conical Surface: A surface extending upward at a slope of 20:1 for a distance of 4,000 feet from the periphery of the horizontal surface.
- F. Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet

from the center of each end of the primary surface of each visual or utility runway, and 10,000 feet from the center of each end of the primary surface of all other runways and connecting the adjacent arcs by lines tangent to those areas.

- G. Place of Public Assembly: A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

 - H. Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 250 feet for utility runways having only visual approaches, 500 feet for utility runways having nonprecision instrument approaches and 500 feet for other than utility runways.

 - I. Transitional Zones: A surface extending upward at a slope of 7:1 beginning on each side of the primary surface, and from the sides of the approach zones, then extending upward to a height of 150 feet above the airport elevation.

 - J. Utility runway: A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
-

BEFORE 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 Approving Amendments to the Yamhill County)
Comprehensive Plan and Yamhill County Zoning Ordinance) Ordinance 838
to Accommodate The Newberg-Dundee Transportation)
Improvement Project, Docket G-01-09, and Declaring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on June 17, 2009, Commissioners Leslie Lewis, Kathy George and Mary P. Stern being present.

IT APPEARING TO THE BOARD that, in co-operation with the Oregon Department of Transportation and local municipalities, Yamhill County needs to revise its Comprehensive Plan and Zoning Ordinance with several amendments to accommodate the proposed Newberg-Dundee Bypass project, and

IT APPEARING TO THE BOARD that the Planning Commission heard this matter at a duly noticed public hearing on May 7, 2009 and voted 7-0 to recommend approval, and the Board held a duly noticed legislative public hearing on June 3, 2009, and, after hearing from supporters (no opponenets being present) voted unanimously to approve the application, NOW, THEREFORE,

IT IS HEREBY ORDAINED BY THE BOARD, that the application is approved as detailed in the Amendments to the Comprehensive Plan and Zoning Ordinance, attached as Exhibits "A" and "B", and by this reference incorporated herein. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

DONE this 17th day of June, 2009, at McMinnville, Oregon.

ATTEST: YAMHILL COUNTY BOARD OF COMMISSIONERS

REBEKAH STERN DOIN  _____
County Clerk LESLIE LEWIS

By:  _____
Deputy Anne Britt Commissioner KATHY GEORGE

APPROVED AS TO FORM  _____
Commissioner MARY P. STERN


Rick Sanai, Assistant County Counsel

Exhibit "A" – Yamhill County Comprehensive Plan Amendments

The following amendments to the Yamhill County Comprehensive Plan (goals & policies) are hereby adopted for the Newberg-Dundee Bypass and interchange areas. The Summary under Section III.A (Transportation of the Comprehensive Plan) is hereby revised to read as follows:

SUMMARY

Yamhill County and ODOT have discussed ways to relieve traffic congestion on Oregon 99W through Newberg and Dundee for many years.

A Southern Bypass is included in Newberg's acknowledged Transportation System Plan and also is an element of Dundee's adopted Transportation System Plan.

ODOT initiated a tiered environmental impact statement to consider transportation alternatives for the Newberg-Dundee corridor. A Tier 1 Location Draft Environmental Impact Statement (LDEIS) was published in September 2002. The LDEIS evaluated eight Build Alternatives and a No Build Alternative.

Following the public comment period and public hearings on the LDEIS, the Project Oversight Steering Committee (which includes representatives of ODOT, the Federal Highway Administration, Yamhill County, and the Cities of Newberg, Dundee, Dayton and McMinnville) determined that a Bypass was needed to solve the region's growing traffic congestion problem.

The recommended four-lane Bypass (Modified Alternative 3J) extends for approximately 11 miles from the Rex Hill area east of Newberg to the intersection of Oregon 99W and Oregon 18 (McDougal Corner) near Dayton.

The Bypass will function as a high-speed statewide expressway and freight route as defined in the Oregon Highway Plan. The Bypass includes four associated interchanges at Dayton (directional), East Dundee (full movement), Oregon 219 (full movement) and East Newberg (directional). The Bypass and interchanges will be fully access controlled and no direct access will be allowed from private properties. The primary function of the Bypass is to provide for high-speed, through trips and to relieve congestion on Oregon 99W through the downtown areas of Newberg and Dundee.

ODOT and Yamhill County completed the local land use process for the location of the Bypass (corridor width of about 300 feet) before the record of decision was issued on the Location Final Environmental Impact Statement in 2005. The specific Bypass alignment within the wider location corridor will be determined in the Tier 2 Design Environmental Impact Statement.

Land use actions including goal exceptions were required for the portions of the Bypass located on rural lands. As part of the goal exception, Yamhill County adopted facility design and land use measures to minimize accessibility of rural lands from the proposed transportation facility and support continued rural use of surrounding lands. The new policies specific to the Bypass

were adopted concurrent with the goal exception to address the requirements of OAR 660-012-0070 of the Transportation Planning Rule. In addition, a new Interchange Area Overlay District was established and applied to implement the new plan policies.

2. Specific Policies for the Newberg-Dundee Bypass

- a. The functions of the Newberg-Dundee Bypass are to accommodate and divert longer-distance through trips around the Newberg-Dundee urban area and to serve regional trips going to and from Newberg or Dundee (i.e., those trips with either an origin or destination outside of the Newberg-Dundee urban area). The function of the planned intermediate interchanges is to provide access between Newberg or Dundee and other regions (e.g., McMinnville, Portland or the coast). It is not the function of the interchanges to provide for or attract regional commercial or highway commercial development in the vicinity of the interchanges. In general, need for commercial development should be accommodated in areas currently planned for commercial development within Newberg and Dundee. Plan amendments and zone changes shall be consistent with the function of the bypass and interchanges as set forth in this policy.
- b. Yamhill County will apply and maintain an Interchange Overlay District to for unincorporated county lands that are within approximately ¼ to ½ mile of the interchange ramps
- c. Yamhill County will discourage expansion of urban growth boundaries toward the interchanges to support continued rural use of lands surrounding the interchanges and to protect the planned function and capacity of the Bypass and interchanges to serve primarily longer-distance through trips.
- d. Within the Interchange Overlay District, Yamhill County will permit all uses that are permitted outright or that may be authorized as conditional uses in the underlying zoning district(s).
- e. Yamhill County will provide notice to ODOT of certain land use and development applications within the boundaries of the Interchange Overlay District. ODOT may request that an applicant submit a traffic impact study or access plan before a land use application is accepted as complete by Yamhill County. Yamhill County zoning maps shall clearly indicate on a parcel-specific basis if property is within the planned right-of-way for the Newberg Dundee Bypass or interchanges.
- f. ODOT may coordinate with property owners/applicants on a voluntary basis to protect the planned right-of-way for the bypass and interchange; and to assure that proposed access points are located consistent with the anticipated access spacing standards for the interchange.
- g. Yamhill County will consider and may impose additional setback requirements or restrict use of the planned right-of-way to low intensity uses such as agriculture, parking or

storage in the interim period before right-of-way for the Newberg-Dundee Bypass is acquired by ODOT.

- h. The Newberg Dundee Bypass received final environmental approval of the corridor in August 2005. The second tier of the environmental process is for approval of the design of the facility and is expected to receive final approval in 2010 from the Federal Highway Administration. The Oregon Department of Transportation received funding to construct Phase 1 of the Newberg Dundee Bypass, which is a 2-lane facility from OR 219 near Wynooski Road in Newberg, around the southern portions of Newberg and Dundee, and reconnecting with OR 99W south of Dundee beyond Fulquartz Landing Road. This approximate 6-mile segment of the Newberg Dundee Bypass can be considered a planned facility. For purposes of compliance with the Transportation Planning Rule (OAR 660-012-060), other segments of the Bypass and associated interchanges (from Rex Hill to OR 219 and from Fulquartz Landing Road to Dayton) are not yet considered to be planned transportation facilities and cannot be relied upon for providing additional planned capacity until the Oregon Transportation Commission approves a financing plan for these segments of the Bypass project.
- i. Yamhill County will coordinate with ODOT and the affected jurisdictions to further explore and implement agreed upon elements of the Alternate Mode and Land Use Components of the Newberg-Dundee Transportation Improvement Project.
- j. Yamhill County will coordinate with ODOT and the affected jurisdictions and property owners to adopt Interchange Area Management Plans for each of the four interchanges, consistent with the requirements of the 1999 Oregon Highway Plan and OAR 734-051-0200(4). The interchange area management plans will address the following at a minimum: access management standards, road connections and local street circulation, compatible land uses and bypass termini protection. The interchange area management plans will be designed to protect the function and capacity of the interchanges for at least a 20 to 25-year planning period.
- k. These policies for the Newberg-Dundee Bypass and the provisions of the Interchange Overlay District shall be considered interim provisions that may be refined, revised or replaced as needed based on the Tier 2 Design EIS and/or the adopted Interchange Area Management Plans.

Ordinance 838 - Exhibit "B" – Amendments to the Yamhill County Zoning Ordinance

The following amendments to the Yamhill County Zoning Ordinance (Section 908.00 – Interchange Overlay District) are adopted for the Newberg-Dundee Bypass and interchange areas.

908.01 Purpose

The purpose of the Interchange Overlay District is to:

- A. Protect the planned function and capacity of the Newberg-Dundee Bypass (Bypass) as an "Expressway" as defined in the 1999 Oregon Highway Plan (OHP) by prohibiting direct private access to the Bypass and controlling access and managing land uses in the vicinity of the interchanges. The primary function of Expressways is to provide for interurban travel and connections to ports and major recreation areas with minimal interruptions. A secondary function is to provide for long distance intra-urban travel in metropolitan areas.
- B. Protect land designated for agriculture and rural development (e.g., exception areas) on the Yamhill County Comprehensive Plan from development pressures that could result from improved proximity, visibility, accessibility, and faster travel times associated with the four interchanges to the Bypass.
- C. Support continued rural use of lands surrounding the interchanges and protect the planned function and capacity of the Bypass and interchanges to serve primarily longer-distance through trips by retaining existing zoning within the Interchange Overlay District and discouraging expansion of urban growth boundaries (UGBs) toward the interchanges.
- D. Assure coordination between Yamhill County and ODOT on Site Design Review and access management within the Interchange Overlay District.
- E. Provide the opportunity for Yamhill County to recommend additional setbacks for voluntary use of the Bypass location corridor to for low intensity uses such as agriculture, parking or storage.

ODOT will prepare interchange area management plans for each of the four interchanges in partnership with Yamhill County, the affected cities and property owners. This Interchange Overlay District is intended as an interim land use tool that may be refined, revised or replaced as Interchange Area Management Plans are adopted for each of the four interchanges as required by the OHP and OAR 731-051-0200.

908.02 Area of Application of Interchange Overlay District

- A. The Interchange Overlay District shall apply to unincorporated lands within approximately ¼ mile (inside UGBs) to ½ mile (outside UGBs) of the end of the ramps to the following four interchanges to the Bypass:
 - 1. Dayton Interchange
 - 2. East Dundee Interchange
 - 3. Oregon 219 Interchange
 - 4. East Newberg Interchange
- B. The Interchange Overlay District shall be combined with at least one (1) underlying zoning district and may be combined with any zoning district pursuant to this ordinance. All property within the Interchange Overlay District shall be

subject both to the provisions of this section and to the underlying zoning district. Nothing in this section shall be construed as a waiver or suspension of the provisions of any underlying zoning district, or any other applicable overlay district.

- C. The general boundaries of the Interchange Overlay District are shown on Figure 908-1 and shall be delineated on a parcel-specific basis on the Official Zoning Map.

908.03 Interim Protection of Bypass Corridor through Site Design Review

- A. Yamhill County shall maintain a parcel-specific map that illustrates the Bypass corridor (about 300 feet wide) approved in the Record of Decision for the Location Final Environmental Impact Statement.
- B. In the interim period before construction of the Bypass, Yamhill County shall will coordinate with affected property owners and ODOT in an effort to avoid construction of permanent structures on the segments of the planned Bypass under Yamhill County jurisdiction.
- C. Site Design Review (see Section 1100 of this Ordinance) shall be required for development that includes all or a portion of a parcel within the Bypass corridor as described in A above. The County may waive the requirement for Site Design Review if a review of building plans indicates the proposed development will be located outside the Bypass corridor.
- D. Through the Site Design Review process, ODOT may recommend and Yamhill County may propose additional voluntary setbacks before the Bypass is constructed.
- E. The width of the Bypass corridor subject to Site Design Review shall be narrowed when the Record of Decision is issued for the Design-level Environmental Impact Statement.

908.04 Permitted Uses

- A. All uses of land and water that are permitted in the underlying zoning district(s) are also permitted in the Interchange Overlay District.
- B. All uses of land and water in the Interchange Overlay District are subject to the standards and limitations of the underlying zoning district(s), with the following additional limitations:
 - 1. All development within the boundaries of the Interchange Overlay District is subject to Site Design Review as outlined in Section 1100.

2. Through the Site Design Review process, ODOT may recommend, and Yamhill County may propose, that new development within the Interchange Overlay District maintain additional voluntary setbacks.
3. Through the Site Design Review process, ODOT may recommend, and Yamhill County may require, that new development within the Interchange Overlay District locate access points to assure consistency with the anticipated access spacing standards for the interchanges.

908.05 Conditional Uses

- A. All uses of land and water that are listed as conditional uses in the underlying zoning district(s) may also be allowed in the Interchange Overlay District subject to the following:
 1. Yamhill County shall notify ODOT when an application is submitted for a proposed conditional use within the Interchange Overlay District.
 2. During the 30-day completeness review, ODOT may request that the applicant prepare a traffic impact study or an access plan to provide additional information on how the proposed conditional use may impact the interchange. If additional information is requested in writing by ODOT during the 30-day completeness review, such information shall be required by Yamhill County before the application is accepted as complete.
- B. The proposed conditional use shall be subject to the conditional use review criteria and requirements as outlined in Section 1202 of this Zoning Ordinance.
- C. In addition to the types of conditions of approval outlined in Section 1202.03 of the Zoning Ordinance, ODOT may recommend, and the decision-making body may impose conditions or mitigation to protect the function and capacity of the interchange; and to assure that proposed access points are located consistent with the anticipated access spacing standards for the interchange.

908.06 UGB Amendments within the Interchange Overlay District

- A. Three of the four interchanges to the Bypass (Dayton, East Dundee and East Newberg) are located outside of acknowledged UGBs of the Cities of Dayton, Dundee and Newberg, respectively. The Oregon 219 interchange will be located inside the Newberg UGB.
- B. Proposed amendments to UGBs are governed by the criteria in Statewide Planning Goal 14 (Urbanization) and acknowledged UGB Management Agreements between Yamhill County and the respective cities. A decision to expand the UGB must be approved by the Yamhill County Board of Commissioners and the respective City Council.

- C. The 1999 OHP (Action 1B.3) directs ODOT to avoid expansions of UGBs along Interstate and Statewide Highways and around interchanges unless ODOT and the appropriate local governments agree to an interchange area management plan to protect interchange operation.

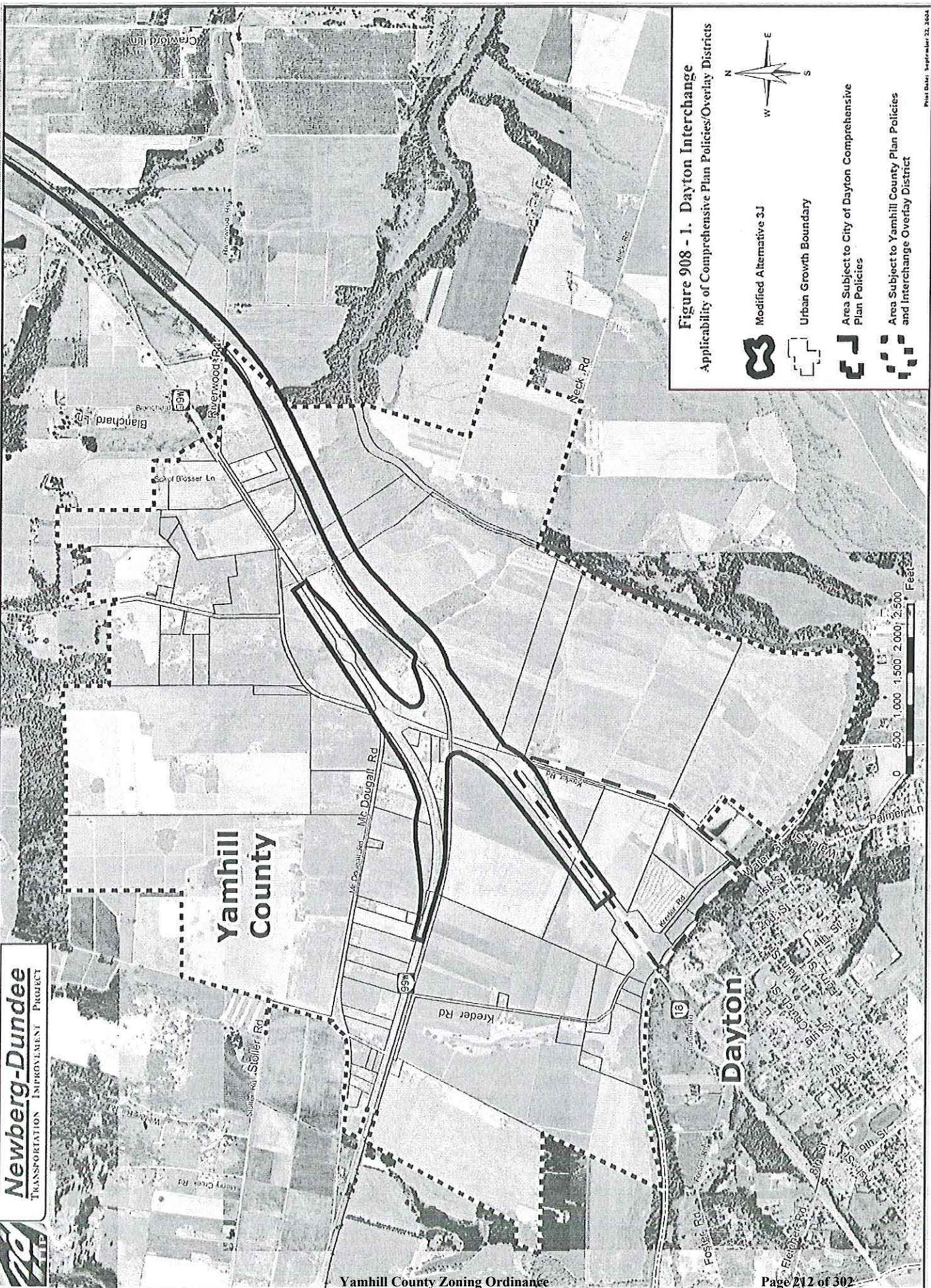


Figure 908 - 1. Dayton Interchange
Applicability of Comprehensive Plan Policies/Overlay Districts

- Modified Alternative 3J
- Urban Growth Boundary
- Area Subject to City of Dayton Comprehensive Plan Policies
- Area Subject to Yamhill County Plan Policies and Interchange Overlay District

Plan Date: September 22, 2004

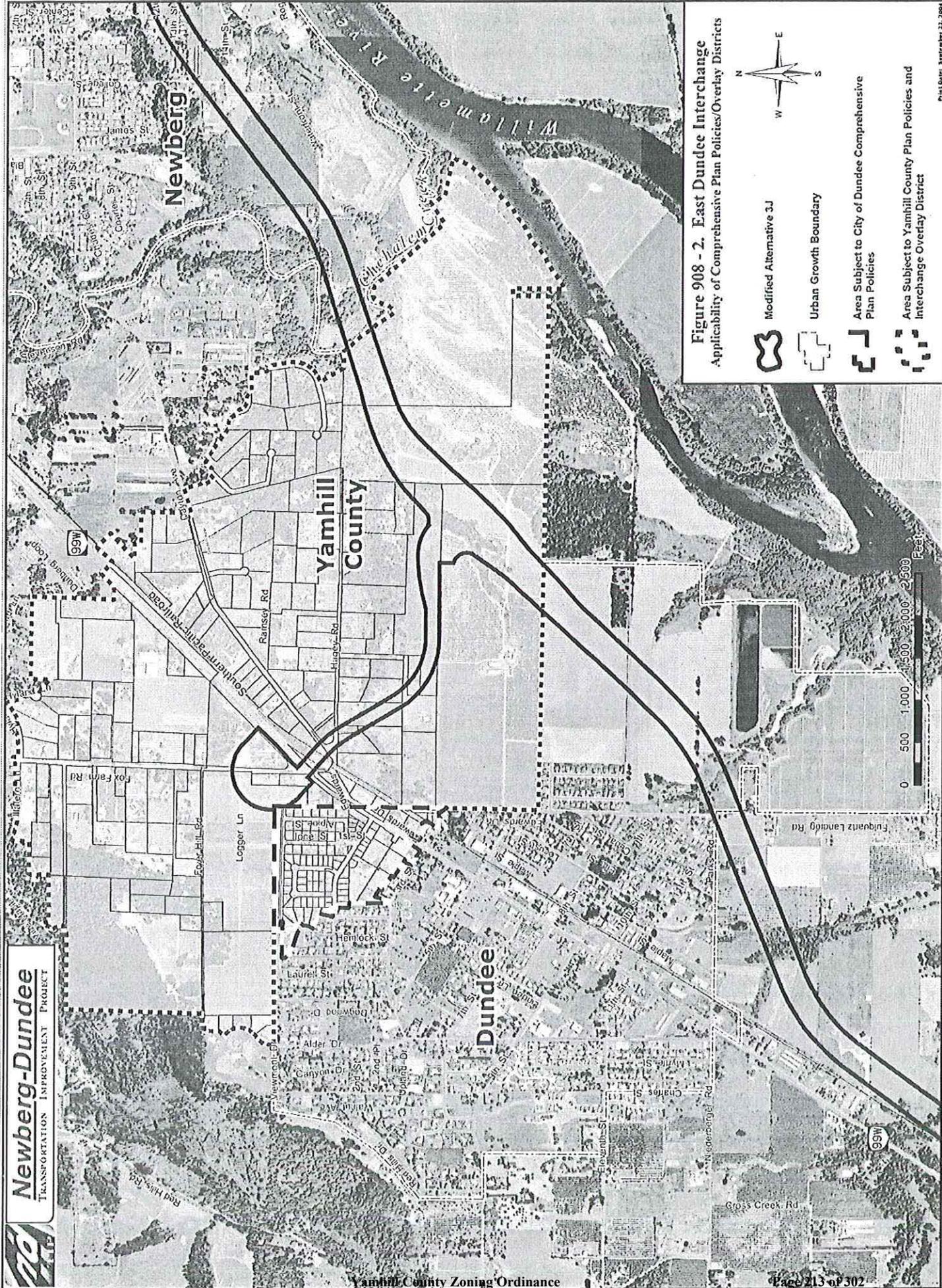
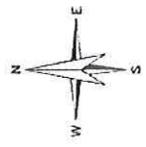


Figure 908 - 2. East Dundee Interchange
Applicability of Comprehensive Plan Policies/Overlay Districts

-  Modified Alternative 3J
-  Urban Growth Boundary
-  Area Subject to City of Dundee Comprehensive Plan Policies
-  Area Subject to Yamhill County Plan Policies and Interchange Overlay District



0 500 1,000 1,500 2,000 2,500 Feet

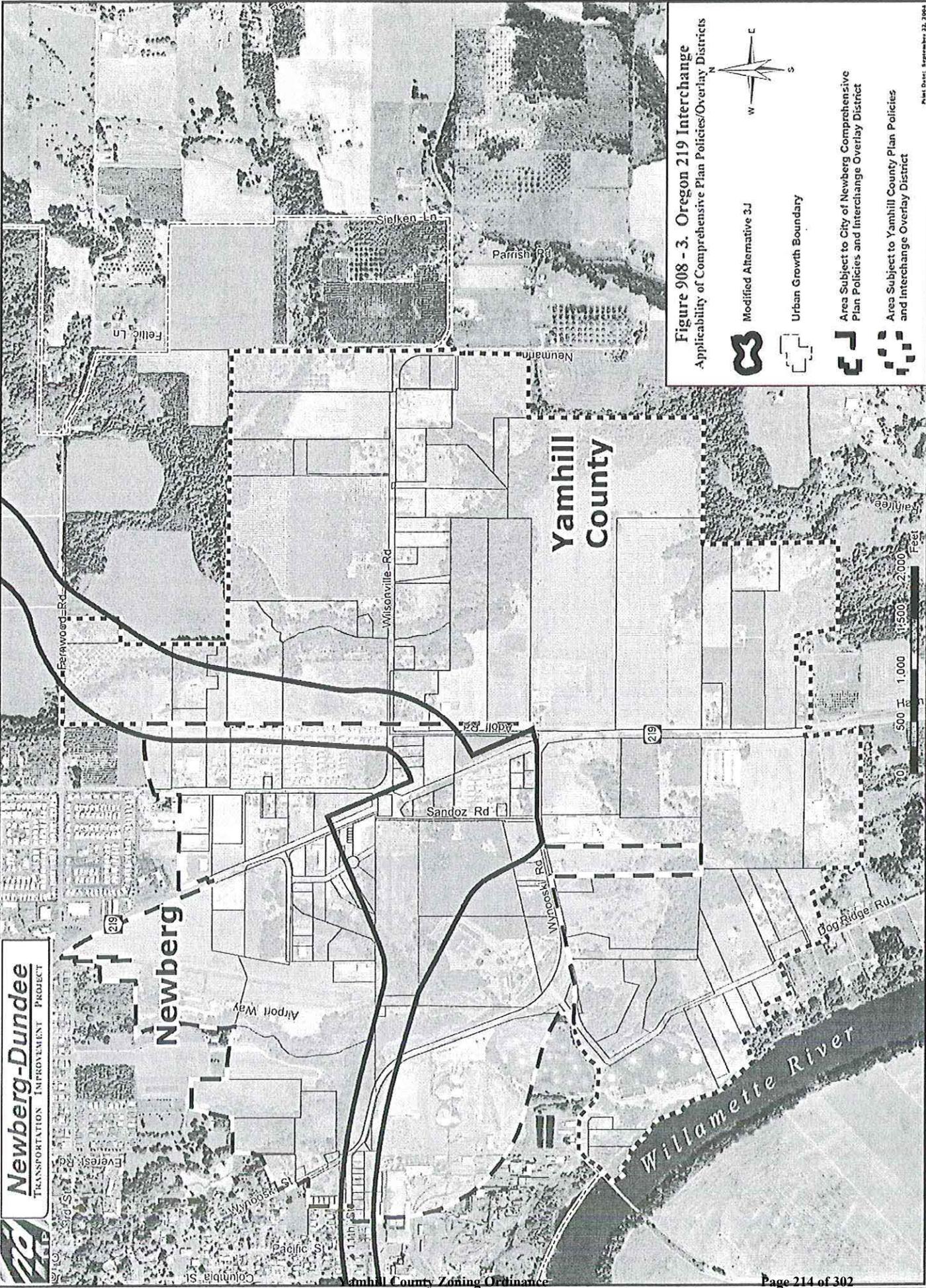
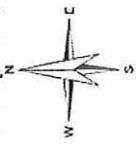
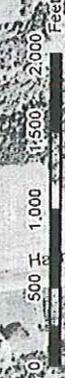


Figure 908 - 3. Oregon 219 Interchange
Applicability of Comprehensive Plan Policies/Overlay Districts



-  Modified Alternative 3J
-  Urban Growth Boundary
-  Area Subject to City of Newberg Comprehensive Plan Policies and Interchange Overlay District
-  Area Subject to Yamhill County Plan Policies and Interchange Overlay District



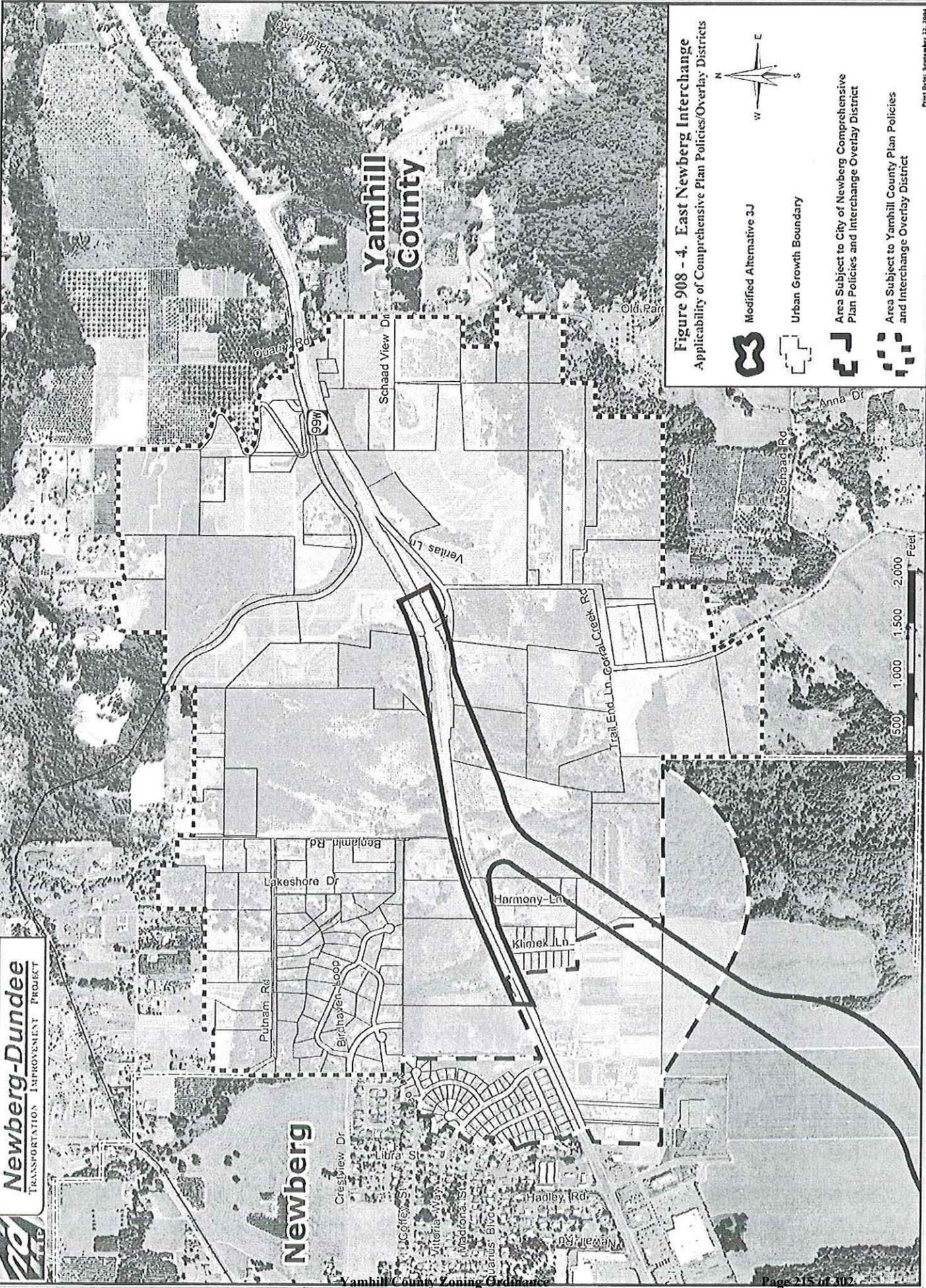


Figure 908 - 4. East Newberg Interchange
Applicability of Comprehensive Plan Policies/Overlay Districts

 Modified Alternative JJ
 Urban Growth Boundary
 Area Subject to City of Newberg Comprehensive Plan Policies and Interchange Overlay District
 Area Subject to Yamhill County Plan Policies and Interchange Overlay District

0 500 1,000 1,500 2,000 Feet

Zoning Ordinance

Section 1001.00 - Special Use Requirements General Provisions

1001.01 Definition

Special uses are those uses which, due to unique characteristics, are subject to particular requirements or standards which differ from or exceed those required of other uses in the same zoning district. The specific standards and requirements for the special uses of this ordinance are provided in Sections [1002 through 1013](#).

1001.02 Applicable Standards and Procedures

The status of a special use as a permitted or conditional use shall be as specified in the underlying zoning district and subject to the applicable standards of such district. In addition:

- A. Special uses shall be subject to the applicable standards as set forth in Sections [1002 through 1013](#); and

 - B. A special use which is a conditional use in the specific underlying zoning district shall also be subject to the Type B application procedure set forth in Section [1301](#) and the conditional use permit review criteria in Section [1202](#).
-

Zoning Ordinance

Section 1002.00 - Mobile Homes

[Repealed 7/9/98, Ordinance 648]

Zoning Ordinance

Section 1003.00 - Recreational Vehicle (RV) Parks

[Amended 7/9/98, Ord. 648]

1003.01 Standards and Requirements

The use of any parcel for an RV park and any modifications to an existing RV park shall comply with the following standards and requirements:

- A. The minimum parcel area for an RV park shall be one (1) acre;
- B. The maximum density of RV spaces shall not exceed twenty-five (25) per acre of gross land area;
- C. No RV shall be located anywhere but in an RV space and only one (1) RV shall be located within any RV space;
- D. The only structures or vehicles which may be placed in an RV space, other than storage structures provided by the management of the park, are one (1) RV and one (1) motor vehicle; except that an RV space may be rented for the residential use of one (1) mobile home for a period of one (1) month or less, subject to the other provisions of this section;
- E. No RV shall remain in an RV park for a period of more than four (4) months;
- F. The minimum width for a parcel containing an RV park shall be one hundred (100) feet, except that portions of the parcel intended only for general vehicular entrances and exits may be as narrow as fifty (50) feet;
- G. Permitted accessory uses for a commercial service nature and parking areas serving such accessory uses shall not occupy more than five (5) percent of the gross area of the RV park, and shall be sized, laid out and designed to serve only the frequent trade or service needs of travelers patronizing the RV park;
- H. No part of any RV park shall be used for the parking or storage of any heavy equipment or trucks exceeding one-ton capacity;
- I. No home occupation or business shall be operated from an RV park;

- J. All contiguous lots of record proposed for the development of an RV park under one (1) ownership or management shall be consolidated into a single lot of record upon development of the park and an appropriate document to memorialize this condition shall be recorded in the deed and mortgage records for Yamhill County prior to the issuance of any building permit; and
- K. A responsible caretaker, owner, or manager shall be placed in charge of any RV park to keep all grounds, facilities and equipment in a clean, orderly, and sanitary condition, and shall be answerable to the owner for any violation of the provisions of this or any other ordinance.

1003.02 Layout and Design Specifications.

The following layout and design specifications shall apply to any RV park:

- A. A buffer area shall be provided immediately within all boundaries, all of which shall be loamed, seeded and planted with grass and at least one row of deciduous and/or evergreen trees spaced not more than twenty (20) feet apart, and one or more rows of bushy shrubs or hedge capable of attaining a height of at least five (5) feet within three (3) years. Plantings shall be hardy, appropriate for the use and location, and planted so as to thrive with normal maintenance. The required buffer area shall be a minimum of twenty (20) feet in depth within all boundaries common to a residential zoning district or public street, other than an alley; and the required buffer area shall be a minimum of ten (10) feet in depth within all other boundaries;
- B. No recreation or service area, except for waterfront recreation, may be located within a buffer area;
- C. No RV may be located within a buffer area;
- D. No building or structure may be erected or placed within a buffer area, except a sign, fence or wall;
- E. No refuse-disposal area shall be located within a buffer area;
- F. No plant materials or land may be deposited or removed within a buffer area except as a part of a recognized landscaping scheme or except for emergency access;
- G. Only roads which cross as closed to right angles as practicable and connect directly with the road system contained within the remainder of the park shall be permitted within a buffer area; no road shall traverse the buffer area and give direct access from any public road to any RV space;
- H. The road system shall comply with modern subdivision design practice as prescribed by the Standards and Specifications for Road Construction in Yamhill County, Oregon 1975, as amended;

- I. The walkway system shall provide safe, convenient, all-season pedestrian access only, shall be of adequate width for intended use (minimum three (3) feet), and shall be durable and convenient to maintain;
- J. At least one (1) off-street parking space shall be provided for each RV space plus one (1) additional space for each four (4) RV spaces to provide for guest parking. Grouped parking spaces shall be located within one hundred fifty (150) feet of the RV spaces served;
- K. All recreation areas shall be well-drained, grassed or hard-surfaced and dust-free;
- L. The boundaries of each RV space shall be delineated by suitable permanent markers in such a way that the boundaries of any space can be readily ascertained;
- M. Each RV space shall have sufficient unobstructed access to, or frontage on, an RV park road, so as to permit the movement of RVs;
- N. Each RV space shall have a minimum area of five hundred (500) square feet and shall have one (1) conveniently located automobile parking space;
- O. Within an RV park, minimum setbacks shall be provided as follows: RVs shall be located at least five (5) feet from any buffer area, at least ten (10) feet from any private road, at least twenty (20) feet from any service building, service area, recreation area, or from another RV space and at least twenty-five (25) feet from any boundary of the RV park. Service buildings, service areas and recreation areas shall be located at least ten (10) feet from any private road, RV space, or grouped bay parking area;
- P. No structural addition to any RV or manufactured home shall be permitted;
- Q. All refuse containers shall have an animal-proof lid and shall be maintained in a clean and sanitary condition. Garbage and refuse shall be disposed of in such a manner to control flies, rodents and odors;
- R. All utilities, including electrical power and telephone lines, shall be installed underground;
- S. All roads, walkways, grouped-bay parking and service areas shall be provided with lighting adequate to ensure the safety of vehicular and pedestrian traffic; and
- T. All lighting shall be arranged so far as possible to reflect away from RV spaces.

1003.03 Applications

All applications for review of plans and specifications for any RV park shall be made pursuant to the Type A application procedure set forth in Section [1301](#), and shall contain:

- A. The documentation required for any application as set forth in Mobile Home Park Standards, adopted as Oregon Administrative Rule, Chapter 814, Subdivision 3, Mobile Home Parks, Section 28.050; and
 - B. The documentation for site-design review as set forth in Section [1101](#) of this ordinance.
-

Zoning Ordinance

Section 1004.00 - Home Occupations

[Last amended 09/02/04, Ord. 746]

Section [202.00](#) of the Yamhill County Zoning Ordinance lists the following definition of Home Occupation:

HOME OCCUPATION: An activity involving off-site sales, the manufacture of a product or the provision of a service carried on in compliance with Section 1004 of this ordinance by a resident of the property on which the business is located. "Home occupation" does not include the retail sale of products unless such sales are secondary to the primary home occupation use.

1004.01 Standards and Limitations

Except as provided in the Minor Home Occupation standards listed in Subsection 1004.01, the following standards and limitations shall apply to home occupations:

- A. The home occupation will be operated by a resident of the property on which the business is located.
- B. The home occupation will employ on the site no more than five full or part-time employees. [Amended 8/13/98, Ord. 657]
- C. The home occupation will be operated substantially in the dwelling or in other buildings normally associated with uses permitted in the zone in which the property is located. [Amended 8/13/98, Ord. 657]
- D. The home occupation will not unreasonably interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. [Amended 8/13/98, Ord. 657]
- E. No more than one (1) home occupation shall be permitted in conjunction with any dwelling or parcel. Activities which are substantially different in nature shall be considered separate home occupations.
- F. A home occupation shall not be used to permit construction of any structure that would not otherwise be allowed in the zone in which the home occupation is established, nor shall a home occupation be used as justification for a zone change.
- G. The total area used for outdoor storage shall not exceed the allowable parcel coverage in the zone in which the home occupation is established.

- H. There shall be no visible evidence of the conduct of a home occupation from any road or adjacent property, other than permitted signs. Any outdoor storage or outdoor work areas shall be effectively screened by vegetation or by a sight obscuring fence.
- I. A home occupation shall not generate noise, vibration, glare, fumes, odor, electrical interference or other disturbance beyond what normally occurs in the applicable zoning district.
- J. A home occupation shall not generate traffic or parking beyond what normally occurs in the applicable zoning district.
- K. Off-street parking spaces shall be provided for clients or patrons and shall not be located in any required yard. [Amended 8/13/98, Ord. 657]
- L. One (1) on-premise sign shall be permitted in conjunction with a home occupation, subject to the sign provisions set forth in Section [1006](#).
- M. The nature of a proposed home occupation shall be specified at the time of application. Any proposed change in the nature of an approved home occupation shall require a new conditional use permit. Any departure from the uses and activities initially specified shall be considered grounds for revocation of the conditional use permit.
- N. A permit for a home occupation shall be deemed personal to the applicant and shall not run with the land. Upon notification by the county such permit shall expire two (2) years from the date of issuance, at which time the permit may be renewed by the Director upon a finding that the requirements of this ordinance are being met. A fee for renewal of the permit may be imposed by the Director.
- O. A condition of approval may be placed on a home occupation requiring a review every 12 months following the date the permit was issued. The home occupation may be renewed if it continues to comply with the requirements of this ordinance and any other conditions of approval. [Amended 8/13/98, Ord. 657]
- P. Pursuant to the nonconforming use provisions of Section [1205](#) of this ordinance, any proposed expansion or change in the nature of a home occupation in operation prior to adoption of this ordinance shall be subject to the requirements of this section and shall require a conditional use permit. In the event of denial of such an application, the home occupation shall be allowed to continue at its original scale and nature as a nonconforming use.

1004.02 Minor Home Occupations

Minor Home Occupations may be established within an existing dwelling provided it satisfies the following standards

- A. Minor Home Occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.
- B. There shall be no visible evidence of the conduct of a Minor Home Occupation from any road or adjacent property, other than permitted signs.
- C. There shall be no outside storage associated with a Minor Home Occupation.
- D. A maximum of two full or part time employees, in addition to members of the immediate family residing on the premises, shall be employed in the operation of the Minor Home Occupation.
- E. There shall be no display of products visible from outside an enclosed building space.
- F. The maximum number of client vehicles that are associated with a home occupation and located on the subject property shall not exceed two at any time.
- G. A maximum of two off-street parking spaces shall be provided for clients or patrons and shall not be located in any required yard.
- H. A Minor Home Occupation shall not create noise, vibration, glare, fumes or odor detectable to normal sensory perception off the subject property.
- I. A Minor Home Occupation shall not create visual or audible electrical interference in any radio or television off the subject property or cause fluctuation in line voltage off the subject property.
- J. A Minor Home Occupation does not allow the repair of motor vehicles.
- K. A bed and breakfast does not qualify as a Minor Home Occupation.
- L. A Minor Home Occupation is limited to one on-premise sign of up to six square feet.

[1004.02 Added 9/2/04, Ord. 746]

Zoning Ordinance

Section 1005.00 - Solid Waste Disposal Facilities

1005.01 Standards and Requirements

The following standards and requirements shall apply to all applications to site a solid waste disposal facility.

- A. The application shall be processed pursuant to [Subsection 1301 Type C](#) procedures.
- B. The application shall include a written justification for the request pursuant to the conditional use provisions of [Subsections 1202.02](#).
- C. The application shall include a preliminary site plan pursuant to [Section 1101](#), Site Design Review.
- D. The application shall include information as needed to determine potential effect:
 - 1. That birds attracted to the site might have on full-service or limited use airports or approach patterns.
 - 2. That leachate might have on area aquifers or recharge areas.
 - 3. That the operation might have on or how it might be affected by area floodplains, and other ground and surface water conditions, and geological/soil characteristics.
 - 4. That the operation might have on or be affected by site vegetation, wildlife habitat or other environmental, archeological, historical or similar resource considerations.
 - 5. That the operation might have on surrounding land uses within 1/2 mile of the disposal operation.
- E. Provisions shall be made to insure that site access and roadway conditions are adequate for the traffic to the site.
- F. The operational plan shall be approved by DEQ, and will be reviewed by the county to insure that all local compatibility issues are resolved. Such operational plan shall include but not be limited to the following provisions:

1. Site analysis
2. Volume/capacity analysis
3. Waste stream/refuse generator analysis

4. Operational financial analysis

1005.02 Final Site Design Review and Operational Requirements

The applicant shall provide the following:

- A. A final site plan in accordance with the provisions of [Section 1101](#) of the zoning ordinance, together with the following:
 1. Site operational provisions in an outlined format that indicates both work to be performed and frequency of application.

 2. Financial data demonstrating ability to complete the work.

 3. Evidence of bondability to 150% of the proposed site development costs and operational cost for a one-year period.
 - B. Evidence of DEQ review and preliminary site approval for a solid waste disposal facility.
 - C. Evidence of the ability to satisfy the requirements for issuance of a solid waste disposal franchise in accordance with the requirements of the Yamhill County Solid Waste and Collection Ordinance, No. 154, Section 9.05, Disposal Franchise Requirements.
 - D. Such other information or provisions as are required as a condition of preliminary approval.
-

SECTION 1000 – SPECIAL USE REQUIREMENTS

1006. SIGNS

[Last amended 05/24/12; Ord. 870]

1006.01 Purpose.

The purpose of these sign regulations is to provide traffic safety, to maintain the aesthetic environment, and to minimize possible adverse effects of signs on nearby properties, while encouraging the effective use of signs as a means of communication.

1006.02 Signs Requiring Permits.

A sign permit shall be required for:

- A. Any sign more than two square feet in area, unless specifically exempted by Section 1006.03.
- B. Electrical or illuminated signs.

1006.03 Signs Not Requiring Permits.

A sign permit is not required for the following:

- A. A single sign, not more than two (2) square feet in area, on any parcel.
- B. Any sign not visible from a public right-of-way, or from any other property not under the same ownership as the property upon which the sign is located.
- C. Temporary signs, including but not limited to political signs, real estate “for rent/sale” signs, and signs advertising local community events. The temporary sign shall not exceed 12 square feet in area, shall not be illuminated, and shall be removed within one week after the election, sale or event. The placement of the temporary sign shall conform to the setbacks and other standards in Section 1006.08.
- D. Ground or roof mounted balloon or inflatable signs. Such signs shall be displayed for no more than 14 days in any six month period. If ground mounted, such sign shall not exceed 24 feet in height above grade, or if roof mounted shall not exceed 24 feet in height above the roof top.
- E. Legal notices or identification, informational or directional signs erected or required by governmental bodies.
- F. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights; and sculpture and other work of fine art created for appreciation rather than advertising.
- G. Service signs whose primary purpose is not to attract customers to the premises. Service signs include, but are not limited to, the following:
 - 1. Signs attached to or part of vending machines, public telephones or other devices furnishing public services not related to the business conducted on the premises.

2. Signs displayed for direction or instruction (restroom, freight entrance, parking, etc.).
 3. Signs required by law or designed solely in the interest of public safety.
 4. Signs located directly on and not extending beyond the component parts of display stands, as long as they do not exceed fifty square feet of sign area for all such devices on the property.
- H. Temporary decorations or displays clearly incidental and commonly associated with local national or religious holidays or other celebration, provided that such decorations or displays are removed within 15 days after the holiday.

1006.04 Prohibited Signs.

The following signs are prohibited in all zone districts:

- A. Moving or flashing signs or other signs that may likely cause motorists distraction or be hazardous to public safety. Portions of signs that display the time or temperature are exceptions.
- B. Banners, pennants, festoons, or searchlights, except that upon receipt of a temporary use permit, such may be allowed for special events, grand openings or similar celebrations. Such signs may be erected 15 days prior to the event/celebration, and shall be removed within 15 days thereafter.
- C. Signs imitating or resembling official traffic or government signs.
- D. Temporary posters or signs attached to trees, electrical or telephone poles, or other public property.
- E. Signs attached to a building and exceeding the highest part of the roof.
- F. Billboards, except as approved by the State Highway Division.

1006.05 Signs Within State or County Right-of-Ways.

Signs within a right-of-way shall be regulated by the State Department of Transportation along State Highways, and by the Yamhill County Department of Planning and Development along county roads and local public access roads, subject to the following:

- A. Such signs along State highways shall be governed entirely and installed by the State Highway Division.
- B. The County Public Works Department is authorized to construct and install such signs along county roads and local public access roads upon Planning Department permit approval.
- C. Signs along county roads and local public access roads shall be the same or of similar size and material as those provided by the State for signs along State Highways.
- D. Costs for construction, installation and replacement of signs on county roads or local public access roads shall be determined by and paid to the Department of Public Works.

1006.06 Sign Permit Application.

An application for a sign permit shall be made on a form provided by the County, and shall be accompanied by the appropriate filing fee. The following information shall be submitted with the application:

- A. A drawing to scale showing the design of the sign, including dimensions, sign size, height, clearance, method of attachment, source of illumination, and an elevation drawing of any building to which the sign will be attached.
- B. A plot plan drawn to scale showing the location of the sign in relation to property lines, roads, driveways, buildings or other structures on the parcel, and any other signs on the parcel.
- C. The number, size and location of all existing signs on the parcel.
- D. Structural and mechanical design and engineering data sufficient to determine compliance with applicable Building Codes.

1006.07 Sign Size

- A. In the F, EF, AF, MR, PRO, PAI, PWS and PALF districts, a single sign not exceeding twenty-four square feet in area shall be allowed. Properties with double frontage shall be allowed two signs, one on each frontage, or a single sign twice the area of the above standards.
- B. In the VLDR and LDR Districts, a single sign not exceeding 12 square feet in area shall be allowed.
- C. In the RC, NC, HC, RI, LI and HI Districts, signs shall be permitted as follows:
 - 1. The maximum total sign area on the parcel shall be one square foot per lineal foot of parcel frontage, up to a maximum of 400 square feet. Regardless of site frontage, a minimum of one hundred square feet of sign area shall be permitted for any single parcel.
 - 2. A single face of any one sign shall not exceed one hundred square feet.
 - 3. No more than one free-standing sign shall be allowed on any property.
 - 4. If two or more businesses share a common business space and/or parking area, the total sign area allowed shall be proportionately allocated between or among such businesses, and shall not exceed the total sign area allowed as set out by this subsection.

1006.08 Standards and Requirements.

- A. Setbacks.

All signs shall be situated so as not to adversely affect safety, corner vision or other similar conditions, in addition to the following:

- 1. The minimum setback for signs shall be five feet for all yards.
- 2. Free-standing signs shall be set back from front property lines one foot for each ten square feet of sign area to a maximum required setback of twenty feet. Free-standing

signs shall comply with the side and rear yard setbacks of the underlying zoning district.

3. Signs shall conform to clear-vision requirements at street and driveway intersections. No sign or support structure for a sign shall be located in the clear vision area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.

B. Height.

Any free-standing sign or sign attached to or placed upon a building shall not extend more than twenty-four feet above the road or highway grade. In addition, roof or wall mounted signs shall not extend above the highest part of the roof.

C. Projecting Signs

Projecting signs, including canopy and awning mounted signs, shall not extend more than six feet from the face of the building to which they are attached. Projecting signs shall have a maximum area of twenty-four square feet per face, and a minimum ground clearance of eight feet.

D. Blanketing.

No sign shall be situated in a manner which results in the blanketing of an existing sign.

E. Construction.

All signs shall be constructed at the expense of the sign or business owner, and shall be erected in conformance with this ordinance and all county-administered Sign, Electrical and Building Code requirements.

F. Electrical and Illuminated Signs.

1. Electrical equipment used in connection with electrical or illuminated signs shall be installed by a licensed sign contractor and in accordance with the National Electric Code.
2. Every sign containing electrical components or illumination devices shall bear an underwriter's label, or approved testing laboratory label, and the name of the sign erector and the date of installation. Such name and date shall be placed and maintained at a readily legible location on the sign structure.
3. No electrical or illuminated sign shall exceed fifty square feet in surface area.
4. Electrical service to free-standing signs shall be underground.
5. Artificially illuminated signs, or lights used to indirectly illuminate signs shall be placed, shielded or deflected so as not to shine into dwelling units or to create excessive glare along adjacent roads. The light intensity of an illuminated sign shall not exceed the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.
6. Sign clearances shall be in accordance with Section 225 of the National Electric Code.

G. Maintenance and Removal.

Every sign, including those specifically exempt from permits required by this ordinance, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports. The Director may inspect, and shall have the authority to order the painting, repair, alteration or removal of a sign which may constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

1006.09 NonConforming Signs/Removal.

Signs and sign structures not conforming to the requirements of this ordinance shall be subject to the following amortization provisions:

- A. Any legally constructed/installed sign or sign structure not conforming to this ordinance shall be recognized as a nonconforming use and discontinued within 6 years from the date of a nonconformity and amortization notice given to the sign owner by the County.
- B. Any sign not legally constructed/installed shall be recognized as a zoning ordinance violation and shall be removed immediately.
- C. A nonconforming and amortization notice requiring removal of a nonconforming sign shall be given by the county at such time as the following findings are made:
 - 1. It has been determined that the sign is non-conforming.
 - 2. The nonconformity has been discussed with the owner.
 - 3. The Director has determined that the sign cannot or will not become a conforming use.
- D. All flashing or moving signs shall be made so that such flashing or movement is discontinued within thirty days of a zoning ordinance violation notice.

1006.10 Abandonment and Removal.

Any sign which does not contain legibly printed matter on the display surface, or which by its nature has become obsolete for a period of three (3) months, shall be deemed to have been abandoned by the owner thereof and shall be subject to removal by the County Roadmaster or his designate.

1006.11 Definitions.

- A. Sign: An identification, description, illustration or device which is affixed to or represented directly or indirectly, upon land, or a building or structure, and which attracts the attention of, or conveys a message to any person.
- B. Sign, Flashing: Any illuminated sign within or upon which the illumination is not maintained stationary and constant in intensity and color.
- C. Sign, Illuminated: Any sign designated to give forth any artificial light or designed to be illuminated by artificial light from another source, and does not include a flashing sign.

- D. Sign, Projecting: Any sign attached to a structure and projecting perpendicularly out from the wall or roof to which it is attached.
- E. Sign, Surface Area: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area on one side of any free standing sign or roof or wall mounted sign with backing, or the area resulting from encircling the lettering and all of the other elements of signage displayed on roof or wall mounted signs without backing. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. On wall mural signs, only that portion of the sign considered advertising shall be calculated in determining maximum area allowance.
- F. Sign with Backing: Any sign that is displayed upon, against or through any material or colored surface or backing that forms an integral part of such display, and that differentiates the overall display from the background against which it is placed. Words, letters, and other advertising elements attached directly to a roof or wall shall not be considered a sign with backing.

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Zoning Ordinance

Section 1007.00 - Off-Street Parking & Loading

[Last amended 7/9/98, Ordinance 648]

1007.01 Purpose and Scope

The off-street parking and loading requirements of this section shall apply to those uses specifically listed in this section. A dwelling which is not a duplex or multi-family dwelling shall not be subject to the requirements of this section; however, a minimum off-street parking area sufficient to accommodate two (2) cars shall be provided for each such dwelling. The requirements for any use not specifically listed in this Section but which may require off-street parking and loading facilities shall be determined by the Director based upon the requirements for comparable uses listed herein. At the time of construction of a new building or structure, or at the time of enlargement or change in use of an existing building or structure within any zoning district, off-street parking spaces shall be provided as specified herein, unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area of the building or structure primary to the functioning of the particular use of the parcel, but shall exclude space devoted to off-street parking or loading.

1007.02 Off-Street Parking and Loading Regulations.

A plan drawn to scale indicating how the following off-street parking general provisions and design requirements are to be fulfilled shall accompany an application for a building permit:

A. General Provisions

1. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of any parcel, building or structure change the use to which said parcel, building or structure is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and in violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are complied with.
2. In the event several uses occupy a single parcel, building or structure, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
3. Owners of two (2) or more uses, parcels, buildings or structures, may agree to utilize jointly the same parking and loading spaces when the

hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Director in the form of deeds, leases, or contracts to establish joint use.

4. Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. All other required parking spaces shall be located not further than two hundred (200) feet from the use, parcel, building or structure they are required to serve, measured in a straight line from such use, parcel, building or structure.
5. Off-street parking spaces for dwellings shall not be located in a required front yard or in a required side yard on the street sides of a corner parcel.
6. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

B. Design requirements for parking lots and loading areas shall be as follows:

1. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and drained as to avoid flow of water across sidewalks or onto adjacent private property;
2. Except for parking to serve residential uses, parking and loading areas adjacent to residential zoning districts or adjacent to residential uses shall be designed to minimize disturbance of residents;
3. Artificial lighting which may be provided shall be deflected so as not to shine or create glare in any residential zoning district or on any adjacent dwelling;
4. Access aisles shall be of sufficient width for all vehicular turning and maneuvering;
5. Groups of more than four (4) parking spaces shall be located and served by a driveway so that their use will require no backing movements or other maneuvering within a road right-of-way other than an alley;
6. Service drives to off-street parking areas shall be designated and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the parcel; and

7. Service drives shall have a minimum clear-vision area formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection.

C. Off-street Parking Space Standards [Amended 7/9/98, Ord. 648]

USE	STANDARD
Duplex or multi-family dwelling	Two (2) spaces per dwelling unit
Residential home or facility	One (1) space per bedroom, plus one (1) space for each employee on maximum working shift
Retail commercial use	One (1) space per 300 square feet of floor area
Service commercial use	One (1) space per 400 square feet of floor area
Eating or drinking establishment, including wine tasting rooms	One (1) space per one-hundred (100) square feet of floor area, plus one (1) space for each employee on maximum working shift
Clinic	One (1) space per 200 square feet of floor area
Motels, resorts, bed and breakfast inns and similar rental uses	One (1) space per unit plus one (1)space for each employee on maximum working shift
Manufacturing or industrial use, including wineries	One (1) space for each employee on maximum working shift
Wholesale storage and related use	One (1) space per 2,000 square feet of floor or storage area
Churches and similar places of assembly	One (1) space per four (4) seats or eight (8) feet of bench length

Zoning Ordinance

Section 1008.00 Day Care Facilities

[Last amended 7/9/98, Ord. 648]

Standards and Requirements

Day care facilities shall be subject to the following minimum requirements:

- A. The proposed facility shall maintain all applicable licenses required by the appropriate agencies for the use described in the application.

- B. All day care facilities shall be subject to Section [1101](#) for site design review. Special considerations for this use are as follows:
 - 1. Compatibility in appearance with the surrounding area;

 - 2. Provision of usable on-site open space appropriate to the needs of the day care persons; and

 - 3. Clearly defined property boundaries.

1008.02 Application Requirements.

In addition to the Type B application procedure set forth in Section [1301](#) and the conditional use permit review criteria set forth in Section [1202](#), an application for a day care facility shall include the following:

- A. A description of the proposed use, including the maximum number of day care persons to be served, the number of staff, and estimated days and hours of operation; and

- B. A site plan showing existing or proposed structures and improvements, including landscaping, play yards and parking areas, and the location of structures and improvements on adjacent properties.

1008.03 Definitions.

DAY CARE FACILITY - Any facility, as defined in [ORS 657A.250](#), that provides child care to children in a place other than the child's home, with or without compensation, except the home of a family day care provider. [Added 7/9/98, Ord. 648]

DAY NURSERY - Any institution, establishment or place in which three or more children not of common parentage, under the age of six years, are commonly received for a period or periods not exceeding 12 hours for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward. [Added 7/9/98, Ord. 648]

FAMILY DAY CARE PROVIDER - A child care provider who regularly provides child care in the provider's home, in the family living quarters, for no more than three children other than the person's own children, or for children from only one family other than the person's own family. [Added 7/9/98, Ord. 648]

Zoning Ordinance

Section 1009.00 - Temporary Use Permits

1009.01 Standards and Requirements

The following minimum requirements shall apply to temporary use permits:

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

1009.02 Conditions of Approval

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

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

1009.03 Termination or Non-Renewal

- A. If the applicant for a temporary activity or use fails to maintain compliance with conditions of approval, or if the activity or use is determined, upon appeal of the Director's decision, to be inconsistent with the provision of the applicable zoning District, such use may, upon 15 days notice by the Director, be terminated. Such an appeal may be made at any time during the duration of permit approval, and is not subject to other time limitations.
 - B. If the temporary use is determined to be incompatible with vicinity uses or otherwise unsatisfactory, and such conditions cannot be mitigated, the temporary activity or use may be denied renewal by the Director.
 - C. If at any time the Director determines that a temporary use is more permanent than temporary in nature, such use shall comply with all applicable provisions of this ordinance. [Amended 8/17/88, Ord. 468]
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Zoning Ordinance

Section 1010.00 - Landscaping

1010.01 General Provisions

A. The following provisions apply to parcels required to be landscaped:

1. Landscaping may be required for privacy, visual screening, sound deadening, appearance enhancement or other purposes determined desirable by the Director for the purpose of insuring compatibility of the proposed use with that of existing and anticipated future uses in the vicinity. Undeveloped and/or unused portions of properties shall either be landscaped, or have other means of weed and erosion control established.
2. Plantings shall comply with clear-vision requirements at all intersections and access locations onto public roads.
3. All landscaping shall be continuously maintained. All plant materials other than trees shall be provided with underground irrigation, unless alternative irrigation is approved by the Director as part of site design plan.

B. Plan Requirements

Landscape plans with explanatory notes shall accompany all applications for commercial and industrial building permits and all other site design plans. Landscape plans shall be drawn to a scale of 1"=20' or other scale approved by the Director as being appropriate to accurately depict the following:

1. Location and dimensions for existing and proposed structures and roadway entrances onto the site upon which development is being proposed.
2. Existing trees 6 inches or larger in a diameter at 4 feet above grade, including trees proposed to be removed, and existing shrubs or other plant materials to be retained.
3. Type, size and location of trees, shrubs, and other plant materials proposed to be planted, the schedule for planting, and the method and layout of the irrigation system to be installed.
4. Type, height and location of all fencing, trash collection areas, free-standing lighting and signage proposed. Unless otherwise provided, the plan shall include a drawing of such signage with dimensions of the size, shape and height thereof. Signage shall be in accord with Section 1006 of this ordinance.

5. Traffic circulation and parking space layout/design including a cross-section or description of materials to be used in all such areas; and sidewalks, walkways and other pedestrian improvements, e.g., benches, recreation equipment, etc.

C. Standards and Requirements

Landscaping shall be provided as follows in Commercial and Industrial zones and in all other zones as appropriate:

1. A minimum area of 30 feet in depth measured: (1) from the bottom/centerline of any State highway ditch, and (2) from any property line abutting a residentially planned or zone-designated area, whenever the property is within 60 feet of an off-site residence.
2. A minimum area of 10 feet in depth along all other property lines, except as the Director may determine unnecessary.
3. Adjacent to a State highway, a berm of not more than 18 inches in height above natural grade, and at least 6 feet in width shall be constructed. The berm shall be located entirely on the applicant's property and be planted with a combination of trees, shrubs, grass and/or ground cover. The berm and plantings at maturity shall not exceed a height of 3 feet at any street intersection or other vehicular access clear vision area.
4. All entrances from public roads or streets shall be designed for safe entry and exit, and landscaped 5 feet wide for a depth of 20 feet onto the property.

D. Plant Materials Spacing

Plant material spacing shall be as follows:

1. Trees approved for a single row shall be a minimum of 6 feet in height, not more than 30 feet apart and approximately 10 feet from the property line.
2. Trees approved for 2 or more rows shall be a minimum of 6 feet in height and not more than 40 feet apart with plantings staggered in adjacent rows. Rows to be not more than 20 feet apart with the outer row approximately 10 feet from the property line.

3. Trees shall be properly installed and staked to industry standards, and shall be located not to interfere with overhead wires and hard-surfaced pedestrian and vehicular areas as they mature.
4. Arborvitae shall be used where site-obscuring planting is needed and shall be 3 feet on-center and a minimum of 4 feet high when planted. The plantings shall be watered and fertilized continuously after installation to generate the growth needed for site-obscuring.
5. Shrubs shall be spaced not more than 5 feet apart.
6. Ground cover shall be planted at no more than 30 inch intervals and staggered in sequential rows not more than 20 inches apart.
7. No landscape area shall be less than 5 feet in width.

E. Implementation

Completion of all landscape plans shall be assured as follows:

1. In the event landscaping is not completed prior to final land use approval or at the time of the request for a development permit, the applicant may post a surety bond or provide other financial assurances, equal to 200% of the estimated cost of materials and installation, or may enter into other implementation agreements as are approved by the Director.
2. Final approval of any land use application or release of any surety for completion of landscaping shall not occur until a final landscape inspection, and a plan completion sign-off has been made by the Director. Any portion of the landscaping not completed in accordance with the approved landscaping plan shall be cause for the plan not to be signed and/or cause for the surety to be used by the county to complete the installation.

F. At such time as the design is agreed upon by the applicant and the Director, both shall sign the Site Design, attesting to that agreement.

G. At such time as the landscape improvements have been completed in accordance with the approved plan, the applicant shall notify the Director thereof, and upon satisfactory inspection, the Director shall sign and date the Plan, attesting to its completion.

Zoning Ordinance

Section 1011.00 - Landing Fields and Public Airports

[Repealed 3/19/98, Ordinance 643]

Zoning Ordinance

Section 1012.00 Country Inn/Bed and Breakfast Facilities

[Last amended 8/13/98, Ord. 657]

1012.01 Standards and Requirements

- A. The following provisions shall apply to bed and breakfast facilities:
1. A bed and breakfast is a single-family dwelling where lodging is offered for compensation, having no more than nine (9) sleeping rooms for this purpose. Bed and breakfast operations that are undertaken from within a residence shall be considered as home occupations, and shall comply with the standards and limitations of Section [1004](#). A bed and breakfast inn may offer a morning meal for overnight guests only. [Amended 8/13/98, Ord. 657]
 2. Water from any source other than a municipal or public supply shall be tested initially and annually thereafter, or more frequently as required by the County Health Department, and determined to be safe for public consumption. [Amended 8/13/98, Ord. 657]
 3. When the facility has more than two rooms for rent, an on-site examination of the premises shall be made by a county health inspector to review food handling and tourist/traveler health and safety practices. [Amended 8/13/98, Ord. 657]
 4. An on-site examination of the premises shall be made by local fire department personnel to advise of appropriate fire and safety code requirements.
- B. Where facilities are approved for three or more guest bedrooms and up to 10 guests, State Administrative Rule and statutory requirements for Bed and Breakfast and Tourist/Traveler facility licensing shall be satisfied.

C. Review of bed and breakfast facility applications may include but is not limited to consideration of the following:

1. Compatibility Issues

- a. Signage
- b. Parking
- c. Other compatibility considerations

2. Location Suitability

- a. Accessibility
- b. Services
<br<
- c. Impact on vicinity uses
- d. Other location considerations

3. Structural Suitability

- a. Safety and security
- b. Design and privacy
- c. Other structural considerations

4. Referral Comments

- a. Environmental Health Division
- b. Fire Department
- c. Other agencies/interests

1012.02 Applications, Permits, and Licenses

The following applications, permits and licenses shall be obtained as appropriate to satisfy the above requirements:

1. Conditional Use Application
2. Public Water System Approval
3. Site Authorization Permit (where remodeling to add bedrooms or bathrooms)

4. Site Suitability and Septic Authorization Permit(where new construction is provided)

 5. Bed and Breakfast License (3 or more bedrooms)

 6. Tourist Facility License (3 or more bedrooms)

 7. Building Permit(s) (any remodeling or new construction)
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This section and related information is available at www.co.yamhill.or.us/plan/planning/planning.asp

SECTION 1013 – SPECIAL USE REQUIREMENTS

1013. AGRI-TOURISM USE PERMITS

[Added 5/24/12; Ord. 871]

Agri-tourism and other commercial events or activities related to and supportive of agriculture may be approved in an area zoned for exclusive farm use subject to the standards and criteria in this section. Any permitted event or activity is personal to the applicant and is not transferred by, or transferrable with, a conveyance of the tract.

1013.01 Standards and Criteria.

- A. The following provisions shall apply to agri-tourism use permits:
1. One expedited, agri-tourism or other commercial event or activity on a tract may be permitted in a calendar year subject to the following:
 - a. The event or activity is incidental and subordinate to existing farm use on the tract and;
 - b. Shall not begin before 6 a.m. or end after 10 p.m.;
 - c. Shall not involve more than 100 attendees or 50 vehicles;
 - d. Shall not include the artificial amplification of music;
 - e. Shall occur outdoors, in temporary structures, or in existing permitted structures. Shall not require or involve the construction, use or occupancy of a new permanent structure in conjunction with the activity or event;
 - f. Shall be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and
 - g. Shall comply with any applicable health and fire and life safety requirements.

An expedited, single event or activity is not a land use decision as defined in ORS 197.015 and, therefore, does not require public notice.

2. In the alternative to 1 above, one agri-tourism or other commercial event or activity on a tract may be permitted in a calendar year subject to the following:
 - a. The event or activity is incidental and subordinate to existing farm use on the tract and;
 - b. Shall not exceed 72 consecutive hours;
 - c. Maximum attendance shall not exceed 500 people;
 - d. The maximum number of motor vehicles parked at the site shall not exceed 250;

- e. May allow the artificial amplification of voice or music from 8 a.m. to 10 p.m.;
- f. Shall comply with ORS 215.296;

For convenience, ORS 215.296 requires the applicant to show that the use will not:

“(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

“(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use”

- g. Shall occur outdoors, in temporary structures, or in existing permitted structures. Shall not require or involve the construction, use or occupancy of a new permanent structure in conjunction with the activity or event;
 - h. Shall comply with any applicable health and fire and life safety requirements;
 - i. Shall comply with any conditions established for hours of operation, access, egress and parking, a traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads, and sanitation and solid waste.
3. In the alternative to 1 and 2 above, up to six events or activities on a tract may be permitted in a calendar year subject to the following:
- a. The events or activities are incidental and subordinate to existing farm use on the tract and;
 - b. Shall not, individually, exceed 72 consecutive hours;
 - c. One of the six events may allow the artificial amplification of voice or music from 8 a.m. to 10 p.m.
 - d. Shall comply with ORS 215.296;

For convenience, ORS 215.296 requires the applicant to show that the use will not:

“(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

“(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use”

- e. Shall occur outdoors, in temporary structures, or in existing permitted structures. Shall not require or involve the construction, use or occupancy of a new permanent structure in conjunction with the activities or events;
- f. Shall comply with any applicable health and fire and life safety requirements;

g. Shall not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and

h. Must comply with any conditions established for:

(i). The types of events or activities that are authorized during each calendar year, including the number and duration of events and activities, the anticipated daily attendance and the hours of operation;

(ii). The location of existing structures and the location of proposed temporary structures to be used in connection with the events or activities;

(iii). The location of access and egress and parking facilities to be used in connection with the events or activities;

(iv). Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(v). Sanitation and solid waste.

i. Permits approved under this subsection expire one year from the date of approval but may be renewed for four-year periods subject to an application for renewal and demonstration of compliance with conditions of approval and the standards of this subsection.

4. In the alternative to 1, 2 and 3 above, up to 18 events on a tract may be permitted in a calendar year subject to the following:

a. The events or activities are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area and;

b. Shall comply with Section 1013.01 (A) (3) (b) through (h) above;

c. Shall occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;

d. Permits approved under this subsection expire one year from the date of approval;

e. Such permits may be renewed at four year intervals subject to:

(i). An application for renewal;

(ii). Public notice and public comment as part of the review process; and

(iii). Demonstration of compliance with conditions of approval and the standards of this subsection.

5. Overnight camping may be allowed for the duration of the one yearly activity or event approved under Section 1013.01(A)(2), (3) or (4). Applications involving overnight camping shall be subject to the Type B procedures set forth in Section 1301.

6. Temporary structures authorized under this Section shall be removed at the end of the activity or event. Additionally, no alteration of the land shall be allowed in connection with an activity or event authorized under this Section, including but not limited to, grading, filling or paving.
7. The events and activities permitted in this Section are in addition to other authorizations that may be provided by law, except that outdoor mass gathering and other gatherings, as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events or activities.

1013.02 APPLICATION PROCESS

Applications filed under Section 1013.01 (A)(2) and (3) shall be subject to the Type A application procedure set forth in Section 1301. Applications filed under Section 1013.01 (A)(4) shall be subject to the Type B procedure set forth in Section 1301.

SECTION 1000 – SPECIAL USE REQUIREMENTS

1014. ACCESSORY DWELLING UNITS [Added 06/28/18; Ord. 906; Amended 6/29/23 Ord. 928 to incorporate SB 644]

1014.01 General Provisions

- A. The following provisions shall apply to accessory dwelling units (ADU's) on lands zoned for rural residential use, located within an Urban Growth Boundary (UGB):
1. The lot or parcel shall be located within an Urban Growth Boundary (UGB).
 2. A maximum of one ADU is allowed per principal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a garage or shop), or a unit attached or interior to the primary dwelling (e.g. an addition or the conversion of an existing floor).
 3. A recreational vehicle is not permitted to be used as an ADU.
 4. ADU's shall, if possible, utilize the same driveway as the principal dwelling.
 5. ADU's are exempted from the parcel coverage and dwelling density standards.
 5. Short-term rental of the ADU is prohibited. For purposes of this provision, short-term rental is defined as fee-based occupancy for a period less than 30 consecutive days. Month to month rental agreements for long-term purposes is not short-term rental when the renter(s) remains the same each month.
- B. In addition to the provisions of Section 1014.01(A), the following additional provisions shall apply to ADU's on lands zoned for rural residential use, located outside of a UGB:
1. The lot or parcel is at least two acres in size and not within an urban reserve as defined in ORS 195.137.
 2. The ADU will be located no farther than 100 feet from the existing single-family dwelling;
 3. If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission;
 - a. The ADU constructed under this section shall be served by the same water supply source or water supply system as the existing single-family dwelling, provided such use is allowed for the ADU by an existing water right or a use under ORS 537.545. If the ADU is served by a well, the construction of the ADU shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department.

- b. An existing single-family dwelling and an ADU allowed under this section are considered a single unit for the purposes of calculating ground water right exemptions under ORS 537.545 (1).
- 4. The lot or parcel is located within a fire protection district with professionals who have received training or certification described in ORS 181A.410;
- 5. If the lot or parcel is in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the lot or parcel and ADU comply with any applicable minimum defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392;
- 6. The ADU complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:
 - (a) The lot or parcel is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or
 - (b) No statewide map of wildfire risk has been adopted and the county has adopted land use regulations that ensure that:
 - (i) The accessory dwelling unit has adequate setbacks from adjacent lands zoned for resource use. The ADU is setback a minimum of 30 feet from adjacent lands zoned Exclusive Farm use (Section 402); and 60 feet from adjacent lands zoned Agriculture/Forestry Large Holding (Section 403) and Forestry (Section 401);
 - (ii) The ADU, if adjacent to lands zoned Forestry (Section 401) or Agriculture/Forestry Large Holding (Section 403), meets the firebreak requirements of Section 401.09(F) & (G);
 - (iii) The ADU has adequate access for firefighting equipment, safe evacuation and staged evacuation areas as determined by the local fire district; and
 - (iv) If the accessory dwelling unit is not in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the accessory dwelling unit complies with the provisions of this section and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392 as developed in consultation with local fire protection service providers.

1014.02 Standards and Requirements.

- A. Accessory dwelling units (ADU’s), where allowed, are subject to review and approval through a Type A application procedure as set forth in Section 1301, and shall meet the following development standards:
 - 1. If interior or attached:

- a. Shall be a maximum of 900 square feet in floor area or 75% of the primary dwelling's floor area, whichever is less. However, ADU's that result from the conversion of a level or floor (e.g. basement, attic or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the ADU would be more than 900 square feet.
 - b. Shall meet the same height requirements as the primary dwelling on the property.
 - c. Shall meet the same setbacks as required of the primary dwelling in the underlying zoning district, or the setbacks as required by 1014.01(B)(6), whichever is applicable.
2. If detached:
 - a. Shall be a maximum of 900 square feet in floor area or 75% of the primary dwelling's floor area, whichever is less.
 - b. Shall not exceed 25 feet in height or the height of the primary dwelling, whichever is less;
 - c. Shall maintain the setbacks of the underlying zoning district, or the setbacks as required by 1014.01(B)(6), whichever is applicable.
3. An ADU is not allowed if the existing single-family dwelling is subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600;
4. A subdivision, partition or other division of the lot or parcel is not allowed if it would result in the existing single-family dwelling being situated on a different lot or parcel than ADU.
5. The ADU will comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment;
6. Conversion of an existing legal non-conforming structure to an ADU is allowed, provided that the conversion does not increase the non-conformity.

SECTION 1100 – SITE DESIGN

1101. SITE DESIGN REVIEW PROCESS AND STANDARDS

[Last amended 12/05/02; Ord. 720; 5/24/12; Ord. 872]

1101.01 Purpose.

The site design review process is intended to guide future growth and development in accordance with the Comprehensive Plan and other related county ordinances, to provide for an effective process and framework to review commercial and industrial development proposals, to insure safe, functional, energy-efficient developments which are compatible with the natural and man-made environment, and to resolve potential conflicts that may arise between proposed developments and adjacent uses. This section shall apply to all development in all Commercial, Industrial, and Public Facilities Districts, all development in the PRO District, and all other uses as may be required by this ordinance in the AF, EF, F-80, AF-10, VLDR and LDR Districts.

1101.02 Evaluation of Site Development Plans.

- A. The review of a site development plan shall be based upon consideration of the following:
1. Characteristics of adjoining and surrounding uses;
 2. Economic factors relating to the proposed use;
 3. Traffic safety, internal circulation and parking;
 4. Provisions for adequate noise and/or visual buffering from noncompatible uses;
 5. Retention of existing natural features on site;
 6. Problems that may arise due to development within potential hazard areas.
 7. Comments and/or recommendations of adjacent and vicinity property owners whose interests may be affected by the proposed use.
- B. All development applications for site design review are subject to the development standards of the underlying zoning district and may be modified pursuant to satisfaction of the considerations provided in subsection 1101.02(A). The Director may waive submittal requirements consistent with the scale of the project being reviewed, upon determining that requirements requested to be waived are not necessary for an effective evaluation of the site development plan.

1101.03 Site Development Plan Review Procedures.

The Director shall review site development plans subject to the following procedures:

- A. Pre-application Conference. A pre-application conference shall be held prior to submittal. An application form together with appropriate ordinance requirements shall be provided to the applicant at the pre-application conference.

- B. Preliminary Site Development Plan Submittal and Review. A preliminary plan, together with a site design review application, shall be submitted for review in accordance with the requirements of this section and the underlying zoning district. The Director shall determine whether the application will be reviewed under the Type A or Type B application procedures set forth in Section 1301, based on the type, scale, location and potential impacts of the development. The Director shall inform the applicant in writing concerning compliance with applicable ordinance and development standards, and shall stipulate any modifications or changes necessary for final plan approval. If modifications or changes are not required, a preliminary plan may be approved as a final plan. [Amended 7/9/98, Ord. 648]
- C. Final Site Development Plan Submittal. If a final site development plan is required, the final plan shall be submitted for review in accordance with the requirements of this section. The Director shall inform the applicant in writing within fifteen (15) days of receipt of the final site plan of action taken for approval.
- D. Appeal of Director's Decision. The decision of the Director may be appealed to the Board, pursuant to the provisions of Section 1404 for appeals.

1101.04 Preliminary Site Development Plan Requirements.

The following site design information shall be represented at a scale of 1"=5', or an appropriate scale as may be approved by the Director:

- A. Existing site conditions as follows:
 - 1. Site topography at the following minimum intervals:
 - (a) Two (2) foot intervals for slopes of up to 15%;
 - (b) Five (5) or ten (10) foot intervals for slopes in excess of 15%; and
 - (c) Identification of areas exceeding 35% slopes.
 - 2. Site drainage, creeks, ponds or areas of standing water, potential flooding and soil or geologic hazard;
 - 3. Major trees 8" in diameter at five (5) feet height, together with areas of significant natural vegetation. Where the site is heavily wooded, an aerial photograph, not to exceed 1"=400' may be submitted; and only those trees that will be affected by the proposed development need be sited accurately;
 - 4. Classification of soil types within the site and discussion of their suitable uses;
 - 5. Existing structures, improvements, roadway access and utilities, together with the film volume and page number of all easements affecting the property; and
 - 6. Existing land uses, ownerships, property lines and building locations on adjoining and adjacent property within three hundred and fifty (350) feet of the subject property.
- B. Proposed changes and improvements to the site as follows:
 - 1. Proposed site improvements, including:

- (a) Boundary lines and dimensions for the property and proposed topographical changes;
 - (b) All proposed structures, including finish floor elevations and setbacks;
 - (c) Vehicular and pedestrian circulation patterns and parking, loading and service areas;
 - (d) Site drainage plan, including location of sumps or settling ponds; and
 - (e) A boundary survey and cross sections, and profiles as may be required by the Director.
- 2. Proposed utilities, including subsurface sewerage, water supply system and electrical services. Inverse elevations shall be shown for all underground transmission lines.
 - 3. Proposed access to public roads and highways, railroads or other commercial or industrial transportation systems.
 - 4. Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses.
 - 5. Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks.
- C. A written statement to accompany the site development plan, containing the following:
- 1. A statement of present ownership of all lands included within the proposed development; and
 - 2. A schedule of expected development.

1101.05 Final Site Plan Requirements.

The final development plans shall include the same information required for a preliminary plan together with any revisions, adjustments or refinements that may be required for compliance with the general development standards.

- A. The final plan shall include the following information and shall be labeled by the Director as follows:
- Exhibit A - Proposed Schedule of Development
 - Exhibit B- Site Analysis (map of existing conditions)
 - Exhibit C - Site plan
 - Exhibit D - Final Grading Plan
 - Exhibit E - Landscape Plan in accordance with Section 1010
 - Exhibit F - Cross Sections, Elevations and/or Architectural Drawings of Proposed Structures

- B. If submittal of any of the above exhibits are waived by the Director, justification to support such a decision shall be provided by the Director.
- C. Any proposed changes in connection with an approved plan shall be reviewed and approved in accordance with the same procedures set forth under this section.

1101.06 Compliance with Site Development Plans.

Compliance with conditions imposed in granting a site design review and adherence to the approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance. The Director may revoke any site design review approval for failure to comply with any prescribed condition of the approval or for any other violation of this ordinance.

[Amended 12/05/02; Ord. 720]

1101.07 Revocation of a Site Design Review.

[Added 12/05/02; Ord. 720]

The procedure for the revocation of a site design review shall be as follows:

- A. If, upon review by the Director, a failure to comply with any condition imposed in granting a site design review or other violations of this ordinance is found, the Director shall inform the applicant by registered letter and first class mail of the violation and shall require compliance within sixty (60) days, or the Director will take action under subsection (B) of this section to revoke approval of the site design review. The Director's letter, constituting Notice of Intent to Revoke, may be appealed to the Board within thirty (30) days of its mailing. The Board shall consider the appeal in accordance with Section 1403 and may affirm, reverse, or modify the Director's Notice of Intent to Revoke. The applicant must comply with the Board's Order on Appeal of Notice of Intent to Revoke within thirty (30) days of the issuance of the Board's decision. If the applicant does not comply with the Boards Order within thirty (30) days, the Director shall take action under subsection (B) of this section to revoke approval of the site design review. The Director may extend the time for compliance if the applicant provides financial or other assurances suitable to the Director that the conditions of approval will be satisfied and maintained.
- B. If the violation is not corrected within the time required by subsection A, the Director shall notify the applicant by registered and first class mail that the site design review has been revoked, and that any subsequent action on the application will require a new application for site design review approval.

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Zoning Ordinance

Section 1200.00 - Land Use Application Review Criteria and General Requirements

1201.00 General Provisions

1201.01 Burden of Proof

The applicant shall bear the burden of proof for the granting of any land use action described in this ordinance.

1201.02 Findings

Findings made by the decision-making body in justification of any application authorized pursuant to this ordinance shall be made in writing and shall be provided to the applicant.

1201.03 Combined Applications

- A. Any request which involves more than one type of land use action on a particular parcel or parcels under the same ownership may be combined at the discretion of the Director if such combination would result in greater efficiency in consideration of the land use applications.
 - B. Any request for similar land use actions which involve more than one applicant or parcel may be combined at the discretion of the Director if the requests involve abutting parcels and such combination would result in greater efficiency in consideration of the land use applications.
-

Zoning Ordinance

Section 1202.00 - Conditional Use Criteria and Requirements

[Last amended 8/13/98, Ordinance 657]

1202.01 Purpose

The purpose of a conditional use is to provide for those uses which possess unique and special characteristics making impractical their inclusion as outright permitted uses in the underlying zoning district. Such uses shall not be incompatible with the type of uses permitted in surrounding areas. Location and operation of designated conditional uses shall be subject to review and authorized only by issuance of a conditional use permit.

1202.02 Review Criteria

A conditional use may be authorized, subject to the Type B application procedure set forth in Section [1301](#), upon adequate demonstration by the applicant that the proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria;

- A. The use is listed as a conditional use in the underlying zoning district;
- B. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
- C. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
- E. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and
- F. The use is or can be made compatible with existing uses and other allowable uses in the area.

1202.03 Conditions of Approval

In approving an application for a conditional use, the decision-making body may impose conditions to protect the area surrounding the proposed use and to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to, the following:

- A. Increasing the required parcel area or yard dimensions;
- B. Limiting the height, size, or location of buildings and structures;
- C. Controlling the location and number of vehicle access points;

- D. Increasing the road width;
- E. Increasing the number of required off-street parking or loading spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring fencing, screening, or landscaping to protect adjacent or nearby property;
- H. Prescribing exterior finish for buildings or additions thereto;
- I. Designating areas and prescribing improvements for open space; and
- J. Prescribing a time limit within which to fulfill any established conditions.

Such conditions may be set forth in a formal affidavit executed by the applicant and Yamhill County. Said affidavit shall be recorded in the deed and mortgage records of Yamhill County.

1202.04 Performance Bond

The Commission may require an applicant, upon approval of a conditional use permit, to enter into a performance agreement with the County and to furnish the County with an appropriate financial guarantee to ensure that the required improvements are completed according to the plans approved by the Commission, and that standards established in granting the conditional use permit are observed. This guarantee, which the applicant shall file with the agreement, shall be in the following form:

- A. A surety bond executed by a surety company authorized to transact business in the State of Oregon and on a form and with covenants and stipulations approved by the Commission; or
- B. Cash or certified check; or
- C. An escrow agreement between the applicant and a bank or trust company authorized to transact business in the State of Oregon, and on a form and with covenants and stipulations approved by the Board.

1202.05 General Requirements

Any conditional use authorized pursuant to this ordinance shall be subject to the following additional requirements:

- A. A conditional use shall be subject to the standards of the zoning district in which it is located except as these standards have been modified in authorizing the conditional use. No modification of a zoning district standard shall have the effect of rezoning the property.
- B. A conditional use may be enlarged or altered pursuant to the following:

1. Major alterations of a conditional use including changes, alterations or deletion of any conditions imposed shall be processed as a new conditional use permit application, in accordance with the Type B application procedure set forth in Section [1301](#); and
 2. Minor alterations of a conditional use may be approved by the Director if requested prior to issuance of building permits for the conditional use. Minor alterations are those changes which may affect the siting and dimensions of structural and other improvements relating to the conditional use, and may include small changes in the use itself. Any change which would affect the basic type, character, arrangement or intent of the conditional use originally approved shall be considered a major alteration.
- C. Where the granting of a conditional use permit is contingent upon an amendment to this ordinance and an application for such amendment has been recommended for approval by the Commission, the Commission may authorize the granting of a conditional use permit contingent upon the necessary final action of the Board in respect to the required ordinance amendment and further action by the Commission shall not be necessary.
- D. A conditional use approval involving construction shall be null and void two (2) years from the date of final approval unless completion or substantial construction has taken place. In any case where a conditional use approval does not involve construction, the approval shall be null and void one (1) year from the date of final approval unless the approval has been implemented. The Director may extend the conditional use permit for an additional period not to exceed one (1) year upon receipt of a written request from the applicant demonstrating good cause for the delay and provided that the request to extend the permit is received by the Director prior to expiration of the original conditional use approval. [Amended 8/13/98, Ord. 657]

1202.06 Compliance with Conditions

Compliance with conditions imposed in granting a conditional use permit and adherence to the approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance. The Director may revoke any conditional use permit for failure to comply with any prescribed condition of the conditional use permit approval or for any other violation of this ordinance.

1202.07 Revocation of a Conditional Use Permit

The procedure for the revocation of a conditional use permit shall be as follows:

- A. If, upon review by the Director, a failure to comply with any condition imposed in granting a conditional use permit or other violations of this ordinance is found, the Director shall inform the applicant by registered letter and first class mail of the violation and shall require compliance within sixty (60) days, or the Director will take action under subsection (B) of this section to revoke approval of the

conditional use. The Director's letter, constituting Notice of Intent to Revoke, may be appealed to the Board within thirty (30) days of its mailing. The Board shall consider the appeal in accordance with Section [1403](#) and may affirm, reverse, or modify the Director's Notice of Intent to Revoke. The applicant must comply with the Board's Order on Appeal of Notice of Intent to Revoke within thirty (30) days of the issuance of the Board's decision. If the applicant does not comply with the Board's Order within thirty (30) days, the Director shall take action under subsection (B) of this section to revoke approval of the conditional use. The Director may extend the time for compliance if the applicant provides financial or other assurances suitable to the Director that the conditions of approval will be satisfied and maintained.

- B. If the violation is not corrected within the time required by subsection A, the Director shall notify the applicant by registered and first class mail that the conditional use permit has been revoked, and that any subsequent action on the application will require a new application for conditional use approval.
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This section and related information is available at
www.co.yamhill.or.us/plan/planning/planning.asp

SECTION 1200 –

LAND USE APPLICATION REVIEW CRITERIA AND GENERAL REQUIREMENTS

1203. VARIANCE CRITERIA AND REQUIREMENTS [Last amended 12/05/02; Ord. 720]

1203.01 Purpose and Scope.

The purpose of a variance is to provide administrative relief when a strict application of the zoning requirements of lot width, lot depth, building height, setback, access, or other dimensional requirements, excluding lot area, would impose practical difficulties. These difficulties may result from geographic, topographic or other physical conditions on the site or in the immediate vicinity.

1203.02 Review Criteria.

A variance may be authorized, subject to the Type B application procedure set forth in Section 1301 and pursuant to subsection 1203.01, and upon adequate demonstration by the applicant that the proposed variance satisfies the following criteria:

- A. That special conditions and circumstances exist which are peculiar to the land, building or structure involved;
- B. That granting the proposed variance would be in the public interest and would be in harmony with the purpose and scope set forth in subsection 1203.01, the intent and purpose of the underlying zoning district and the intent and purpose of this ordinance;
- C. That the variance would result in minimal detriment to the immediately vicinity;
- D. That the variance requested is the minimum variance which would make possible the reasonable use of the applicant's land, building or structure; and
- E. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this ordinance by the applicant.

1203.03 Conditions of Approval.

In approving an application for a variance, the decision-making body may impose such conditions as it deems appropriate to ensure that the intent of this section is carried out. Such conditions shall be reasonably related to the variance criteria set forth in subsection 1203.02.

1203.04 General Requirements.

Any variance authorized pursuant to this ordinance shall be subject to the following additional requirements:

- A. An authorized variance is not personal to the applicant and shall be deemed to run with the land;
- B. A variance shall be null and void one (1) year from the date it is granted unless completion or substantial construction has taken place. The Director may extend the variance for an additional period not to exceed one (1) year upon the receipt of a written request from the applicant demonstrating good cause for the delay and provided that the request for extension is received by the Director prior to expiration of the original variance approval.
- C. No variance shall be granted which allows the establishment or expansion of a use otherwise prohibited or subject to conditional use procedures.
- D. No variance shall be granted which shall have the effect of rezoning the property.
- E. No variance shall be granted which allows the creation of a parcel which is substandard to the minimum parcel size requirements of the particular zoning district.

1203.05 Compliance with Conditions.

Compliance with conditions imposed in approval of a variance and adherence to an approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance. The Director may revoke approval of any variance for failure to comply with any condition imposed in approval of the variance or for any other violation of this ordinance.

1203.06 Revocation of Variance.

The procedure for the revocation of approval of a variance shall be as follows:

A. If, upon review by the Director, a violation of any condition imposed in approval of a variance is found, the Director shall inform the applicant by registered letter and first class mail of the violation and shall require compliance within sixty (60) days, or the Director will take action under subsection (B) of this section to revoke approval of the variance. The Director's letter, constituting Notice of Intent to Revoke Variance may be appealed to the Board within thirty (30) days of its mailing. The Board shall consider the appeal in accordance with Section 1403 and may affirm, reverse, or modify the Director's Notice of Intent to Revoke Variance. The applicant must comply with the Board's Order on Appeal of Notice of Intent to Revoke Variance within thirty (30) days of the issuance of the Board's decision. If the applicant does not comply with the Board's Order within thirty (30) days, the Director shall take action under Subsection (B) of this section to revoke approval of the variance. The Director may extend the time for compliance if the applicant provides financial or other assurances suitable to the Director that the conditions of approval of the variance will be satisfied and maintained.

B. If the violation is not corrected within the time required by subsection (A), the Director shall notify the applicant by registered and first class mail that the variance has been revoked, and that any subsequent action on the application will require a new application for a variance.

1203.07 Administrative Adjustments.

As a result of unique characteristics of specific lands, uses or structures, and in the event that setbacks, building heights, lot area or other dimensional ordinance standards are determined to be unreasonable or inappropriate by the Director, limited administrative adjustment of such standards may be authorized at the time application for building permit or land division is made providing the adjustment does not exceed 15% of the required standard, and the applicant can demonstrate satisfaction of one of the following criteria:

A. That the adjustment is needed to permit a structural addition or new construction no closer to a property line than the existing structure(s).

B. That the adjustment would provide for setbacks no less restrictive than those for structures on affected adjacent property(s).

C. That the combined setbacks of structures on the parcel in question and adjacent affected parcels meet the combined respective setback requirements.

D. That other special conditions or circumstances exist which are peculiar to the land or use structure involved, and which justify an adjustment, while still satisfying the intent of the standard.

1203.08 Exception to Variance [Section added 12/05/02; Ord. 720]

A variance is not required to construct an addition to an existing structure that does not meet the setbacks listed in the underlying zoning district, provided that the addition will be located no closer to the property line or to any off-site dwelling than the existing structure.

- A variance to the setbacks listed in the underlying zoning district is not required to construct a building that will be no closer than 5 feet from a side or rear property line, provided that the adjacent property owners sign an affidavit stating that they approve of the location of the structure.

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**SECTION 1200 –
LAND USE APPLICATION REVIEW CRITERIA AND GENERAL REQUIREMENTS**

1204. EXCEPTIONS TO STATEWIDE GOALS.

[Last amended 3/19/98, Ord. 643; 5/24/12; Ord. 872]

Goal Two of the Statewide Planning Goals, ORS 197.732, and Oregon Administrative Rules, Chapter 660, Division 4, specify the requirements for approval of an exception to a statewide planning goal. An exception may be adopted to allow a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use. An applicant may apply for an exception pursuant to those provisions, and subject to the Type C procedure of Section 1301 of this ordinance. The Planning Commission shall hold a public hearing to consider a request for an exception. Their decision shall be in the form of a recommendation to the Board of Commissioners, who shall also hold a public hearing prior to making a final decision on the request.

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This section and related information is available at
www.co.yamhill.or.us/plan/planning/planning.asp

SECTION 1200 –

LAND USE APPLICATION REVIEW CRITERIA AND GENERAL REQUIREMENTS

1205. NONCONFORMING USES [Last amended 7/9/98, Ord. 648]

1205.01 Purpose and Scope.

Within the zoning districts established by this ordinance and amendments thereto, uses and structures exist which were lawful before the date of adoption or amendment of this ordinance but which would be prohibited or restricted under the terms of this ordinance. The general purpose of this section is to encourage the conversion of such nonconforming uses to conforming uses. However, this section allows nonconforming uses and structures to be continued, altered, restored or replaced subject to satisfaction of the review criteria specified in subsection 1205.03. Nothing contained in this ordinance shall require any change in the plans, construction, or designated use of any structure for which a building permit was issued and actual construction commenced prior to the date of adoption of this ordinance or any amendments thereto. No alteration of a nonconforming use shall be permitted except in compliance with the provisions of this section.

1205.02 Definitions.

For the purpose of this section, the following words, terms and expressions shall be interpreted in accordance with the following definitions, unless the context requires otherwise:

A. **Alteration** - a change in structure, an increase in the number of structures, or a change of use. Where the term alteration is applied to a change of a structure, it is intended to be applied to any change, addition or modification in the structure, except for cosmetic changes such as painting, cleaning, etc. When the term alteration is applied to a change of use, it is intended to be applied

to changes of use from one (1) business, trade, occupation or use to another, or from one (1) division of trade or use to another.

B. Actual construction - the placement of construction materials in a permanent position and fastened in a permanent manner. Where excavation, or demolition or removal of an existing structure has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

1205.03 Review Criteria.

A. The Director shall authorize alteration, restoration or replacement of a nonconforming use or structure pursuant to subsection 1205.01, and subject to the Type A application procedure set forth in Section 1301, when any of the following circumstances apply:

1. The alteration is necessary to comply with any lawful requirements for alteration of said use or structure.

2. Restoration or replacement is made necessary by fire, casualty, or natural disaster. Any restoration or replacement approved pursuant to this subsection shall be commenced within one (1) year from the occurrence of the fire, casualty or natural disaster, or be subject to the provisions of subsection 1205.06.

B. In any other circumstance, the alteration, restoration or replacement of a nonconforming use or structure pursuant to subsection 1205.01 may be authorized by the Director, subject to the Type A application procedure set forth in Section 1301, and provided that the applicant demonstrates that the proposal satisfies the following criteria:

1. That the alteration of use would result in a reduction in nonconformity of the use, or would have no greater adverse impact on the surrounding area than the existing nonconforming uses or than those uses permitted by this ordinance.

2. That the alterations of structures or physical improvements would result in a reduction in nonconformity of the structures or improvements or would have no greater adverse impact on the surrounding area than existing nonconforming structures or physical improvements or than those permitted by this ordinance.

C. A request to verify that a use or structure is legally nonconforming pursuant to Section 1205.01 may be approved by the Planning Director, subject to the Type A application procedure set forth in Section 1301, and provided that the applicant submits evidence of the following:

1. The nature and extent of the use for at least 10 years prior to the date of application for verification of nonconformity.

2. That the use or structure was in existence at least 10 years prior to the date the application for verification of nonconformity is submitted.

3. That the use has continued uninterrupted, or the structure has been occupied continuously, for at least 10 years prior to the date the application for verification of nonconformity is submitted.
[Last amended 7/9/98, Ord. 648]

1205.04 Conditions of Approval.

In approving the alteration, restoration or replacement of a nonconforming use, the decision-making body may impose such conditions as it deems appropriate to ensure that the intent of this section is carried out. Such conditions shall be reasonably related to the criteria set forth in subsection 1205.03. Except as provided in ORS 215.215, no condition shall be placed on the alteration of a nonconforming use when the alteration was only necessary to comply with state or local health or safety requirements or to maintain the existing structures associated with the use.

[Amended 3/19/98, Ord. 643]

1205.05 General Requirements.

Authorization of any alteration, restoration or replacement of a nonconforming use or structure pursuant to this ordinance shall be subject to the following additional requirements:

A. Any approval issued hereunder is not personal to the applicant and shall be deemed to run with the land.

B. Building permits issued in connection with any part of an approved alteration, replacement or restoration of a nonconforming use shall be issued only on the basis of the approved plan.

C. Any proposed changes in connection with an approved plan shall be processed as a new application subject to the provisions of this section and in accordance with the applicable application procedure set forth in Section 1301.

D. Any alteration, replacement or restoration of a nonconforming use approved hereunder shall be null and void one (1) year from the date it is granted unless completion or substantial construction has taken place. The Director may extend the approval for an additional period not to exceed one (1) year upon receipt of the applicable fee and a written request from the applicant demonstrating good cause for the delay and provided that the request to extend approval is received by the Director prior to expiration of the original approval.

1205.06 Change of Ownership or Occupancy, or Discontinuation of a Nonconforming Use.

A change of ownership or occupancy of a nonconforming use shall be permitted. If any nonconforming use is discontinued for a period of one (1) year, the nonconforming use shall not be resumed and any subsequent use of the property and structure involved shall conform to the requirements of this ordinance. The change of any nonconforming use to a permitted use shall constitute discontinuance of the nonconforming use.

1205.07 Changes in Certain Nonconforming Uses Subject to Conditional Use Permit.

Any nonconforming use or structure which is allowed as a conditional use in the particular zoning district under the terms of this ordinance shall be allowed to continue; however, no alteration, restoration or replacement of such a use or structure shall be permitted unless the appropriate conditional use permit is first obtained. Upon approval of such a conditional use permit, the use shall no longer be considered a nonconforming use, but shall be considered a conforming conditional use subject to any and all conditions of approval. In the event that such a conditional use application is denied, the use shall revert to nonconforming use status, and may be continued as it existed before the application was made.

1205.08 Compliance with Conditions.

Compliance with conditions imposed in granting a permit for alteration, restoration or replacement of a nonconforming use and adherence to the approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance. The Commission may revoke any permit issued hereunder for failure to comply with any prescribed condition of approval, or for any other violation of this ordinance.

1205.09 Revocation of a Permit for Alteration, Restoration, or Replacement of a Nonconforming Use.

The procedure for the revocation of a permit for alteration, restoration or replacement of a nonconforming use shall be as follows:

A. If, upon review by the Director, a violation of any condition imposed in granting the permit is found, the Director shall inform the applicant by registered letter and first class mail of the violation and require compliance within sixty (60) days or the Director will take action under subsection (B) of this section to revoke approval of the permit for alteration, restoration or replacement of a nonconforming use. The Director's letter, constituting Notice of Intent to Revoke, may be appealed to the Board within thirty (30) days of its mailing. The Board shall consider the appeal in accordance with Section 1403 and may affirm, reverse or modify the Director's Notice of Intent to Revoke. The applicant must comply with the Board's Order on Appeal of Notice of Intent to Revoke within thirty (30) days of the issuance of the Board's decision. If the applicant does not comply with the Board's Order within thirty (30) days, the Director shall take action under subsection (B) of this section to revoke approval of the permit.

The Director may extend the time for compliance if the applicant provides financial or other assurances suitable to the Director that the conditions of approval will be satisfied and maintained.

B. If the violation is not corrected within the time required by subsection A, the Director shall notify the applicant by registered and first class mail that the permit for alteration, restoration or replacement of the nonconforming use has been revoked, and that any subsequent action on the application will require a new application for alteration, restoration or replacement of a nonconforming use.

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Zoning Ordinance

Section 1206.00 - Similar Uses

1206.01 Purpose and Scope

The purpose of this section is to provide for those uses not specifically listed in a particular zoning district but which are similar in character, scale and performance to the permitted uses specified therein. Those zoning districts in which a similar use may be authorized are:

- A. Parks, Recreation and Open Space [PRO](#)
- B. Recreation Commercial [RC](#)
- C. Neighborhood Commercial [NC](#)
- D. Highway/Tourist Commercial [HC](#)
- E. Resource Industrial [RI](#)
- F. Light/General Industrial [LI](#)
- G. Heavy Industrial [HI](#)
- H. Public Assembly Institutional [PAI](#)

1206.02 Review Criteria

A similar use may be authorized pursuant to subsection [1206.01](#) above and subject to the [Type A](#) application procedure set forth in [Section 1301](#) and provided that the applicant demonstrates that the proposed use satisfies the following criteria:

- A. The use is consistent with the purpose and scope set forth in subsection [1206.01](#) and with the purpose of the underlying zoning district; and
- B. The use conforms with the applicable standards and limitations of the underlying zoning district.

1206.03 General Requirements

Any similar use authorized pursuant to this ordinance shall be subject to the following additional requirements:

- A. An authorized similar use is not personal to the applicant and shall be deemed to run with the land.
- B. Where the granting of a similar use is contingent upon an amendment to this ordinance and an application for such amendment has been recommended for approval by the Commission, the Commission may authorize the granting of a similar use contingent upon the necessary final action of the Board in respect to

the required ordinance amendment, and further action by the Commission shall not be necessary.

1206.04 Record of Determination

Unlisted uses which the decision-making body has determined to be similar to the permitted uses in the underlying zoning district shall no longer require a similar use permit and shall be considered as permitted uses in the applicable zoning district.

**SECTION 1200 –
LAND USE APPLICATION REVIEW CRITERIA AND GENERAL REQUIREMENTS**

1207. LEGISLATIVE AMENDMENTS TO THE ZONING ORDINANCE [Amended 5/24/12; Ord. 872]

1207.01 General Requirements.

Legislative Ordinance amendments are processed as follows:

- A. An amendment may be initiated by the Board, the Commission, or the Director.
- B. An owner of land may petition the Board, the Commission, or the Director to initiate such an amendment, but may not initiate the amendment by making such an application.
- C. Such amendments shall be made only by the Board after review and recommendation by the Commission, and after public hearings have been held by both the Commission and Board, pursuant to Section 1402.02 of this ordinance. [Last amended 5/24/12; Ord. 872]
- D. Approval of a legislative ordinance amendment shall include findings showing the amendment is consistent with the comprehensive plan goals and policies. [Last amended 5/24/12; Ord. 872]
- E. Changes to the County zoning map which result from legislative ordinance amendments shall be made and become effective upon filing said ordinance with the County Clerk.

Zoning Ordinance

Section 1208.00 - Quasi-Judicial Zone District Boundary Changes

[Last amended 7/09/98, Ordinance 648]

1208.01 General Requirements

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

- A. An amendment may be initiated by the Board, the Commission, or by application of an owner of land.
- B. An application for such a change by an owner of land shall be made in accordance with the Type C application procedure.
- C. Such amendments shall be made only by the Board, after review and recommendation by the Commission. When the request includes a Comprehensive Plan map amendment, both the Commission and Board shall hold public hearings, pursuant to Section [1402](#) of this Ordinance, prior to the Board making a final decision. When the request does not include a Comprehensive Plan map amendment, the Commission shall hold a public hearing to review and make a decision on the proposed zone map amendment. The Board is not required to hold an additional public hearing, but may make a decision based upon the record of the Commission hearing. In either case, the zone map amendment shall not be final until the Board has adopted the amendment by ordinance. [Amended 7/9/98, Ord. 648]
- D. Approval for a boundary change shall include findings satisfying the criteria in [1208.02](#) or [1208.03](#) as appropriate, and addressing applicable Comprehensive Plan goals and policies.
- E. Changes to the applicable zoning maps shall be made and become effective upon filing with the County Clerk.

1208.02 Review Criteria

A quasi-judicial change to a zoning map may be authorized, pursuant to Subsection [1208.01](#), provided that the request satisfies all applicable requirements of this ordinance, and also provided that the applicant demonstrates compliance with the following criteria, except as provided in Subsection [1208.03](#):

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

- C. The proposed change is appropriate considering the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment and the availability of utilities and services likely to be needed by the anticipated uses in the proposed district.
- D. Other lands in the County already designated for the proposed uses are either unavailable or not as well-suited for the anticipated uses due to location, size or other factors.
- E. The amendment is consistent with the current Oregon Administrative Rules (OAR's) for exceptions, if applicable.

1208.03 Review Criteria for Amendments to or Within Exclusive Farm Use and Agriculture/Forestry Zones

A quasi-judicial zone change to (1) amend the designation of land from Exclusive Farm Use, Agriculture/Forestry, or Forest to another of these zones, or (2) change the minimum lot size of land designated Exclusive Farm Use or Agriculture/Forestry, may be authorized, pursuant to Subsection [1208.01](#), provided that the request satisfies all applicable requirements of this ordinance, and also provided that the applicant demonstrates compliance with the following criteria:

- A. The proposed amendment shall comply with the goals, policies, and other applicable provisions of the comprehensive plan.
- B. The proposed designation shall be appropriate for the existing or intended use of the property.
- C. The proposed amendment shall result in an area of at least 160 contiguous acres with the requested designation, including adjacent land.
- D. For proposed changes within or to an Exclusive Farm Use designation, the new minimum lot size shall be appropriate to maintain the existing commercial agricultural enterprise in the area.
- E. For proposed changes within or to an Agriculture/Forestry designation, the new minimum lot size shall be shown to assure:
 1. The opportunity for economically efficient forest and agriculture practices typically occurring in the area; and
 2. The opportunity for the continuous growing and harvesting of forest tree species; and
 3. The conservation of other forest values found on forest lands.

- F. Any amendment that would change the zone map designation to reduce the minimum lot size on property within an Exclusive Farm Use or Agriculture/Forestry district shall not be granted final approval by Yamhill county until the amendment has been considered and approved by the Land Conservation and Development Commission pursuant to ORS [215.780\(2\)](#). The following rules shall apply:
1. Conditional approval. Following receipt of an application for a zone change as otherwise provided by this ordinance, the county shall determine whether to grant or deny the application in accordance with criteria established in this section [1208.03](#). If the application is granted, the county shall enter an order of conditional approval, subject to final approval by the Land Conservation and Development Commission.
 2. Referral of Order of Conditional Approval. After conditional approval by Yamhill County, the application, county findings, order of conditional approval and a request for Commission action shall be referred to the Department of Land Conservation and Development.
 3. Final Approval. An amendment conditionally approved by Yamhill County shall not take effect until the county adopts an order or ordinance authorizing final approval after receipt of written confirmation of the county's conditional approval by the Land Conservation and Development Commission. [Amended by Ord. 618 12/30/96]

1208.04 Review Criteria for Amendments from Exclusive Farm Use to Agricultural/Forestry Zones

Certain properties that were zoned Agriculture/Forestry prior to December 29, 1993 were rezoned to Exclusive Farm Use as part of Periodic Review. (The rezoning became effective on February 14, 1997.) When the Exclusive Farm Use designation does not adequately reflect the mixed agricultural and forest use of the property, a quasi-judicial zone map change back to Agricultural/Forestry may be authorized, pursuant to Subsection [1208.01](#), and provided that the applicant demonstrates compliance with the following:

- A. The area to be rezoned consists primarily of foothill and ridgetop holdings above the flat terrace and valley floor commercial agriculture areas, and below the contiguous timberlands of the Coast Range.
- B. At least 50% of each parcel that is proposed to be rezoned is forested.
- C. At least 50% of each parcel that is proposed to be rezoned was designated Agriculture/Forestry prior to December 29, 1993.
- D. The area being rezoned contains such a mixture of agricultural and forest uses that neither Goal 3 nor Goal 4 can be applied alone.

- E. The proposed amendment shall result in an area of at least 160 contiguous acres with the requested designation, including adjacent land.
 - F. Any amendment that would reduce the minimum lot size complies with the requirements of Section [1208.03\(F\)](#). [Added 7/9/98, Ord. 648]
-

Zoning Ordinance

Section 1209.00 - Establishing Boundaries for Quasi-Judicial Zone Amendment Consideration

1209.01 Scope

Consideration of zone map amendments may extend to include land beyond that which is under the ownership of the applicant(s), if it is determined that consideration of such land may be appropriate to include in the public hearing deliberations.

1209.02 Determination of Boundary

Prior to providing notice of a property owner's request for a quasi-judicial zone map amendment, the Director shall review the application and determine whether it may be appropriate to consider map amendments for an area larger than that requested by the applicant. The following considerations shall be taken into account in making this determination.

1. Configuration of existing and proposed zone boundaries.
2. Parcel sizes and uses of other land in the vicinity of the request.
3. County planning goals and policies applicable to the vicinity.

1209.03 Notice/Participation

In the event that the Director determines that it would be appropriate for hearing deliberations to include an area larger than that encompassed by application, such area shall be delineated and property owners therein notified as to their opportunity to participate in the hearing process and deliberations. Such notification shall be made in writing, and upon payment of a public hearing fee, shall provide for owners to include their property in the deliberations.

This section and related information is available at
www.co.yamhill.or.us/plan/planning/planning.asp

SECTION 1300 – APPLICATION REQUIREMENTS AND PROCEDURES

1301. SUMMARY OF APPLICATION AND REVIEW PROCEDURES. [Last Amended 12/05/02; Ord. 720]

1301.01 Type A, B and C Procedures

The review of applications received under the provisions of this ordinance shall be conducted according to one or more of the three procedures described below:

A. Type A Procedure

The following procedure shall be used when county ordinance requires Type A review of an application:

1. Prior to or at the time of filing an application, the applicant or the applicant's authorized representative shall meet with the Director or an authorized representative of the Department of Planning and Development in a pre-application conference to review requirements and concerns about the applicant's request;
2. The applicant shall submit an application to the Department on a form prescribed by the Director;

3. Upon receipt of a complete application the Director shall review the application and shall make a decision based on an evaluation of the proposal and on the applicable criteria in this ordinance. The Director may, at his/her discretion, forward the application to the Planning Commission and have the request processed under the Type C review procedures. [Amended 1/14/99; Ord. 668; 12/05/02; Ord. 720]

4. The applicant and the surrounding property owners who are entitled to notice pursuant to state law shall be notified in writing of the Director's decision and of the reasons for the decision. Others who may have an interest in the decision shall be notified by publication in a newspaper of general circulation in the county.

[Amended 12/05/02; Ord. 720]

5. All decisions of the Director may be appealed to the Board if such an appeal is filed within 15 days from the date of the decision, pursuant to Section 1404 for appeals.

B. Type B Procedure.

The following procedure shall be used when county ordinance requires Type B review of an application:

1. Prior to or at the time of filing an application, the applicant or the applicant's authorized representative shall meet with the Director or an authorized representative of the Department of Planning and Development in a pre-application conference to review requirements and concerns about the applicant's request;

2. The applicant shall submit an application to the Department on a form prescribed by the Director;

3. Owners of land adjoining the subject property and others as required under the Type A provisions, the Board, and the Commission, shall be notified of the application. Others who may have an interest in the application shall be notified by publication in a newspaper of general circulation in the county. The Director shall have the right to provide written notice to such other persons as deemed appropriate. Those notified shall be given 15 days from the date of notification to either submit a written request for public hearing, or bring to the attention of the Director objections to approval or any adverse consequences or incompatibilities that may result from approval. A request for a hearing shall be in writing, shall state the basis for requesting the hearing and shall be accompanied by payment of a fee to cover the cost of the hearing. No fee shall be required if the hearing is requested by the Board, Commission, appropriate planning advisory committee, or the Director.

[Amended 12/05/02; Ord. 720]

4. If no timely written request for a public hearing is received by the Director, the Director shall either approve or deny the application. The Director may attach additional conditions to an approval based on comments received during the 15 day period following public notice. The Director shall make a decision based on an evaluation of the proposal within 120 days of receipt of a complete application, or such longer period mutually agreed to by the Director and the applicant. The applicant and those who commented during the 15 day period following public notice shall be notified in writing of the Director's decision and the reasons for the decision. A decision of the Director made pursuant to this subsection may be appealed to the Board by filing pursuant to Section 1404 of this ordinance no later than 15 days from the date of the decision.
[Amended 12/05/02; Ord. 720]

5. If the Director receives a timely written request for public hearing, as specified in this section, the Director shall schedule a public hearing before the Commission or hearings officer, according to the Type C procedure described in subsection 1301.01(C) and in accordance with the public notice requirements of Section 1402.

C. Type C Procedure - Public Hearing Before the Commission or Hearings Officer.

The following procedure shall be used when county ordinance requires Type C review of an application.

1. Prior to or at the time of filing an application, a pre-application conference shall be conducted in which the applicant or the applicant's authorized representative shall meet with the Director or an authorized member of the department to review requirements and concerns about the applicant's request.

2. The applicant shall submit an application to the Department of Planning and Development on a form prescribed by the Director;

3. Upon receipt of a complete application, a public hearing shall be scheduled and public notice mailed and published according to the public notice requirements contained in Section 1402;

4. At the public hearing the county staff, the applicant, and other interested parties may present information relevant to the proposal, and may give reasons why the application should or should not be approved; [Amended 12/05/02; Ord. 720]

5. For applications that do not involve plan amendments, within 150 days of receipt of a completed application, or such longer period mutually agreed to by both the Director and the applicant, the application shall be approved or denied based on an evaluation of the proposal and applicable criteria as set forth in this ordinance;

[Amended 12/05/02; Ord. 720]

6. The applicant shall be notified in writing of the decision and of the reasons for the decision; and

7. All decisions of the Commission or hearings officer may be appealed to the Board, if the appeal is filed within 15 days from the date of the decision, pursuant to Section 1404 for appeals.

1301.02 Effective Date of Decision.

The effective date of decision is the date of recording of the final order or, if the decision is such that no order is to be filed, the effective date of decision is the date of the letter notifying the applicant of the decision.

1301.03 Reapplication.

If an application is denied, no new application for the same or substantially similar action shall be filed for at least one year from the effective date of decision.

1301.04 Review by the Commission.

The Commission may, on its own motion, initiate review of any decision of the Director made pursuant to the review procedures of subsection 1301.01 if within 15 days of the decision, a request is received from one or more members of the Commission for review of the decision and at the next regularly scheduled meeting of the Commission a motion is passed to review the decision. Review by the Commission shall be subject to Section 1404 for appeals.

1301.05 Review by the Board.

The Board may, on its own motion, order review of any decision made pursuant to the review procedures of subsection 1301.01 if such a motion is made within 15 days of the decision, subject to Section 1403 for Board review.

1301.06 Effective Date of Application.

Approval of any land use application, as provided for in the review procedures of subsection 1301.01, shall not be effective, and no development permits shall be issued, until the appeal period has elapsed.

SECTION 1300 – APPLICATION REQUIREMENTS AND PROCEDURES

1301. SUMMARY OF APPLICATION AND REVIEW PROCEDURES. [Last Amended 5/24/12; Ord. 872]

1301.01 Type A, B and C Procedures

The review of applications received under the provisions of this ordinance shall be conducted according to one or more of the three procedures described below:

A. Type A Procedure

The following procedure shall be used when county ordinance requires Type A review of an application:

1. Prior to or at the time of filing an application, the applicant or the applicant's authorized representative shall meet with the Director or an authorized representative of the Department of Planning and Development in a pre-application conference to review requirements and concerns about the applicant's request;
2. The applicant shall submit an application to the Department on a form prescribed by the Director;
3. Upon receipt of a complete application the Director shall review the application and shall make a decision based on an evaluation of the proposal and on the applicable criteria in this ordinance. The Director may, at his/her discretion, forward the application to the Planning Commission and have the request processed under the Type C review procedures. [Amended 1/14/99; Ord. 668; 12/05/02; Ord. 720]
4. The applicant and the surrounding property owners who are entitled to notice pursuant to state law shall be notified in writing of the Director's decision and of the reasons for the decision. Others who may have an interest in the decision shall be notified by publication in a newspaper of general circulation in the county. [Amended 12/05/02; Ord. 720]
5. All decisions of the Director may be appealed to the Board if such an appeal is filed within 15 days from the date of the decision, pursuant to Section 1404 for appeals.

B. Type B Procedure.

The following procedure shall be used when county ordinance requires Type B review of an application:

1. Prior to or at the time of filing an application, the applicant or the applicant's authorized representative shall meet with the Director or an authorized representative of the Department of Planning and Development in a pre-application conference to review requirements and concerns about the applicant's request;

2. The applicant shall submit an application to the Department on a form prescribed by the Director;
3. Owners of land adjoining the subject property and others as required under the Type A provisions, the Board, and the Commission, shall be notified of the application. Others who may have an interest in the application shall be notified by publication in a newspaper of general circulation in the county. The Director shall have the right to provide written notice to such other persons as deemed appropriate. Those notified shall be given 15 days from the date of notification to either submit a written request for public hearing, or bring to the attention of the Director objections to approval or any adverse consequences or incompatibilities that may result from approval. A request for a hearing shall be in writing, shall state the basis for requesting the hearing and shall be accompanied by payment of a fee to cover the cost of the hearing. No fee shall be required if the hearing is requested by the Board, Commission, appropriate planning advisory committee, or the Director.

[Amended 12/05/02; Ord. 720]
4. If no timely written request for a public hearing is received by the Director, the Director shall either approve or deny the application. The Director may attach additional conditions to an approval based on comments received during the 15 day period following public notice. The Director shall make a decision based on an evaluation of the proposal within 150 days of receipt of a complete application, or such longer period mutually agreed to by the Director and the applicant. The applicant and those who commented during the 15 day period following public notice shall be notified in writing of the Director's decision and the reasons for the decision. A decision of the Director made pursuant to this subsection may be appealed to the Board by filing pursuant to Section 1404 of this ordinance no later than 15 days from the date of the decision.

[Amended 12/05/02; Ord. 720; 5/24/12; Ord. 872]
5. If the Director receives a timely written request for public hearing, as specified in this section, the Director shall schedule a public hearing before the Commission or hearings officer, according to the Type C procedure described in subsection 1301.01(C) and in accordance with the public notice requirements of Section 1402.

C. Type C Procedure - Public Hearing Before the Commission or Hearings Officer.

The following procedure shall be used when county ordinance requires Type C review of an application.

1. Prior to or at the time of filing an application, a pre-application conference shall be conducted in which the applicant or the applicant's authorized representative shall meet with the Director or an authorized member of the department to review requirements and concerns about the applicant's request.
2. The applicant shall submit an application to the Department of Planning and Development on a form prescribed by the Director;
3. Upon receipt of a complete application, a public hearing shall be scheduled and public notice mailed and published according to the public notice requirements contained in Section 1402;

4. At the public hearing the county staff, the applicant, and other interested parties may present information relevant to the proposal, and may give reasons why the application should or should not be approved; [Amended 12/05/02; Ord. 720]
5. For applications that do not involve plan amendments, within 150 days of receipt of a completed application, or such longer period mutually agreed to by both the Director and the applicant, the application shall be approved or denied based on an evaluation of the proposal and applicable criteria as set forth in this ordinance; [Amended 12/05/02; Ord. 720]
6. The applicant shall be notified in writing of the decision and of the reasons for the decision; and
7. All decisions of the Commission or hearings officer may be appealed to the Board, if the appeal is filed within 15 days from the date of the decision, pursuant to Section 1404 for appeals.

1301.02 Effective Date of Decision.

The effective date of decision is the date of recording of the final order or, if the decision is such that no order is to be filed, the effective date of decision is the date of the letter notifying the applicant of the decision.

1301.03 Reapplication.

If an application is denied, no new application for the same or substantially similar action shall be filed for at least one year from the effective date of decision.

1301.04 Review by the Commission.

The Commission may, on its own motion, initiate review of any decision of the Director made pursuant to the review procedures of subsection 1301.01 if within 15 days of the decision, a request is received from one or more members of the Commission for review of the decision and at the next regularly scheduled meeting of the Commission a motion is passed to review the decision. Review by the Commission shall be subject to Section 1404 for appeals.

1301.05 Review by the Board.

The Board may, on its own motion, order review of any decision made pursuant to the review procedures of subsection 1301.01 if such a motion is made within 15 days of the decision, subject to Section 1403 for Board review.

1301.06 Effective Date of Application.

Approval of any land use application, as provided for in the review procedures of subsection 1301.01, shall not be effective, and no development permits shall be issued, until the appeal period has elapsed.

SECTION 1400 – ADMINISTRATIVE PROVISIONS

1401. ADMINISTRATION.

[Amended 5/24/12; Ord. 872]

1401.01 Interpretation and Enforcement.

The Board shall have the authority and duty to interpret and enforce the provisions of this ordinance.

1401.02 Conformance to Ordinance Requirements.

All State, County and local officials, departments and employees vested with authority to issue permits, certificates or licenses shall adhere to and require conformance with the provisions of this ordinance.

1402. PUBLIC HEARINGS

1402.01 Notice of Quasi-Judicial Public Hearing.

Notice of any quasi-judicial public hearing authorized or required by this ordinance shall be published in a newspaper of general circulation in the county at least ten (10) days prior to the hearing date, and shall be sent to affected property owners within the following distance of the boundaries of the parcel which is the subject of the application or that larger distance determined appropriate by the Director:

1. Within 750 feet when the subject parcel is within a farm or forest district;
[Amended 12/05/02; Ord. 720]
2. Within 250 feet when the subject parcel is not within an urban growth boundary or a farm or forest district, or is partially within an urban growth boundary;
3. Within 100 feet when the subject parcel is entirely within an urban growth boundary.

The notice shall be sent by mail at least twenty (20) days prior to the hearing, or ten (10) days prior to the hearing date when two hearings are required. The address used by the Director in providing notice by mail shall be the address then existing in the tax records of Yamhill County.

[Amended 3/19/98, Ord. 643]

1402.02 Notice of Legislative Public Hearing.

Notice of any legislative public hearing authorized or required by this ordinance shall be published in a newspaper of general circulation in the county at least ten (10) days prior to the hearing date.

1402.03 Continuance of Hearing.

A public hearing may be continued as is necessary to gather additional information on the application or for other good reason and no additional notice need be given if the hearing is adjourned to a time and a date certain, unless otherwise ordered by the hearings body.

1402.04 Rules Governing Public Hearing.

The initial quasi-judicial evidentiary hearing shall be a de novo hearing and shall be conducted in accordance with the requirements of ORS 197.763.

[Amended 5/24/12; Ord. 872]

1402.05 Appointment of Hearings Officer.

The Board may appoint or designate one (1) or more qualified persons as Hearings Officers, who shall have the authority to conduct any public hearing authorized or required by this ordinance.

1402.06 Ex Parte Contact.

In any land use application subject to a quasi-judicial hearing process, the Board, Commission, or Hearings Officer shall not:

- A. Communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and with opportunity for all parties to participate;
- B. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless all parties are afforded an opportunity to contest the materials so noticed; or
- C. Inspect the property with any party or his representative unless all parties are given such notice as the Board determines to be fair and just.

1402.07 Testimony.

- A. Testimony presented at hearings shall be pertinent and based upon sound reasoning, and shall be incorporated into the record unless the Chair rules such information to be excluded from the record as immaterial, or of questionable fact, intent or merit, based upon objection raised by Commission or Board members or other parties having standing in the hearing.
- B. All testimony not excluded shall become a part of the hearing record, and in addition to verbal testimony, may be presented in written form or incorporated by reference.
- C. In ascertaining whether or not the party providing testimony has standing, the chair may ask that such party identify and/or document the basis of standing, or may question the source of the information, or the interest or qualifications of the party submitting testimony, or question how the party giving testimony might be beneficially or adversely affected by the action under consideration.
- D. In the event that it is determined that a party does not have standing because the party will not be beneficially or adversely affected by the action under consideration, the Chair may direct that any prior testimony by that party be stricken from the record, and that further testimony from the party be prohibited.
- E. The Chair may set reasonable and fair time limits for oral presentation of testimony.

- F. Minutes of the meeting shall be accepted as the official hearing record. A verbatim transcript is not required.

1403. REVIEW BY THE BOARD.

1403.01 Review by the Board.

Review by the Board at a public hearing shall be accomplished in accordance with its own adopted Rules of Procedure and the requirements of this ordinance. The Board may continue its hearing to gather additional evidence or to consider the application more completely. Unless otherwise provided by the Board, no additional notice need be given of continued hearings if the matter is continued to a time certain.

1403.02 Notice Requirements.

Notice of hearing and a record of the proceeding shall be the same as required for initial hearings on proposed actions as provided in Section 1402.

1403.03 Review on Record.

Unless otherwise provided in subsection 1402.04 or by the Board under subsection 1403.04, the review of the decision of the Commission or Hearings Officer by the Board shall be confined to the record of the proceeding, which shall include: [Amended 12/05/02; Ord. 720]

- A. All materials, pleading, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the Director, Commission or Hearings Officer as evidence;
- B. All materials submitted by the Director with respect to the application;
- C. The transcript or tape of the public hearing of the Commission or Hearings Officer;
- D. The findings and action of the Director, Commission or Hearings Officer and the notice of review; and
- E. Argument confined to the record by the parties or their legal representatives at the time of review before the Board.

1403.04 De Novo Hearing.

The Board may, at its option, whether or not upon a motion of a party, hold a de novo hearing or admit additional testimony and other evidence with or without holding a de novo hearing, if it is satisfied that the testimony or other evidence could not have been presented upon initial hearing and action. In deciding such admission, the Board shall consider:

- A. Prejudice to parties;
- B. Convenience of locating the evidence at the time of initial hearing;
- C. Surprise to opposing parties;

- D. When notice was given to other parties as to the attempt to admit; and
- E. The competency, relevancy and materiality of the proposed testimony and other evidence.

Upon a decision to admit additional testimony or evidence or to hear the entire matter de novo, the presentation of such testimony and evidence shall be governed by the procedures applicable to the presentation of such matters at the initial hearing.

1403.05 Board Action.

The Board may affirm, modify or reverse all or part of the action of the Director, Commission, or Hearings Officer, or may remand the matter to the decision-making body for additional review or information. In all cases the Board shall make findings to justify its action which are based upon the record before it and any additional testimony or other evidence it receives.

1404. APPEALS.

1404.01 Appeals From Decisions of the Planning Director.

Where it is alleged that there is error in any land use decision made by the Director in the interpretation of this ordinance, an appeal therefrom may be made by an affected party only to the Board on a form prescribed by the Director. Such written appeal shall be filed with the Director within fifteen (15) days of the decision on a proposed action and shall be accompanied by the appropriate filing fee. Upon determination that the appeal request is complete and in order, a public hearing before the Board shall be scheduled and public notice mail and published according to the public notice requirements contained in Section 1402.

[Amended 5/24/12; Ord. 872]

A. Board Action.

In hearing and deciding such an appeal:

1. The Board may affirm, modify or reverse all or part of the action of the Director so long as such action is in conformity with the ordinance;
2. The Board shall make findings based on the testimony or other evidence received by it as justification for its action; and
3. The Board, on its own motion, may order review of any decision of the Director within fifteen (15) days of the decision, pursuant to Section 1403 for Board review.

B. Commission Action.

The Commission, on its own motion, may order review of any decision of the Director within fifteen (15) days of the decision, pursuant to subsection 1301.04. The decision of the Commission shall be final unless appealed to the Board.

1404.02 Appeals From Decisions of the Commission or Hearings Officer.

Where it is alleged that there is error in any land use decision made by the Commission or Hearings Officer, an appeal therefrom shall be made by an affected party only to the Board on a form

prescribed by the Director. Such written appeal shall be filed with the Director within fifteen (15) days of the decision on a proposed action and shall be accompanied by the appropriate filing fee. The Board, on its own motion, may order review of any decision of the Commission or Hearings Officer within fifteen (15) days of the decision, pursuant to Section 1403 for Board review.

1404.03 Standing to Appeal.

- A. A decision by the Director, Planning Commission or Board of Commissioners to approve or deny an application or docket item request may be appealed provided the appellant has satisfied Subsections 1, 2, and 3:
1. Filed a written appeal, accompanied by the appropriate filing fee, with the Director within the time required by this ordinance submitted in accordance with Subsection B of this section;
 2. Appeared before the Commission, hearings officer or Board orally or in writing; and
 3. Meets one of the following criteria:
 - (a) Was entitled by this ordinance to notice and hearing prior to decision appealed; or
 - (b) Is aggrieved or has interests adversely affected by the decision.
- B. Any appeal filed shall be in writing, shall explain the basis of the appeal and shall include one or more of the following:
1. A reference to the ordinance provisions or plan policies providing the basis of the appeal.
 2. Reasons why the decision is factually or legally incorrect.
 3. A description of new information or additional facts which should have been considered in the decision.
 4. A description of any mitigating factors which might be taken to make the decision acceptable.

1405. FORMS AND FEES.

1405.01 Forms.

Petitions, applications and appeals provided for in this ordinance shall be made on forms prescribed by the Director. Applications shall be accompanied by plans and specifications, drawn to scale, showing the area and dimensions of the parcel to be used or developed; the sizes and locations on the parcel of existing and proposed structures; the intended use of each structure; the number of dwelling units, if any, to be accommodated thereon; the relationship of the lot or site to adjacent and surrounding lands; and such other information as is needed to determine compliance with this ordinance.

1405.02 Filing Fees.

For the purpose of defraying expenses involved in processing applications, fees shall be paid to the Director in favor of Yamhill County upon the filing of an application. Said fees and the amounts thereof shall be established by order of the Board. All fees shall be nonrefundable except when an application is withdrawn or deferred prior to the preparation, publication and issuance of any public hearing notice. Refunds shall be made at the authorization of the Board. Upon recommendation from the Director or the hearings body or upon its own motion, the Board may waive, for just cause, any filing fee established by this Section.

1406. REMEDIES FOR UNLAWFUL STRUCTURES OR LAND USE.

1406.01 In the event a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is, or is proposed to be, used, in violation of an ordinance or regulation designed to implement the Yamhill County Comprehensive Plan, the governing body of the county or a person whose interest in real property in the county is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.

1406.02 No person shall locate, construct, maintain, repair, alter, or use a building or other structure or use or transfer land in violation of this ordinance or any ordinance lawfully adopted by Yamhill County.

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