

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Amending)
 Yamhill County Zoning Ordinance No. 310,)
 as Amended, to Make Required and) **ORDINANCE 648**
 Housekeeping Changes; Docket G-03-98;)
 and Declaring an Emergency.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on July 9, 1998, Commissioners Ted Lopuszynski, Thomas E. E. Bunn, and Robert Johnstone, being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. On April 16, 1998, the Yamhill County Planning Commission held public hearings on Planning Dockets G-3-98 to consider a proposal to amend Yamhill County Zoning Ordinance No. 310, as amended ("the YCZO"), for the purpose of making certain required amendments to comply with state statutes and administrative rules, and to make certain housekeeping amendments, which include minor corrections and changes, as set forth in Exhibit "A" attached hereto and incorporated herein, to the following YCZO Sections:

(1) Amending YCZO Section 202 definitions.

(2) Amending YCZO Sections 501.02(K), 501.03(A)(3), 501.03(B)(2), 502.02(I), 502.03(A)(2), and 503.02(G) to change "mobile home" to "manufactured home".

(3) Amending YCZO Sections 402.09(H)(3)(a), 403.11(H)(3)(a), 405.02(H), 405.07(F)(3), 501.06(H)(3), 502.06(H)(3), 503.06(H)(3), 601.02(F), and 1003 to change "travel trailer" to "RV".

(4) Amending YCZO Sections 405.02(K), 601.02(G), 602.02(E), 603.02(G), 701.02(D), 702.02(L), 703.02(L), 801.02(F), 802.02(G) and 803.02(C) to delete site design review requirements.

(5) Amending YCZO Sections 801.02 and 801.03 to make farm and forestry uses permitted uses.

(6) Repealing YCZO Sections 1002 and 1002.01 regarding mobile homes.

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(7) Amending YCZO Sections 402.04(A)(4), 403.04(A)(4), 404.02(F) and (G), 404.03(E) and (F), 405.02(K), 501.02(D), 501.03(A)(3) and (B)(2)(d), 502.02(C), 502.03(A)(2)(d), 503.02(A), 601.02(G), 602.02(E), 603.02(G), 701.02(D), 702.02(L), 703.02(L), 801.02(F), 801.03(C), 802.02(G), and 803.02(C) to delete reference to YCZO section 1002.

(8) Amending YCZO Section 1007.02 parking requirements.

(9) Amending YCZO Section 1008.03 day care facilities definitions.

(10) Amending YCZO Section 1101.03 site design review procedures.

(11) Amending YCZO Section 1205.03 nonconforming use provisions.

(12) Amending YCZO Section 1207 legislative amendment provisions.

(13) Amending YCZO Section 1208 quasi-judicial zone change provisions.

(14) Amending YCZO Sections 402.09, 403.11, 405.07, 501.06, 502.06, 503.06, 601.07, 602.07, 603.07, 701.07, 702.07, 703.07, 801.07, 802.06, and 803.06 setback provisions.

(15) Amending YCZO Sections 402.09(H), 403.11(H), 405.07(F), 501.06(H), 502.06(H), and 503.06(H) relating to occupancy of Recreational Vehicles.

(16) Amending YCZO Sections 501.03(B)(1) and 502.03(A)(1) to delete provisions for guest houses.

(17) Amending YCZO Sections 404.02(I), 501.02(A), 502.02(A), 801.03(A), and 803.02(B) to delete language describing farm uses.

B. Exhibit "B" attached hereto and incorporated herein contains explanations from the Department of Planning and Development intended to assist the reader in understanding the changes made to the YCZO. The exhibit also constitutes the county's finding on this legislative ordinance. Where a conflict exists between Exhibit "B" and the operative part of this ordinance, the operative part of this ordinance shall control.

C. On July 9, 1998, the Board held a public hearing to consider Docket G-3-98, and at the conclusion of the hearing, the Board voted unanimously to modify the YCZO as provided in the operative part of this ordinance.

D. The Board has determined that adoption of this ordinance will be in the best interest of the citizens of Yamhill County; Now, Therefore,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

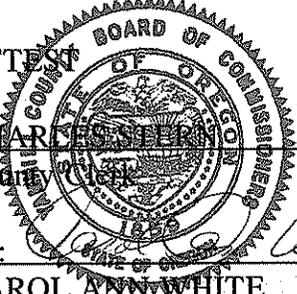
Section 1. YCZO Sections 202, 402.04(A)(4), 402.09, 402.09(H), 402.09(H)(3)(a), 403.04(A)(4), 403.11, 403.11(H), 403.11(H)(3)(a), 404.02(F) and (G), 404.02(I), 404.03(E), 404.03(F), 405.02(H), 405.02(K), 405.07, 405.07(F), 405.07(F)(3), 501.02(A), 501.02(D), 501.03(A)(3), 501.03 (B)(2)(d), 501.03(A)(3), 501.03(B)(1), 501.03(B)(2), 501.06, 501.06(H), 501.06(H)(3), 501.02(K), 502.02(A), 502.02(C), 502.02(I), 502.03(A)(1), 502.03(A)(2), 502.03(A)(2)(d), 502.06, 502.06(H), 502.06(H)(3), 503.02(A), 503.02(G), 503.06, 503.06(H), 503.06(H)(3), 601.02(F), 601.02(G), 601.07, 602.02(E), 602.07, 603.02(G), 603.07, 701.02(D), 701.07, 702.02(L), 702.07, 703.02(L), 703.07, 801.02 801.02(F), 801.03, 801.03(A), 801.03(C), 801.07, 802.02(G),803.02(B), 803.02(C),803.06, 1002, 1002.01, 1003, 1007.02, 1008.03, 1101.03, 1205.03, 1207 and 1208 of the Yamhill County Zoning Ordinance, No. 310, as amended, are hereby amended as provided and specified in the attached Exhibit "A", which is by this reference made a part of this ordinance. Materials and language contained in brackets are hereby deleted from Ordinance 310 as amended, and materials underlined are added to those ordinances.

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

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

Section 4. 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 at McMinnville, Oregon this 9th day of July, 1998.

ATTEST

 CHARLES H. ...
 County Clerk
 By: Carol Ann White
 CAROL ANN WHITE

YAMHILL COUNTY BOARD OF COMMISSIONERS
Ted Lopuszynski
 Chairman TED LOPUSZYNSKI
Robert Johnstone
 Commissioner ROBERT JOHNSTONE

FORM APPROVED BY:
John C. Pinkstaff
 JOHN C. PINKSTAFF
 Assistant County Counsel

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

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1. Section 202, Definitions shall be amended to add, delete or modify the following terms:

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.

BED AND BREAKFAST INN: A single-family dwelling where lodging is offered for compensation, having no more than five (5) 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.

[COUNTRY INN: A building or buildings with six or more rooms for lodging which also offers meal service.]

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).

[GUEST HOUSE: An accessory use intended to accommodate nonpaying guests on a temporary or seasonal basis only.]

HOME OCCUPATION: *[A commercial]* An activity involving off-site sales, the manufacture of a product or the provision of a service carried on for a profit 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.

[MOBILE] **MANUFACTURED HOME:** *[A detached residential dwelling unit designed for transportation after fabrication, ready to be occupied as a dwelling upon being placed on a temporary or permanent foundation and connection to utilities and services. A travel trailer is not considered as a mobile 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.

OAR: Oregon Administrative Rule

ORS: Oregon Revised Statutes

PARK: Any public or private land reserved for recreational, educational, cultural, or open space uses.

RECREATIONAL VEHICLE (or RV): A travel trailer, camper, motor home, or other unit with or without motive power that is designed for human occupancy and to be used temporarily for recreational or emergency purposes, and that has a gross floor area not exceeding 400 square feet.

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.

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.

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[, and includes any recreational vehicle, whether or not self-propelled].

[TRAVEL TRAILER PARK: A place where two (2) or more travel trailers are located within 500 feet of one another on any parcel, the primary purpose of which is to leave or rent space or keep space for lease or rental to any person, but does not include a motel or public or private group camp.]

2. The term “mobile home” shall be changed to “manufactured home” in Sections 501.02(K), 501.03(A)(3), 501.03(B)(2), 502.02(I), 502.03(A)(2), and 503.02(G), as follows:

Sections 501.02(K), 502.02(I), and 503.02(G):

[*Mobile*] **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;

Section 501.03(A)(3):

If the occupants of a secondary dwelling approved hereunder have no proprietary interest in the land, the dwelling shall be a [*mobile*] **manufactured** home. In such a case, if at any time the requirements of this Section can no longer be satisfied, the [*mobile*] **manufactured** home shall be removed. If the secondary dwelling is a [*mobile*] **manufactured** home, it shall, in addition to the requirements of this section, also be subject to the [*mobile*] **manufactured** home standards set forth in Section 1002.

Section 501.03(B)(2) and 502.03(A)(2):

Temporary [*mobile*] **manufactured** home for family members requiring special care, subject to the following:

- a. The family member requiring special care is aged, infirm, or who, for health-related reasons, is incapable of maintaining a complete separate residence;
- b. The permit for the [*mobile*] **manufactured** home for special care shall be valid for a period of two (2) years or such shorter periods as the Director or hearings body determines to be appropriate, provided, however, that such 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; and
- c. The permit for the [*mobile*] **manufactured** home for special care shall be granted to the applicant only and shall not be deemed to run with the land.
- d. If the secondary dwelling is a [*mobile*] **manufactured** home, it shall, in addition to the requirements of this section, also be subject to the [*mobile*] **manufactured** home standards set forth in Section 1002.

3. The term “travel trailer” shall be changed to “RV” in Sections 402.09(H)(3)(a), 403.11(H)(3)(a), 405.02(H), 405.07(F)(3), 501.06(H)(3), 502.06(H)(3), 503.06(H)(3), 601.02(F), and 1003, as follows:

Sections 402.09(H)(3)(a), 403.11(H)(3)(a), 405.07(F)(3), 501.06(H)(3), 502.06(H)(3), 503.06(H)(3):

Storage and Use of Certain Structures and Recreational Equipment

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One [*travel trailer*] **RV** only shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests, subject to the Type A application procedure set forth in Section 1301. In no case shall such [*a travel trailer*] **RV** be occupied for periods totaling more than three months in any year, and in no case shall an[*y travel trailer*] **RV** be used as a principal dwelling or rented unless the necessary permits have been obtained.

Section 405.02(H) and 601.02(F):

Public [*travel-trailer*] **RV** park subject to the [*travel trailer*] **RV** park provisions of Section 1003.

Section 1003. [*TRAVEL TRAILER*] **RECREATIONAL VEHICLE (RV) PARKS**

1003.01 Standards and Requirements.

The use of any parcel for [*a travel trailer*] **an RV** park and any modifications to an existing [*travel trailer*] **RV** park shall comply with the following standards and requirements:

- A. The minimum parcel area for [*a travel trailer*] **an RV** park shall be one (1) acre;
- B. The maximum density of [*travel trailer*] **RV** spaces shall not exceed twenty-five (25) per acre of gross land area;
- C. No [*travel trailer*] **RV** shall be located anywhere but in [*a travel trailer*] **an RV** space and only one (1) [*travel trailer*] **RV** shall be located within any [*travel trailer*] **RV** space;
- D. The only structures or vehicles which may be placed in [*a travel trailer*] **an RV** space, other than storage structures provided by the management of the park, are one (1) [*travel trailer*] **RV** and one (1) motor vehicle; except that [*a travel trailer*] **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 [*travel trailer*] **RV** shall remain in any [*travel trailer*] **RV** park for a period of more than four (4) months;
- F. The minimum width for a parcel containing [*a travel trailer*] **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 [*travel trailer*] **RV** park, and shall be sized, laid out and designed to serve only the frequent trade or service needs of travelers patronizing the [*travel trailer*] **RV** park;
- H. No part of any [*travel trailer*] **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 [*a travel trailer*] **an RV** park;
- J. All contiguous lots of record proposed for the development of [*a travel trailer*] **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 [*travel trailer*] **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 [*travel trailer*] **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 [*travel trailer*] **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 [*travel trailer*] **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 [*travel trailer*] **RV** space plus one (1) additional space for each four (4) [*travel trailer*] **RV** spaces to provide for guest parking. Grouped parking spaces shall be located within one hundred fifty (150) feet of the [*travel trailer*] **RV** spaces served;
- K. All recreation areas shall be well-drained, grassed or hard-surfaced and dust-free;
- L. The boundaries of each [*travel trailer*] **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 [*travel trailer*] **RV** space shall have sufficient unobstructed access to, or frontage on, [*a travel trailer*] **an RV** park road, so as to permit the movement of [*travel trailers*] **RVs**;
- N. Each [*travel trailer*] **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 [*a travel trailer*] **an RV** park, minimum setbacks shall be provided as follows: [*travel trailer*] **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 [*travel trailer*] **RV** space and at least twenty-five (25) feet from any boundary of the [*travel trailer*] **RV** park. Service buildings, service areas and recreation areas shall be located at least ten (10) feet from any private road, [*travel trailer*] **RV** space, or grouped bay parking area;
- P. No structural addition to any [*travel trailer*] **RV** or [*mobile*] **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 [*travel trailer*] **RV** spaces.

1003.03 Applications.

All applications for review of plans and specifications for any [*travel trailer*] **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.

4. Sections 405.02(K), 601.02(G), 602.02(E), 603.02(G), 701.02(D), 702.02(L), 703.02(L), 801.02(F), 802.02(G) and 803.02(C) shall be amended to delete the requirement for site design review for dwellings, as follows:

Dwelling for caretaker or watchman, in conjunction with a permitted use. **Site design review is not required for the dwelling;**

5. Section 801, Public Assembly Institutional district, shall be amended to move farm and forestry uses from conditional to permitted uses, as follows:

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. If a dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002;
- 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. Farm uses, subject to the limitations in subsection 801.07(J); and**
- M. Propagation and harvesting of a forest product.**

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. *Farm uses as follows: The current employment of land, including that portion of such lands under building 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 bees; 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;*
- B. *Propagation and harvesting of a forest product;]*
- A.[C.] Duplex or multi-family dwelling, or group living quarters, in conjunction with a**

permitted use. *[If a dwelling is a mobile home, it shall, in addition to the requirements of this section, also be subject to the mobile home standards set forth in Section 1002]; and*

B.[D.] Operations conducted for the exploration of oil, natural gas or geothermal resources subject to the requirements in subsection 404.10.

6. Section 1002, Mobile Home standards and requirements, shall be repealed:

[1002. MOBILE HOMES

1002.01 Standards and Requirements.

Mobile homes shall be subject to the following requirements:

- A. *No person shall place a mobile home except on a well-drained site that is at all times free of stagnant pools and is graded for rapid drainage; and not more than three (3) mobile homes may be placed on any parcel.*
- B. *Mobile homes shall be located and regulated in accordance with the requirements adopted by Yamhill County in Ordinance No. 254, 1980.*
- C. *All mobile homes shall be connected to a sewer treatment facility approved by the State Department of Environmental Quality or to an approved individual subsurface sewage disposal system. For any mobile home not connected to a municipal or community sewer system, prior to issuance of a mobile home placement permit, the applicant shall provide the Director with certification by the County Sanitarian or the State Department of Environmental Quality that a standard or alternative subsurface sewage disposal system has been installed which is adequate in size, location, design and specification to serve the proposed mobile home.*
- D. *All additions and alterations to mobile homes shall be made in accordance with the requirements of the Yamhill County Ordinance No. 254, 1980, as amended, and with the requirements of the Oregon Department of Commerce, Building Codes Division. No additions to a mobile home shall be permitted except the following:*
 - 1. *Skirtings, provided that two (2) easily removable access panels of a minimum width of four (4) feet shall provide access to the area enclosed by the skirting, with at least one panel located at the point of entrance of water and sewage connections;*
 - 2. *Carports;*
 - 3. *Shelters against sun or rain (ramadas);*
 - 4. *Vestibules up to a maximum size of thirty (30) square feet; and*

5. *Rooms (cabanas) added to a mobile home, provided that any such added room shall have an exit or access, which shall consist of a doorway or window, other than through the mobile home, and further, that any such additional room shall not be used as an exit or access for exit from any mobile home.*
- E. *No additions to a mobile home shall exceed in plan area the gross floor area of the mobile home to which they are attached.*
- F. *All additions to a mobile home shall be constructed and finished in durable, weather-resistant materials similar in quality to those used in the construction and finishing of the principal unit to which they are attached.*
- G. *No outdoor storage of any kind accessory to the use of any mobile home shall be permitted within thirty (30) feet of any parcel line. All such storage shall be appropriately screened with either a sight-obscuring fence or planting and such screening shall be maintained in good condition at all times. Such storage area shall not exceed two hundred forty (240) square feet in ground or floor area.]*
7. Sections 402.04(A), 403.04(A), 404.02(F), 404.02(G), 404.03(E), 404.03(F), 405.02(K), 501.02(D), 501.03(A), 501.03(B)(2), 502.02(C), 502.03(A)(2), 503.02(A), 601.02(G), 602.02(E), 603.02(G), 701.02(D), 702.02(L), 703.02(L), 801.02(F), 801.03(C), 802.02(G), and 803.02(C) shall be amended to delete references to Section 1002, as follows:

Sections 402.04(A) and 403.04(A):

One manufactured dwelling, 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. *In addition to the requirements of this Section, the manufactured dwelling shall be subject to the standards set forth in Section 1002.]*

[5] 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.

- [6] 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.

Sections 404.02(F) and 404.03(E):

A dwelling for the owner, in conjunction with a permitted use as established by subsections 404.02(I) and (J). *[If the dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002];*

Sections 404.02(G) and 404.03(F):

A dwelling and accessory structures for a caretaker or watchman in conjunction with the operation of a mineral resource business. *[If the dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002];*

Sections 405.02(K), 701.02(D), 702.02(L), 703.02(L), 801.02(F), and 802.02(G):

Dwelling for caretaker or watchman, in conjunction with a permitted use. *[If the dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002];*

Sections 501.02(D), 502.02(C), and 503.02(A):

Principal Dwelling. *[If the principal dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002];*

Section 501.03(A):

Secondary dwelling, for persons engaged fulltime 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 mobile home. In such a case, if at any time the requirements of this Section can no longer be satisfied, the mobile home shall be removed. *[If the secondary dwelling is a mobile home, it shall, in addition to the requirements of this section, also be subject to the mobile home standards set forth in Section 1002.]*

Sections 501.03(B)(2) and 502.03(A)(2):

Temporary mobile home for family members requiring special care, subject to the following:

- a. The family member requiring special care is aged, infirm, or who, for health-related reasons, is incapable of maintaining a complete separate residence;
- b. The permit for the mobile home for special care shall be valid for a period of two (2) years or such shorter periods as the Director or hearings body determines to be appropriate, provided, however, that such 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; and
- c. The permit for the mobile home for special care shall be granted to the applicant only and shall not be deemed to run with the land.
- [d. If the secondary dwelling is a mobile home, it shall, in addition to the requirements of this section, also be subject to the mobile home standards set forth in Section 1002.]*

Sections 601.02(G), 602.02(E), and 603.02(G):

Dwelling in conjunction with a permitted use. *[If the dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002];*

Section 801.03(C):

Duplex or multi-family dwelling, or group living quarters, in conjunction with a permitted use. *[If the dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002];*

Section 803.02(C):

Dwelling for owner, caretaker or watchman in conjunction with a permitted use. *[If the dwelling is a mobile home, it shall, in addition to the requirements of this Section, also be subject to the mobile home standards set forth in Section 1002];*

8. The parking requirements in Section 1007 shall be amended as follows:

1007. OFF-STREET PARKING AND LOADING

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1007.02 Off-Street Parking and Loading Regulations.

C. Off-street Parking Space Standards

USE	STANDARD
Duplex or multi-family dwelling	[One and one-half (1 ½)] Two (2) spaces per dwelling unit.
[Boarding, lodging or rooming house	One (1) space per two (2) guest accommodations.]
<u>Residential home or facility</u>	<u>One (1) space per bedroom, plus one (1) space for each employee on maximum working shift.</u>
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
<u>Eating or drinking establishment, including wine tasting rooms</u>	<u>One (1) space per one-hundred (100) square feet of floor area, plus one (1) space for each employee on maximum working shift</u>
Clinic	One (1) space per 200 square feet of floor area
Motels, resorts, <u>bed and breakfast inns and similar</u> rental uses	One (1) space per unit <u>plus one (1) space for each employee on maximum working shift</u>
Manufacturing <u>or industrial use, including wineries</u>	One (1) space [per 1,000 square feet of floor area] <u>for each employee on maximum working shift</u>
Wholesale storage and related use	One (1) space per 2,000 square feet of floor or storage area
[Hospital, private	One (1) space per two (2) beds for patients or residents]
<u>Churches and similar</u>	<u>One (1) space per four (4) seats</u>

9. Section 1008, Day Care Facilities, shall be amended to add the following definitions:

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.

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.

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.

10. Section 1101, Site Design Review, shall be amended as follows:

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 Type A application procedure set forth in Section 1301 and*] 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 [*within forty-five (45) days of receipt of the preliminary plan and application*] 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.

- 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.

11. Section 1205, Nonconforming Uses, shall be amended as follows:

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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.

12. Section 1207, Legislative Amendments to the Zoning Ordinance, shall be amended as follows:

1207. LEGISLATIVE AMENDMENTS TO THE ZONING ORDINANCE

1207.01 General Requirements.

Legislative Ordinance amendments are processed as follows:

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

[1207.02 Review Criteria.

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

- A. *An amendment to the text of this ordinance shall be based upon a need for such an amendment identified by the Board, the Commission, or the Director.*

B. *The amendment shall be consistent with the Comprehensive Plan, and with all other provisions of this ordinance, and with federal, state, or local government statutes, rules and regulations.]*

13. Section 1208, Quasi-Judicial Zone District Boundary Changes, shall be amended as follows:

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[, *and after public hearings have been held by both the Commission and Board, pursuant to Section 1402 of this Ordinance.*] **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.**
- 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. * * * (text unchanged)

1208.03 Review Criteria for Amendments To or Within Exclusive Farm Use and Agriculture/Forestry Zones. * * * (text unchanged)

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).

14. Sections 402.09, 403.11, 405.07, 501.06, 502.06, 503.06, 601.07, 602.07, 603.07, 701.07, 702.07, 703.07, 801.07, 802.06, and 803.06 shall be amended to move setback regulations for accessory structures to the same subsection as setbacks for other buildings, as follows:

Sections 402.09 and 403.11:

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.
2. The minimum setback for signs shall be five feet.
- [3. *The minimum setback for accessory uses shall be as provided in Subsection 402.09(H).]*
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).

- D. Parcel Coverage. * * * (text unchanged)
- E. Access. * * * (text unchanged)
- F. Clear-Vision Areas. * * * (text unchanged)
- G. Height. * * * (text unchanged)
- H. [Accessory Use Standards and Requirements.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. *Structures.*
 - a. *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.*
 - b. *A swimming pool may be located in a required rear yard, provided it lies a minimum of five feet from the rear property line.*
 - c. *The minimum setback for a kennel shall be 50 feet from any property line and 500 feet from any off-site dwelling.*
2. *Fences, Walls, and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 402.09(F).*
3. *Storage and Use of Certain Structures and Recreational Equipment.]*

B. Setbacks.

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

1. The minimum setback for signs shall be five (5) feet [*and the minimum setback for accessory uses shall be as provided in subsection 405.08 (F)*].
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 405.08 (D).**

C. Access. * * * (text unchanged)

D. Clear-Vision Areas. * * * (text unchanged)

E. Height. * * * (text unchanged)

F. [*Accessory Uses.*]

An accessory use shall comply with the standards and limitations for principal uses except as follows:

- I. *Structures.*
 - a. *No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.*
 - b. *An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.*
 - c. *A swimming pool may be located in a required rear yard,*

provided it lies a minimum of five (5) feet from the rear property line.

2. *Fences, Walls and Hedges.*

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 405.08 (D).

3. *Storage and Use of Certain Vehicles and Recreation Equipment.]*

Section 501.06:

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. *The minimum setback for accessory uses shall be as provided in subsection 501.06(H).]*
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).**

D. Parcel Coverage. * * * (text unchanged)

E. Access. * * * (text unchanged)

F. Clear-Vision Areas. * * * (text unchanged)

G. Height. * * * (text unchanged)

H. [Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.

- a. *No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.*
- b. *An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.*
- c. *A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.*

2. Fences, Walls and Hedges.

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 501.06(F).

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

Section 502.06:

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 [*above and as provided for accessory uses in subsection 502.06(H)*] **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).**

- D. Parcel Coverage. * * * (text unchanged)
- E. Access. * * * (text unchanged)
- F. Clear-Vision Areas. * * * (text unchanged)
- G. Height. * * * (text unchanged)
- H. [*Accessory Uses.*

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. *Structures.*
 - a. *No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.*
 - b. *An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.*
 - c. *A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.*

2. *Fences, Walls and Hedges.*

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 502.06(F).

3. *Storage and Use of Certain Vehicles and Recreational Equipment.]*

Section 503.06:

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 [*above and as provided for accessory uses in subsection 503.06(H)*] **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).**

D. Parcel Coverage. * * * (text unchanged)

E. Access. * * * (text unchanged)

F. Clear-Vision Areas. * * * (text unchanged)

G. Height. * * * (text unchanged)

H. [Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.

a. *No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.*

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

c. *A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.*

2. Fences, Walls and Hedges.

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 503.06(F).

3. *Storage and Use of Certain Vehicles and Recreational Equipment.]*

Section 601.07:

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 a travel trailer 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 [*above and as provided for accessory uses in subsection 601.07(G)*] **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).

- D. Access. * * * (text unchanged)
- E. Clear-Vision Areas, * * * (text unchanged)
- F. Height. * * * (text unchanged)
- [G. *Accessory Uses.*

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. *Structures.*

- a. *No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.*
- b. *An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.*
- c. *A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.*

2. *Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 601.07(E).]*

[J] **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 602.07:

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 [provided above and as provided for accessory uses in subsection 602.07(H).] **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).

D. Parcel Coverage. * * * (text unchanged)

E. Access. * * * (text unchanged)

F. Clear-Vision Areas. * * * (text unchanged)

G. Height. * * * (text unchanged)

[H. *Accessory Uses.*

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. *Structures.*

- a. *No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.*
- b. *An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling, may be located a minimum*

distance of three (3) feet from the property line in a side yard or rear yard.

- c. *A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.*

2. *Fences, Walls and Hedges.*

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 602.07(F).]

[I] 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 603.07

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 *[provided above and as provided for accessory uses in subsection 603.07(H).]* **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).**

D. Parcel Coverage. * * * (text unchanged)

E. Access. * * * (text unchanged)

F. Clear-Vision Areas. * * * (text unchanged)

G. Height. * * * (text unchanged)

[H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.

- a. *No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.*
- b. *An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling, may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.*
- c. *A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.*

2. Fences, Walls and Hedges.

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 603.07(F).]

[I] 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 701.07:

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 [, and except as provided for accessory uses in subsection 701.07(H)].**
- 2. **An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at lease 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).

- D. Parcel Coverage. * * * (text unchanged)
- E. Access. * * * (text unchanged)
- F. Clear-Vision Areas * * * (text unchanged)
- G. Height. * * * (text unchanged)
- [H. *Accessory Uses.*

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.

- a. No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel.*
- b. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.*

2. Fences, Walls and Hedges.

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 701.07 (F).

[I] **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 702.07:

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 [

and except as provided for accessory uses in subsection 702.07(H)].

- 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).

- C. Parcel Coverage. * * * (text unchanged)
- D. Access. * * * (text unchanged)
- E. Clear-Vision Areas * * * (text unchanged)
- F. Height. * * * (text unchanged)

[H. *Accessory Uses.*

An accessory use shall comply with the standards and limitations for principal uses except as follows:

- 1. *Structures.*
 - a. *No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel.*
 - b. *An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.*

2. *Fences, Walls and Hedges.*

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 702.07 (D).

[I] **G.** Off-street Parking.

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

Section 703.07:

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 [, and except as provided for accessory uses in subsection 703.07(G)].
2. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at lease 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).

- C. Parcel Coverage. * * * (text unchanged)
- D. Access. * * * (text unchanged)
- E. Clear-Vision Areas * * * (text unchanged)
- F. Height. * * * (text unchanged)
- [G. *Accessory Uses.*

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. *Structures.*
 - a. *No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel.*
 - b. *An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at lease 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.*

2. *Fences, Walls and Hedges.*

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 703.07 (E).

- [H] 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 801.07:

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 [, and except as provided for accessory uses in subsection 801.07(H)].
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).

D. Parcel Coverage. * * * (text unchanged)

E. Access. * * * (text unchanged)

F. Clear-Vision Areas * * * (text unchanged)

G. Height. * * * (text unchanged)

[H. *Accessory Uses.*

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. *Structures.*

- a. *No separate accessory structure shall be erected within ten (10) feet of any other building on the same parcel.*
- b. *An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard*

or rear yard.

- c. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.

2. Fences, Walls and Hedges.

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 803.07 (F).

[I] H. Off-street Parking.

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

[J] I. Livestock.

Section 802.07:

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 [and except as provided for accessory uses in subsection 803.06(H)].
- 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).

D. Parcel Coverage. * * * (text unchanged)

E. Access. * * * (text unchanged)

F. Clear-Vision Areas. * * * (text unchanged)

G. Height. * * * (text unchanged)

[H. Accessory Uses.

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. Structures.

- a. No separate accessory structures shall be erected within ten

(10) feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.

2. *Fences, Walls and Hedges.*

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision requirements of subsection 803.07(F).]

[J] **H.** *Off-street Parking.*

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

Section 803.06:

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[, and except as provided for accessory uses in subsection 803.06(G)].**
- 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).**

D. *Access. * * * (text unchanged)*

E. *Clear-Vision Areas. * * * (text unchanged)*

F. *Height. * * * (text unchanged)*

[G. *Accessory Uses.*

An accessory use shall comply with the standards and limitations for principal uses except as follows:

1. *Structures.*

- a. *No separate accessory structures shall be erected within ten (10) feet of any other building on the same parcel, except that*

a greenhouse for personal, noncommercial use may adjoin a dwelling.

b. An accessory structure not more than fifteen (15) feet in height, 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.

2. Fences, Walls and Hedges.

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision requirements of subsection 803.06(E).]

[H] G. Off-street Parking.

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

15. Sections 402.09(H), 403.11(H), 405.07(F), 501.06(H), 502.06(H), and 503.06(H), regarding the use of an RV for a guest, shall be amended as follows:

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

One recreational vehicle [travel trailer only] shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests **for a period of up to 30 days total in any year.**[, subject to the Type A application procedure set forth in Section 1301. In no case shall such a travel trailer be occupied for periods totaling more than three months in any year, and in] **In** no case shall any recreational vehicle [travel trailer] be used as a principal dwelling or rented unless the necessary permits have been obtained.

16. Sections 501.03(B) and 502.03(A) shall be amended to delete provisions for guest houses, as follows:

Secondary dwelling, in conjunction with a principal dwelling on the same parcel, as follows:

[1. Guest house; and]

[2.] Temporary mobile home for family members requiring special care, subject to the following:

- 17. Sections 404.02(I), 501.02(A), 502.02(A), 801.03(A), and 803.02(B) shall be amended to delete the current language describing farm uses in each section, as follows:

Sections 404.02(I), 501.02(A) and 803.02(B):

Farm uses[, as follows: The current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the raising, harvesting and selling the crops; or for the feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products and other agricultural or horticultural use of animal husbandry, or for 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];

Section 502.02(A):

Farm uses [as follows: The current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the raising, harvesting and selling the crops; or for the feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products and other agricultural or horticultural use of animal husbandry, or for 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.] The number of livestock and other animals that may be raised on a parcel is subject to the limitations in subsection 502.06(J).

Section 801.03(A):

Farm uses [as follows: The current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the raising, harvesting and selling the crops; or for the feeding, breeding, management and sale of, or the production of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products and other agricultural or horticultural use of animal husbandry, or for 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.], subject to the limitations in subsection 802.07(J).

EXHIBIT "B" TO ORDINANCE 648

The following are explanations for the ordinance amendments contained in Exhibit A of Ordinance 648.

1. Adds definitions of terms that are used in the YCZO, and deletes terms that are no longer used. The definitions of "manufactured home" and "recreational vehicle" are from ORS 446.003. The definition of "farm use" is from ORS 215.203.
2. Updates the YCZO to use the term "manufactured home" rather than "mobile home", which reflects the terminology used in building codes and state statutes.
3. Updates the YCZO to reflect terminology used in building codes and state statutes.
4. Removes the requirement for site design review for a caretaker's dwelling, since a dwelling has little impact on surrounding properties and site design review was unnecessary and burdensome to the property owner.
5. Farming and forestry uses are permitted throughout most of the county. Requiring conditional use approval in the PAI district is overly burdensome.
6. Section 1002, Mobile Homes, was out of date and in practice was no longer used. Many of the standards are building code requirements, so it was not necessary to have them duplicated in the zoning ordinance.
7. Removes references to Section 1002 - see previous amendment.
8. Updates parking standards in order to cover more types of uses and require less interpretation. Most of the specific numbers were taken from zoning ordinances from other jurisdictions. Requirements for hospitals and boarding houses were deleted because those uses are not permitted in any zoning district.
9. Definitions in Section 1008 were adapted from ORS 657A.250.
10. Site design review was previously a Type A application procedure, but the criteria requires the consideration of citizen input, which implies a Type B application. This amendment gives the Planning Director the discretion of determining the application procedure, depending on the scale and potential impacts of the use. The 45-day review was eliminated because it seems to conflict with state statute which requires the county to notify the applicant within 30 days if additional information is needed, and because there may be complex issues associated with certain large projects which would require more than 45 days to review.
11. ORS 215.130 was amended in 1997 to include the provision that it is only necessary to go back 10 years to verify the existence of a nonconforming use.

12. The approval criteria for a legislative amendment to the zoning ordinance were deleted because a finding of need may not be an appropriate requirement - there may be other legitimate reasons for a legislative amendment. Conformity with rules, statutes and other regulations is a requirement in 1207.01(D), so is not necessary as a separate approval criterion.
13. The amendment of Section 1208.01(C) reflects the process currently used by the county, which is to not hold a Board hearing unless the zone change also includes a Comprehensive Plan map amendment. The language in 1208.04 adds a new process for rezoning properties that were changed from AF to EF in 1993 (effective Feb. 14, 1997). The county was required to zone much of the county EF as part of Periodic Review. Staff has come across several properties that are steep and forested, so the EF zoning does not appear to be appropriate. The approval criteria for the zone change are as objective as possible. The language in criterion (A) is from the purpose statement of the AF district, Section 403.01, and the language in (C) is from OAR 660-06-057.
14. Reorganization of language only.
15. Removes the requirement for land use approval for a guest to stay in an RV.
16. Eliminates guest houses due to the potential for abuse, such as the houses being used as permanent second residences or rental units.
17. Standardizes the definition of farm use so that it is the same in all sections of the YCZO.

FA.....ZOEXIBITB.648