

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)
Responding to LCDC Remand)
Order 91-RA-809 and HB 3661,)
Amending the Yamhill County)
Zoning Ordinance, No. 310, as)
amended, to Make Textual)
Amendments to Exclusive Farm)
Use and Forestry Zones and to)
Adopt a New Official Zoning)
Map; Amending Certain Compre-)
hensive Plan Policies;)
Planning Docket G-5-93;)
Declaring an Emergency.)

ORDINANCE 565

CHARLES STERN
COUNTY CLERK

1993 DEC 29 PM 12:20

FILED
YAMHILL COUNTY, OREGON

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in special session on December 29, 1993, commissioners Dennis L. Goecks and Ted Lopuszynski being present.

WHEREAS, since December 26, 1985, the Department of Land Conservation and Development (DLCD) and the Land Conservation and Development Commission (LCDC) have been engaged in the periodic review of Yamhill County's comprehensive land use plan and land use regulations under former ORS 197.640 to 197.647; and

WHEREAS, on February 27, 1991 the Board adopted Ordinance 519 to respond to LCDC Remand Order 89-RA-556 in an effort to complete remaining periodic review requirements regarding statewide planning goals 3 and 4; and

WHEREAS, Ordinance 519 sought to justify the county's existing 20 and 40 acre minimum lot sizes in exclusive farm use zones; and

WHEREAS, on December 23, 1991 LCDC issued Remand Order 91-RA-809 which rejected Ordinance 519 and imposed four principal requirements on the county to satisfy periodic review as it related to goals 3 and 4. First, it required the county to adopt 80, 40 and 20 acre minimum lot size EFU zones for specific subareas of the county identified on a map prepared by DLCD staff. This map was known as "the Exhibit B map". The county was directed to hold public hearings and adopt the Exhibit B map in substantially the same form as produced by DLCD staff, allowing for adjustment of the boundaries based on public involvement and further analysis by county staff. Second, it required the county to adopt DLCD

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language for text amendments to the zoning ordinance for the establishment of farm dwellings on parcels smaller than the minimum lot size (the "go below" provisions). Third, it required the county to adopt an interim mixed agriculture/forest plan and zone designations on certain specified lands. The county was to review the effected land under the Goal 4 rules and to apply a case-by-case review for land divisions. Fourth, it required the county to adopt plan policies restricting future changes from one minimum lot size to another.

WHEREAS, on February 19, 1992 the county petitioned the Oregon Court of Appeals to review LCDC Remand Order 91-RA-809, the case later being entitled Oregonians in Action v. LCDC, Appellate Number CA A73503; and

WHEREAS, on December 22, 1992 LCDC issued administrative rules on small scale resource land that incorporated certain commercial scale requirements for the establishment of farm dwelling, with the new rules to become effective August 7, 1993; and

WHEREAS, on February 22, 1993 Oregonians in Action v. LCDC was argued to the Oregon Court of Appeals; and

WHEREAS, on July 7, 1993 the Oregon Court of Appeals issued its decision in Oregonians in Action v. LCDC, 121 Or App 497 (1993). The decision affirmed LCDC Remand Order 91-RA-809 in its entirety, rejecting the petition of Yamhill County and the cross-petition of 1000 Friends of Oregon; and

WHEREAS, on July 31, 1993 the Oregon legislature passed the B-engrossed version of HB 3661 which contained numerous provisions, including the limited right to establish a dwelling on certain lots of record established before January 1, 1985. HB 3661 also affected minimum lot sizes in exclusive farm use zones by establishing a new minimum lot size of 80 acres for all land zoned EFU that is not designated rangeland. Exceptions to the new statutory minimum lot size of 80 acres was allowed under two subsections of Section 7 of HB 3661 as follows:

"(2) A county may adopt a lower minimum lot or parcel size than [80 acres] by demonstrating to the commission that it can do so while continuing to meet the requirements of ORS 215.243 and 527.630 and the land use planning goals adopted under ORS 197.230.

"(3) A county with a minimum lot or parcel size acknowledged by the commission pursuant to ORS 197.251 after January 1, 1987, or acknowledged pursuant to periodic review requirements under ORS 197.628 to 197.636 that is

smaller than [80 acres] need not comply with subsection (2) of this section."

WHEREAS, the governor signed HB 3661 (1993 Oregon Laws Chapter 792) into law on September 7, 1993 with an effective date of November 4, 1993; and

WHEREAS, on August 10, 1993 the county petitioned the Oregon Supreme Court to review decision of the Court of Appeals in Oregonians in Action v. LCDC, and on December 8, 1993 the Oregon Supreme Court issued its Order Denying Review, operating to exhaust all legal challenges to LCDC Remand Order 91-RA-809; and

WHEREAS, on December 8, 15 and 22, 1993 the Board held a duly noticed public hearing to consider adoption of this ordinance; and

WHEREAS, the county now intends to adopt this ordinance to comply fully with LCDC Remand Order 91-RA-809, including the adoption of the DLCD zoning map, except as otherwise required or allowed by changes in statutes or administrative rules adopted after December 23, 1991; and

WHEREAS, the county also intends to adopt this Ordinance to implement those provisions of HB 3661 that allow establishment of dwellings on certain lots of record;

NOW, THEREFORE

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Repeal of Ordinance 519.

Ordinance 519, adopted February 27, 1991, is hereby repealed and of no further force or effect.

Section 2. Forestry District.

Section 401 of the Yamhill County Zoning Ordinance, No. 310, as amended, is hereby repealed and replaced in its entirety by a new Section 401 contained in the attached Exhibit "A" which is by this reference made a part of this ordinance.

Section 3. Exclusive Farm Use District.

Section 402 of the Yamhill County Zoning Ordinance, No. 310, as amended, is hereby repealed and replaced in its entirety by a new Section 402 contained in the attached Exhibit "B" which is by this reference made a part of this ordinance.

Section 4. Agriculture/Forestry District.

Section 403 of the Yamhill County Zoning Ordinance, No. 310, as amended, is hereby repealed and replaced in its entirety by a new Section 403 contained in the attached Exhibit "C" which is by this reference made a part of this ordinance.

Section 5. Quasi-judicial Zoning District Boundary Changes.

Section 1208 of the Yamhill County Zoning Ordinance, No. 310, as amended, is hereby repealed and replaced in its entirety by a new Section 1208 contained in the attached Exhibit "D" which is by this reference made a part of this ordinance.

Section 6. Amendment of Revised Goals and Policies.

Subsections "A" and "B" of Section II of the Revised Goals and Policies of the Yamhill County Comprehensive Plan are amended to reflect the changes set forth in the attached Exhibit "E". Language contained in brackets is deleted and language underlined is added. Exhibit "E" is by this reference made a part of this ordinance.

Section 7. Justification Statement.

The "Proposal and Justification Regarding Compliance with Statewide Goal 3" attached to this ordinance as Exhibit "F" is by this reference made a part of this ordinance. Exhibit "F" is hereby adopted to support the Board's determination that this ordinance complies with statewide planning goals 3 and 4 and the LCDC administrative rules.

Section 8. Zoning Map Amendments.

Section 302 of the Yamhill County Zoning Ordinance, No. 310, as amended, is hereby amended as provided in this section.

- a. The Official Zoning Map of Yamhill County as adopted by Ordinance 310, as amended, is hereby replaced by the "1993 Official Zoning Map." The "1993 Official Zoning Map" is hereby adopted by reference and declared to be a part of this Ordinance. The "1993 Official Zoning Map" may be referred to as Exhibit "G" to this ordinance.
- b. The original "1993 Official Zoning Map" shall be signed by the Chair or Vice-chair of the Board,

attested by the County Clerk, and located in the office of the county's Director of the Department of Planning and Development.

- c. In the event a conflict should occur between a zoning designation shown on the "1993 Official Zoning Map" and the prior map in existence on December 29, 1993, the zoning designation shown on the prior map shall control if the prior zoning designation is one of the following: LDR, VLDR, AF-10, RC, NC, HC, LI, HI, RI, PAI, PWS, PALF, MR, PRO, FP, WRG, PUD or LU.
- d. In the event a conflict should occur between a zoning designation shown on the "1993 Official Zoning Map" and the prior map in existence on December 29, 1993, the zoning designation shown on the "1993 Official Zoning Map" shall control if the prior zoning designation is one of the following: AF-20, EF-40 or F-40.
- e. A copy of the "1993 Official Zoning Map," certified as a true copy by the Chair of the Board and the County Clerk, shall be produced. The copy shall be provided to the Department of Land Conservation and Development.

Section 9. Comprehensive Plan Map Designations.

- a. Except as provided in subsections (b) and (c) of this section, any area designated AF-20, AF-40, AF-80, EF-20, EF-40, EF-80 or F-80 on the "1993 Official Zoning Map" shall be similarly designated on the comprehensive plan map.
- b. Notwithstanding a new comprehensive plan map designation under subsection (a), nothing in this section is intended to impose additional land use restrictions on a parcel within an exception area so long as the parcel was excepted from a statewide planning goal prior to December 29, 1993.
- c. Any parcel within an exception area authorized by Ordinance 561 or 562, November 10, 1993, shall receive a new comprehensive plan map designation under subsection (a) if an exception for the parcel is not sustained in an appeal of Ordinance 561 or 562 or in an appeal of a decision, if any, on remand.

Section 10. Severability Clause.

This ordinance is severable. If any section or subsection contained in this ordinance or any of its exhibits is found to be invalid or unconstitutional by a court of last resort, that section of subsection shall be severed from this ordinance and the remainder of this ordinance shall remain valid.

Section 11. Effective Date.

Sections 1 through 7 of this ordinance are effective upon passage. Sections 8 and 9 of this ordinance are effective upon the issuance of an order by the Land Conservation and Development under 1993 Oregon Laws Chapter 792, Sections 7(2) or 7(3) that acknowledges the "1993 Official Zoning Map" as meeting the requirements of law.

Section 12. Emergency Clause.

This ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective upon passage.

DONE at McMinnville, Oregon this 29th day of December, 1993.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk



(Not Available for Signature)

Chair DEBI OWENS

By: Jaynie Mitchell
Deputy JAYNIE MITCHELL

Dennis L. Goecks
Commissioner DENNIS L. GOECKS

FORM APPROVED BY:

John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

Accepted by Yamhill County
Board of Commissioners on
12-29-93 by Board Order
93-913.

EXHIBIT "A" TO ORDINANCE 565
(Forestry District)

401. FORESTRY DISTRICT (F-80)

401.01 Purpose.

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

401.02 Permitted Uses.

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

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.
- B. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in Section 402.10 C of this ordinance.
- F. Local distribution lines (e.g., electric, telephone, natural gas and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or equipment which provide service hookups, including water service hookups.
- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.

- H. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway projects as described in ORS 215.283(1)(k) through (n).
- 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.
- Q. Temporary forest labor camps limited to the duration of the forest operation requiring the use.
- R. Destination resorts reviewed and approved pursuant to ORS 197.435 to ORS 197.465 and Goal 8.
- S. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual

well adjacent to the well head as defined in ORS Chapters 517 and 520.

- S. Private hunting and fishing operations without any accommodations.

401.03 Dwellings Permitted Subject to Standards.

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

- A. Principal dwelling on a tract of at least 160 contiguous acres. A tract separated only by a public road or a waterway is considered contiguous, subject to Type A notice procedures.
- B. Principal dwelling where an owner of tracts that are not contiguous, but are in the same county or adjacent counties and zoned for forest use, when added together total 200 or more acres, subject to the deed restriction requirements of Section 401.11 and Type a notice procedures.
- C. Principal dwelling, subject to Type A notice procedures and the following standards and criteria:
1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - (a) prior to January 1, 1985; or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
 2. The tract on which the dwelling is to be sited does not include a dwelling.
 3. The tract on which the dwelling is to be sited is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species.

4. The tract on which the dwelling is to be located is within 1,500 feet of a public road that is maintained and either paved or surfaced with rock. The road shall not be a United States Forest Service road or Bureau of Land Management road.
 5. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
 6. The dwelling complies with the Comprehensive Plan and other provisions of this ordinance, including but not limited to floodplain, greenway, and airport overlay restrictions.
 7. The property owner shall submit a stocking survey report to the County Assessor, and the Assessor shall verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.
 8. The county assessor shall be notified that the governing body intends to allow the dwelling.
- D. Principal dwelling, except as provided in subsection D of this Section, subject to Type A notice procedures and the following standards and criteria:
1. There are no other dwellings on the subject tract; and
 2. The remainder of the subject tract shall be consolidated into one parcel, which shall not be eligible for an additional dwelling; and
 3. The lot or parcel is predominantly composed of soils are capable of producing 0 to 49 cubic feet per acre of wood fiber; and
 - a. All or part of at least three other lots or parcels that existed on January 1, 1993, not inside an Urban Growth Boundary, are within a 160-acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993, on the other lots or parcels; or

4. The lot or parcel is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre of wood fiber; and
 - a. All or part of at least seven other lots or parcels that existed on January 1, 1993, not inside an Urban Growth Boundary, are within a 160-acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993, on the other lots or parcels; or
 5. The lot or parcel is predominantly composed of soils that are capable of producing more than 85 cubic feet per acre of wood fiber; and
 - a. All or part of at least 11 other lots or parcels that existed on January 1, 1993, not inside an Urban Growth Boundary, are within a 160-acre square centered on the center of the subject tract; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels.
 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.
- E. Principal dwelling on a tract of 60 or more acres that abuts a road or perennial stream, subject to Type A notice procedures and the following standards and criteria:
1. There are no other dwellings on the subject tract; and
 2. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed, and the tract shall not be eligible for an additional dwelling.

3. The lot or parcel is predominantly composed of soils are capable of producing 0 to 49 cubic feet per acre of wood fiber; and
 - a. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract; or

4. The lot or parcel is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre of wood fiber; and
 - a. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract; or

5. The lot or parcel is predominantly composed of soils that are capable of producing more than 85 cubic feet per acre of wood fiber; and
 - a. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract.

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

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

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 otherwise permitted under OAR 660-06-025(3)(1) (e.g. compressors, separators, and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
- E. Parks and campgrounds as defined in subsection 401.12 B.
- F. Television, microwave and radio communication facilities and transmission towers.
- G. Fire stations for rural fire protection.
- H. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
- I. Aids to navigation and aviation.

- J. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- K. Reservoirs and water impoundments.
- L. Firearms training facility.
- M. Cemeteries.
- N. Private seasonal accommodations for fee hunting operations, subject to Sections 401.05, 401.08, and 401.09 and the following requirements:
 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 2. Only minor incidental and accessory retail sales are permitted;
 3. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and
 4. A governing body may impose other appropriate conditions.
- O. New distribution lines (e.g., gas, oil, geothermal) with rights-of-way 50 feet or less in width and new electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210.
- P. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- Q. Home occupations as defined in ORS 215.448. Approval is also subject to the Home Occupation criteria as set forth in Section 1004 of the YCZO.
- R. Expansion of existing airports.
- S. Public road and highway projects as described in ORS 215.283(2)(p) through (r) and 215.283(3).
- T. Private accommodations for fishing occupied on a temporary basis, subject to Sections 401.05, 401.08, and 401.09 and the following requirements:

1. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 2. Only minor incidental and accessory retail sales are permitted;
 3. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;
 4. Accommodations must be located within 1/4 mile of fish bearing Class I waters; and
 5. A governing body may impose other appropriate conditions.
- U. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

401.05 Conditional Use Limitations.

The Planning Director or hearings body shall determine that a use authorized by Section 401.04 meets the following requirements:

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
- C. A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in Section 401.04.

401.06 Prohibited Uses.

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

401.07 Nonconforming Uses.

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

401.08 Siting of Dwellings and Structures.

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

- A. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, access, surrounding land use and source of domestic water shall be used to identify a site which:
1. Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;
 2. Ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 3. Minimizes the amount of forest lands used for the building sites, road access and service corridors; and
 4. Minimizes the risk associated with wildfire.
- B. The applicant shall provide evidence that the domestic water supply, if any, is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the subject property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.
- C. As a condition of approval of a dwelling under subsection 401.03(C) through (E), the county shall require that the tract that is the site of a dwelling meet the stocking and survival requirements of ORS 527.610 to 527.770. The property owner shall submit a stocking survey report to the County Assessor and the

Assessor shall verify that the minimum stocking requirements have been met.

401.09 Fire Siting and Construction Standards for Dwellings and Structures

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

- A. The dwelling shall have a fire-retardant roof;
- B. A dwelling shall not be sited on a slope of greater than 40 percent;
- C. A dwelling shall be located only upon a parcel within a fire protection district, or:
 - a. The applicant provides evidence that the applicant has asked to be included in the nearest such district; or
 - b. Is provided with residential fire protection by contract; or
 - c. Is provided with a water supply consisting of a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons, or a stream that has a minimum year-round flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment.
- D. Road access to the structure shall meet the road design standards described in Section 401.10(D).
- E. If a dwelling has a chimney or chimneys, each chimney shall be provided with a spark arrester.
- F. A primary fire break shall be constructed no less than 30 feet wide. The primary firebreak could include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.

- G. A secondary firebreak of not less than 50 feet outside the primary firebreak shall also be constructed. Dead fuels shall be removed. The secondary fire break shall be increased if the dwelling or structure is located on a slope or other fire hazards exist.
- H. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- I. The applicant shall obtain an address from the County, and shall display that number in a location on the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.

401.10 Standards and Limitations.

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

A. Parcel Size and Dimension.

1. Newly-Created Parcels. Except as provided in paragraphs 401.10(A)(2) and (A)(3) of this Section, the minimum size of any newly-created parcel shall be 80 acres.
2. Land divisions creating parcels less than 80 acres may only be approved for uses listed in Section 401.04 (A) through (M). Such divisions shall create a parcel that is the minimum necessary for the use.
3. Lot-line adjustments. When one or more parcels subject to a proposed adjustment are larger than the minimum lot size in the zone, the same number of parcels shall be as large or larger than the minimum lot size after the adjustment. When all parcels subject to a proposed adjustment are as large or larger than the minimum lot size in the zone, no parcel shall be reduced below the applicable minimum lot size.
4. Existing Lots. Any permitted or conditional use provided for in this District may be established on an existing substandard lot, subject to satisfaction of the applicable requirements of

this section. Prior to issuance of a building permit for the construction or placement of a principal dwelling on a substandard lot, the applicable provisions of this section shall be satisfied by the applicant.

5. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly created parcel shall be 4:1. This provision shall not apply if the parcel abuts a public road for at least 300 feet.

B. Setbacks.

The minimum setback for all yards shall be 30 feet for all uses except that adjacent to commercial timberland properties, minimum dwelling setback shall be 60 feet. The minimum setback for signs shall be five feet, and the minimum setback for accessory uses shall be as provided in subsection 401.10(G).

C. Parcel Coverage.

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

D. Access.

The following standards apply to all roads and driveways, except for private roads accessing only commercial forest uses, which access uses permitted under Section 401.02 or approved under Sections 401.03 or 401.04 of this section:

1. Width. Access roads serving three (3) or fewer dwellings shall have a 12 foot improved width and a 20 foot horizontal clearance. Access roads serve more than three (3) dwellings shall have a 16 foot improved width and a 20 foot horizontal clearance.
2. Construction. Access roads must be improved with an all weather surface. Roads, bridges and culverts shall be designed and maintained to support a minimum gross vehicle weight (GVW) of 50,000 lbs. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 lb. GVW standard shall be provided by a Professional Engineer, registered in Oregon.

3. Vertical Clearance. Access roads shall have an unobstructed vertical clearance of not less than thirteen and one-half (13.5) feet.
4. Turnarounds. Dead end roads over 150 feet in length shall provide a turnaround adequate for emergency vehicles.
5. Turnouts. Access roads greater than 400 feet in length shall have turnouts at a maximum spacing of one-half the length of the access road or 400 feet, whichever is less. Turnouts shall be required more frequently where visibility is limited. Turnouts shall be an all weather surface at least 10 feet wide and 40 feet long.
6. Road Grade. Road grades shall not exceed twelve (12) percent, with a maximum of 15 percent on pitches less than 200 feet long. Variations from these standards may be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical and where the local fire protection district states their fire-fighting equipment can negotiate the proposed roads grade.
7. Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least 20 feet either directly upon a public road, or by a private easement which is at least 30 feet in width for its entire length and which also abuts upon a public road for at least 30 feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of any new access contained in any Land Division Ordinance legally adopted by Yamhill County.

E. Clear-Vision Areas.

A clear-vision area shall be maintained on the corner of any parcel at the intersection of any two of the following: county roads, public roads, private roads serving four or more parcels, and railroads. A clear-vision area shall contain no sight-obscuring structures or plantings exceeding 30 inches in height within a triangle formed by the lot corner nearest the intersection, and the two points 20 feet from this corner as measured along the parcel lines adjacent to

the intersection rights-of-way. Trees exceeding this height may be located such that their branches extend into this triangle, provided they are maintained to allow at least 12 feet of visual clearance within the triangle below the lowest hanging branches.

F. Height.

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

G. Accessory Use Standards and Requirements.

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

1. Structures.
 - a. No separate accessory structures shall be erected within 10 feet of any other building on the same parcel, except that a greenhouse for personal, noncommercial use may adjoin a dwelling.
 - b. An accessory structure not more than 15 feet in height, at least 60 feet from a road, and at least 10 feet from any dwelling, may be located a minimum distance of three feet from the property line in a side yard or rear yard.
 - c. A swimming pool may be located in a required rear yard, provided it lies a minimum of five feet from the rear property line.
2. Fences, Walls, and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of Subsection 401.10 E.

3. Storage and Use of Certain Vehicles and Recreational Equipment. One travel trailer only shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests, subject to the Type A application procedure set forth in Section 1301. In no case shall such a travel trailer be occupied for periods totalling more than three months in any year, and in no case shall any travel trailer be used as a principal dwelling or rented unless and until the necessary permits have been obtained.

H. Off-Street Parking.

1. In the F-80 District, prior to establishment of any dwelling, sufficient area must be provided to allow for at least one emergency vehicle turnaround.
2. Parking requirements for those uses which may generate traffic beyond what is normally expected in the F-80 District shall be determined by the Director subject to the provisions of Section 1007.

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

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

- A. The applicant for a dwelling authorized under Subsection 401.02(P) shall provide evidence that covenants and restrictions, in a form approved by the county, have been recorded with the County Clerk of the county or counties where the property subject to the covenants and restrictions is located.
- B. The covenants and restrictions are irrevocable, unless a statement of release is signed by the Director of the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants and restrictions is located.

- C. Enforcement of the covenants and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants and restrictions is located.
- D. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants and restrictions required by this section.
- E. The Yamhill County Planning Director shall maintain a copy of the covenants and restrictions filed in the county deed records pursuant to this section and a map depicting tracts which do not qualify for the siting of a dwelling under the covenants and restrictions filed in the county deed records pursuant to this section. The map required by this subsection shall be readily available to the public in the county planning department.

401.12 Definitions

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

- A. Auxiliary - A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- B. Campground - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. The park or campground may be public or private.
- B. Commercial tree species - Trees recognized under rules adopted under ORS 527.715 for commercial production.

- C. Forest operation - Any commercial activity relating to the growing or harvesting of any tree species as defined in ORS 527.620(6).
- D. 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.
- E. Tract - One or more contiguous lots or parcels under the same ownership.

EXHIBIT "B" TO ORDINANCE 565
(Exclusive Farm Use District)

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

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, if:
 - 1. The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stand; and
 - 2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings and public entertainment.
- C. Propagation and harvesting of a forest product.
- D. Creation of, restoration of, or enhancement of wetlands.

- E. Livestock feeding yard, provided that it shall be located:
 1. At least 200 feet from the centerline of any watercourse used for domestic water supply; and
 2. At least 500 feet from any residential zoning district or urban growth boundary unless the applicant has received a conditional use permit pursuant to Section 1202.

- F. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale, and 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 must be situated in an agricultural zone in order for the service to be provided.

- G. Accessory uses, including buildings other than dwellings customarily provided in conjunction with farm use.

- H. Winery, as defined in ORS 215.452, 1991 Replacement Part, subject to Section 1101, Site Design Review.

- 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.

- 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, 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.

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 or secondary dwelling customarily provided in conjunction with farm use, under the following circumstances (Type B notice):
1. The subject farm or ranch is currently employed for farm use, as defined Subsection 402.10.
 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. There is no other dwelling on the subject farm or ranch that is vacant or currently occupied by persons not working on the subject farm or ranch and could reasonably be used as the requested farm or ranch dwelling.
4. a. Type One Review. The subject parcel currently has established at least the number of acres for one of the following types of crops:

Berries	23 acres
Grapes	23 acres
Field crops	52 acres
Christmas trees	22 acres
Tree fruits or nuts	57 acres
Horticulture or specialty crops	25 acres
Hay & Silage	85 acres
Pasture & Grazing	97 acres
Seed Crops	130 acres
Vegetables	139 acres

For the purposes of this subsection, the crop type categories are those defined by the U.S. Census of agriculture. a crop type is considered "established" if it is planted and being managed using accepted farming practices as defined in Section 402.10; or

- b. Type Two Review. For requests for dwellings that do not qualify under Type One Review, the applicant must demonstrate that farm crops or livestock valued at a minimum of \$40,000 have been raised on the property, and sold, in each of the two previous years, or in three of the last five years; or
- c. Type Three Review. For requests for dwellings that do not qualify under Type One or Two Review, the applicant must demonstrate that the farm is of a commercial scale. The determination of whether the farm is "commercial" will be based upon whether the farm:

- i. Contributes in a substantial way to the area's existing agricultural economy; and
 - ii. Helps maintain agricultural processors and established farm markets;
 - iii. 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.

- B. A secondary dwelling on property used for farm use under the following circumstances (Type A notice):
 - 1. The dwelling is located on the same lot or parcel as the dwelling of the farm operator.
 - 2. The dwelling is occupied by a grandparent, grandchild, parent, child, brother or sister of the farm operator or the operator's spouse whose assistance in the management of the existing commercial farm use is or will be required by the farm operator.
 - 3. 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.

- C. Seasonal farm worker housing, subject to Section 1101 for Site Design Review (Type B notice) when:
 - 1. The housing is limited to occupancy by seasonal farm workers and their immediate families.
 - 2. The housing shall be occupied for no more than nine months (273 days) per year.

- D. 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).

- E. 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.
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 nonfarm dwellings on other lots or parcels in the area similarly situated shall be considered.
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. Any approval of a dwelling not in conjunction with farm use under this section is subject to the provisions of subsection 402.08 of this ordinance.

F. Principal dwelling 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) prior to January 1, 1985; or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
2. The tract on which the dwelling is to be sited does not include a dwelling.
3. The lot or parcel is not high-value farmland as defined in Subsection 402.10(E).

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 complies with the Comprehensive Plan and other provisions of this ordinance, including but not limited to floodplain, greenway, and airport overlay restrictions.
 6. The County Assessor shall be notified that the county intends to allow the dwelling.
- G. Principal dwelling not in conjunction with farm use, 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. Prior to January 1, 1985; or
 - b. By devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
 2. The tract on which the dwelling is to be sited does not include a dwelling.
 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.
 4. The dwelling complies with the Comprehensive Plan and other provisions of this ordinance, including but not limited to floodplain, greenway, and airport overlay restrictions.
 5. 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.
 6. The tract on which the dwelling is to be sited is:

- a. Bordered on at 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. 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.
7. The County Assessor shall be notified that the county intends to allow the dwelling.
- H. Principal dwelling not in conjunction with farm use, 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. prior to January 1, 1985; or
 - b. by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
 - 2. The tract on which the dwelling is to be sited does not include a dwelling.
 - 3. 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.
 - 4. The dwelling complies with the Comprehensive Plan and other provisions of this ordinance, including but not limited to floodplain, greenway, and airport overlay restrictions.
 - 5. The tract on which the dwelling is to be sited is on high-value farmland as defined in subsection 402.10(E)(1).
 - 6. A hearings officer of the Oregon Department of Agriculture, under the provisions of ORS 183.413 to 183.497, 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;
 - b. The dwelling will comply with the provisions of ORS 215.296 (1); and
 - c. The dwelling will not materially alter the overall land use pattern of the area.
7. The County Assessor shall be notified that the county intends to allow the dwelling.

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 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:
 1. The resident or relative of the resident is aged, infirm, or for health-related reasons, is incapable of maintaining a complete separate residence, or has other documented, temporary hardship that can reasonably be reduced by placement of the manufactured dwelling.
 2. The permit for the manufactured dwelling for the term of hardship shall be valid for a period of two years or a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time, if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated.

3. The permit for the manufactured dwelling for the term of hardship shall be granted to the applicant only and shall not be deemed to run with the land.
 4. In addition to the requirements of this Section, the manufactured dwelling shall be subject to the standards set forth in Section 1002.
 5. 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. The temporary dwelling shall be removed when it is no longer needed to house the relative that required special care.
- B. A facility for the primary processing of forest products, subject to Subsection 402.07(B).
- C. Residential home or facility, as defined in ORS 197.660, in an existing dwelling.
- D. Community centers, parks, or playgrounds owned and operated by a governmental agency or a nonprofit community organization, subject to Section 1101, Site Design Review.
- E. Dog kennel
- F. The propagation, cultivation, maintenance, and harvesting of aquatic species.
- G. Commercial activities that are in conjunction with farm use, as defined in Section 402.10(B), 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.
- 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. Public or private school, including all buildings essential to the operation of a school, three or more miles from an urban growth boundary.
 - M. Golf course as defined in subsection 402.10(D).
 - N. Churches and cemeteries in conjunction with churches three or more miles from an urban growth boundary.
 - O. 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.
 - P. Roads, highways and other transportation facilities and improvements not allowed under Subsections 402.02(L) or 402.04(H), subject to adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply.

- Q. Private parks, playgrounds, hunting and fishing preserves and campgrounds as defined in subsection 402.10(A), subject to Section 1101, Site Design Review.

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 practices on surrounding lands devoted to farm or forest use.
 2. The use will not significantly increase the cost of accepted farming practices on 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 ORS 215.203(2). 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 unless an exception is taken pursuant to OAR 660, Division 4.

402.08 Disqualification from Farm or Forest Deferral and Declaratory Statement for Nonfarm Dwelling.

A. Disqualification.

Prior to issuance of any residential building permit for an approved nonfarm dwelling on a nonfarm parcel under subsection 402.03 (E) or (F), 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 requalify for special assessment unless, when combined with another contiguous parcel, it constitutes a qualifying parcel.

B. Declaratory Statement.

Prior to issuance of any residential building permit for an approved nonfarm dwelling, the landowner may be required to 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.

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.

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. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 4:1. This provision shall not apply if the parcel abuts a public road for at least 300 feet.

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 50 feet, except when adjacent to a residential zoning district or urban growth boundary as provided in Subsection 402.02 E.
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.

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. 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.

- a. One travel trailer only shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests, subject to the Type A application procedure set forth in Section 1301. In no case shall such a travel trailer be occupied for periods totalling more than three months in any year, and in no case shall any travel trailer be used as a principal dwelling or rented unless the necessary permits have been obtained.
- b. 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.
- c. 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 - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
- B. Commercial Activities in Conjunction with Farm Use - The processing, packaging, treatment, and wholesale distribution and storage of a product derived primarily, but not entirely, from farm activities on the premises. Also, retail sales of agricultural products, supplies and services directly related to the production and harvesting 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
- 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. "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or

otherwise. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. It 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).

"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;
 - 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); and
 - 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.
- 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.
 - c. 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.
 - d. 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.

- e. Commercial activities such as food and beverage service and pro shop are accessory to a golf course only when located in the clubhouse.

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 are those of the Soil Conservation Service in its most recent publication prior to November 4, 1993.

F. 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.

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.

EXHIBIT "C" TO ORDINANCE 565
(Agriculture/Forestry District)

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

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.
- B. Farm stands, if:
 - 1. The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stand; and
 - 2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings and public entertainment.

- C. 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.
- D. Creation of, restoration of, or enhancement of wetlands.
- E. Livestock feeding yard, provided that it shall be located:
 1. At least 200 feet from the centerline of any watercourse used for domestic water supply; and
 2. At least 500 feet from any residential zoning district or urban growth boundary unless the applicant has received a conditional use permit pursuant to Section 1202.
- F. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height on land not principally devoted to forest use. The applicant will also be subject to Section 1101, Site Design Review. A facility is "necessary" if it must be situated in a farm or forest zone in order for the service to be provided.
- G. Accessory uses, including buildings other than dwellings customarily provided in conjunction with farm use.
- H. Winery, as defined in ORS 215.452, 1991 Replacement Part, subject to Section 1101, Site Design Review.
- 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.
- 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, 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.
- N. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
- O. 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.
- P. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

- Q. 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.
- R. 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.
- S. Towers and fire stations for forest fire protection.
- T. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- U. Uninhabitable structures accessory to fish and wildlife enhancement.
- V. Temporary forest labor camps limited to the duration of the forest operation requiring the use.
- W. Destination resorts reviewed and approved pursuant to ORS 197.435 to ORS 197.465 and Goal 8.
- X. Private hunting and fishing operations without any accommodations.

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 Sections 403.09, 403.10 and 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 or secondary dwelling customarily provided in conjunction with farm use, subject to Type B notice procedures, under the following circumstances:
 1. The subject farm or ranch is currently employed for farm use, as defined Subsection 403.12.
 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. There is no other dwelling on the subject farm or ranch that is vacant or currently occupied by persons not working on the subject farm or ranch and could reasonably be used as the requested farm or ranch dwelling.
4. a. Type One Review. The subject parcel currently has established at least the number of acres for one of the following types of crops:

Berries	23 acres
Grapes	23 acres
Field crops	52 acres
Christmas trees	22 acres
Tree fruits or nuts	57 acres
Horticulture or specialty crops	25 acres
Hay & Silage	85 acres
Pasture & Grazing	97 acres
Seed Crops	130 acres
Vegetables	139 acres

For the purposes of this subsection, the crop type categories are those defined by the U.S. Census of agriculture. A crop type is considered "established" if it is planted and being managed using accepted farming practices as defined in Section 402.10; or

- b. Type Two Review. For requests for dwellings that do not qualify under Type One Review, the applicant must demonstrate that farm crops or livestock valued at a minimum of \$40,000 have been raised on the property, and sold, in each of the two previous years, or in three of the last five years; or
- c. Type Three Review. For requests for dwellings that do not qualify under Type One or Two Review, the applicant must demonstrate that the farm is of a commercial scale. The determination of whether the farm is "commercial" will be based upon whether the farm:

- i. Contributes in a substantial way to the area's existing agricultural economy; and
 - ii. Helps maintain agricultural processors and established farm markets;
 - iii. 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.

- B. A secondary dwelling on property used for farm use under the following circumstances:
 - 1. The dwelling is located on the same lot or parcel as the dwelling of the farm operator.
 - 2. The dwelling is occupied by a grandparent, grandchild, parent, child, brother or sister of the farm operator or the operator's spouse whose assistance in the management of the existing commercial farm use is or will be required by the farm operator.
 - 3. 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.

- C. Seasonal farm worker housing, subject to Type B notice procedures and Section 1101 for Site Design Review when:
 - 1. The housing is limited to occupancy by seasonal farm workers and their immediate families.
 - 2. The housing shall be occupied for no more than nine months (273 days) per year.

- D. 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.

- E. Principal dwelling not provided in conjunction with farm or forest use on a lot or parcel created before

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.
 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 nonfarm dwellings on other lots or parcels in the area similarly situated shall be considered.
 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 lot or parcel has not received special tax assessment under ORS 321.730 or ORS 321.815 in three out of the last five years.
 7. Any approval of a dwelling not in conjunction with farm use under this section is subject to the provisions of subsection 403.08 of this ordinance.
- F. Principal dwelling not provided in conjunction with farm use on a newly created parcel not predominantly devoted to forest use, subject to Type B notice procedures and the following standards and criteria:
1. The originating lot or parcel 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 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.
 5. Any approval of a dwelling not in conjunction with farm use under this section is subject to the provisions of subsection 403.08 of this ordinance.
 6. The lot or parcel has not received special tax assessment under ORS 321.730 or ORS 321.815 in three out of the last five years.
- G. Principal dwelling on a lot or parcel 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. prior to January 1, 1985; or
 - b. by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
 2. The tract on which the dwelling is to be sited does not include a dwelling.
 3. The lot or parcel is not high-value farmland as defined in Subsection 403.12 E.

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 complies with the Comprehensive Plan and other provisions of this ordinance, including but not limited to floodplain, greenway, and airport overlay restrictions.
 6. The county assessor shall be notified that the governing body intends to allow the dwelling.
- H. Principal dwelling not in conjunction with farm use on a lot or parcel 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. Prior to January 1, 1985; or
 - b. By devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
 2. The tract on which the dwelling is to be sited does not include a dwelling.
 3. 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.
 4. The dwelling complies with the Comprehensive Plan and other provisions of this ordinance, including but not limited to floodplain, greenway, and airport overlay restrictions.
 5. The tract on which the dwelling is to be sited is:
 - a. Composed predominantly of high-value farmland defined in Section 403.12(E)(2) or (3); and
 - b. Twenty-one acres or less in size.
 6. The tract on which the dwelling is to be sited is:

- a. Bordered on at 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. 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.
7. The county assessor shall be notified that the governing body intends to allow the dwelling.
- I. Principal dwelling not in conjunction with farm use on land 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. prior to January 1, 1985; or
 - b. by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
 - 2. The tract on which the dwelling is to be sited does not include a dwelling.
 - 3. 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.
 - 4. The dwelling complies with the Comprehensive Plan and other provisions of this ordinance, including but not limited to floodplain, greenway, and airport overlay restrictions.
 - 5. The tract on which the dwelling is to be sited is on high-value farmland defined in Section 403.12(E)(1).

6. A hearings officer of the Oregon Department of Agriculture, under the provisions of ORS 183.413 to 183.497, 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;
 - b. The dwelling will comply with the provisions of ORS 215.296 (1); and
 - c. The dwelling will not materially alter the overall land use pattern of the area.

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

- J. Principal dwelling on a tract of at least 160 contiguous acres of land that was in forest use on January 1, 1993, subject to the siting standards in Sections 403.09 and 403.10. A tract separated only by a public road or a waterway is considered contiguous.

- K. Principal dwelling where an owner of tracts that are not contiguous, but are in the same county or adjacent counties and zoned for forest use, when added together total 200 or more acres, subject to the siting standards in Sections 403.09 and 403.10 and the deed restriction requirements of Section 401.11 and Type A notice procedures.

- L. Principal dwelling on a lot or parcel 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. prior to January 1, 1985; or
 - b. by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.

2. The tract on which the dwelling is to be sited does not include a dwelling.
 3. The tract on which the dwelling is to be sited is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species.
 4. The tract on which the dwelling is to be located is within 1,500 feet of a public road that is maintained and either paved or surfaced with rock.
 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 complies with the Comprehensive Plan and other provisions of this ordinance, including but not limited to floodplain, greenway, and airport overlay restrictions.
 7. The property owner shall submit a stocking survey report to the County Assessor, and the Assessor shall verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.
 8. The county assessor shall be notified that the governing body intends to allow the dwelling.
- M. Principal dwelling on a lot or parcel predominantly devoted to forest use on January 1, 1993, except as provided in subsection N of this Section, subject to the following standards and criteria:
1. There are no other dwellings on the subject tract; and
 2. The remainder of the subject tract shall be consolidated into one parcel, which shall not be eligible for an additional dwelling; and
 3. The lot or parcel is predominantly composed of soils are capable of producing 0 to 49 cubic feet per acre of wood fiber; and
 - a. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

- b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels; 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 160-acre square centered on the center of the subject tract; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels; 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 160-acre square centered on the center of the subject tract; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels.
- 6. If the tract on which the dwelling will be sited is 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.
- N. Principal dwelling on a tract of 60 or more acres predominantly devoted to forest use on January 1, 1993, 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 lot or parcel is predominantly composed of soils are capable of producing 0 to 49 cubic feet per acre of wood fiber; and
 - a. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract; or
 4. The lot or parcel is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre of wood fiber; and
 - a. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract; or
 5. The lot or parcel is predominantly composed of soils that are capable of producing more than 85 cubic feet per acre of wood fiber; and
 - a. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - b. At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993, on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract.
 6. The measurement under subsections 4.a, 5.a, or 6.a of this section shall be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the

subject tract and that is, to the maximum extent possible, aligned with the road or stream.

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

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 and any other provision set forth below. Applications shall be reviewed under the Type B procedure of Section 1301:

- A. One manufactured dwelling in conjunction with as 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:
 1. The resident or relative of the resident is aged, infirm, or for health-related reasons, is incapable of maintaining a complete separate residence, or has other documented, temporary hardship that can reasonably be reduced by placement of the manufactured dwelling.
 2. The permit for the manufactured dwelling for the term of hardship shall be valid for a period of two years or a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time, if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated.
 3. The permit for the manufactured dwelling for the term of hardship shall be granted to the applicant only and shall not be deemed to run with the land.

4. In addition to the requirements of this Section, the manufactured dwelling shall be subject to the standards set forth in Section 1002.
 5. 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. The temporary dwelling shall be removed when it is no longer needed to house the relative that required special care.
- B. Permanent facility for the primary processing of forest products.
 - C. Residential home or facility, as defined in ORS 197.660, in an existing dwelling.
 - D. Community centers, parks, or playgrounds owned and operated by a governmental agency or a nonprofit community organization, subject to Section 1101, Site Design Review.
 - E. Dog kennel.
 - F. The propagation, cultivation, maintenance, and harvesting of aquatic species.
 - G. Commercial activities that are in conjunction with farm use, as defined in Section 403.12(B), 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 subsections 403.02 (O) or 403.04(J), subject to adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply.
- K. Personal use airports subject to Subsection 403.07(B), and expansion of existing airports.
- L. Public or private school, including all buildings essential to the operation of a school, three or more miles from an urban growth boundary.
- M. Golf course as defined in Section 403.12 G.
- N. Churches and cemeteries in conjunction with churches three or more miles from an urban growth boundary.

- O. 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. 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.
 5. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- P. Private parks, playgrounds, hunting and fishing preserves and campgrounds as defined in subsection 403.12 B, subject to Section 1101, Site Design Review.
- Q. Permanent logging equipment repair and storage.
- R. Log scaling and weigh stations.
- S. Fire stations for rural fire protection.
- T. Aids to navigation and aviation.
- U. Reservoirs and water impoundments.
- V. Firearms training facility.
- W. Cemeteries.
- X. 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.
 - Y. New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width.
 - Z. 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.
 - AA. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- 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 significant change in accepted farming practices on surrounding lands devoted to farm or forest use.
 2. The use will not significantly increase the cost of accepted farming practices on 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.

403.08 Disqualification from Farm or Forest Deferral and Declaratory Statement for Nonfarm or Nonforest Dwelling.**A. Disqualification**

Prior to issuance of any residential building permit for an approved nonfarm dwelling on a nonfarm parcel, 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 requalify for special assessment unless, when combined with other contiguous parcel, it constitutes a qualifying parcel.

B. Declaratory Statement.

Prior to issuance of any residential building permit for an approved nonfarm dwelling, the landowner may be required to sign an affidavit acknowledging containing 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 and forestry uses. It is the County policy to protect agricultural and forestry 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".

403.09 Siting Standards for Dwellings and Structures.

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

- A. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, access, surrounding land use and source of domestic water shall be used to identify a site which:
 - 1. Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;
 - 2. Ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - 3. Minimizes the amount of forest lands used for the building sites, road access and service corridors; and
 - 4. Minimizes the risk associated with wildfire.
- B. The applicant shall provide evidence that the domestic water supply, if any, is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water

(OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the subject property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

- C. As a condition of approval for a dwelling under subsections 403.03(L) through (N), the county shall require that the tract that is the site of the dwelling meets the stocking and survival requirements of ORS 527.610 to 527.770. The property owner shall submit a stocking survey report to the County Assessor and the Assessor shall verify that the minimum stocking requirements have been met.

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:

- 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, or:
- a. The applicant provides evidence that the applicant has asked to be included in the nearest such district; or
 - b. Is provided with residential fire protection by contract; or
 - c. 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(D).
- 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 primary firebreak could include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.
- G. A secondary firebreak of not less than 50 feet outside the primary firebreak shall also be constructed. Dead fuels shall be removed. The secondary fire break shall be increased if the dwelling or structure is located on a slope or other fire hazards exist.
- H. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- I. The applicant shall obtain an address from the County, and shall display that number in a location on the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.

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. a. Newly-Created Parcels. 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/nonforest parcel created to support a dwelling shall comply with Subsection 403.03(F).
 - 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 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.
 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. Depth-to-Width Ratio. The maximum depth-to-width ratio for any newly-created parcel shall be 4:1. This provision shall not apply if the parcel abuts a public road for at least 300 feet.

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 50 feet except when adjacent to a residential zoning district or urban growth boundary as provided in Subsection 403.02 F.
2. The minimum setback for signs shall be five feet.
3. The minimum setback for accessory uses shall be as provided in subsection 403.09 H.
4. The minimum setback for a dwelling from forest land on an adjacent parcel shall be 60 feet.

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:

1. Width. Access roads serving three (3) or fewer dwellings shall have a 12 foot improved width and a 20 foot horizontal clearance. Access roads serve more than three (3) dwellings shall have a 16 foot improved width and a 20 foot horizontal clearance.
2. Construction. Access roads must be improved with an all- weather surface. Roads, bridges and culverts shall be designed and maintained to

support a minimum gross vehicle weight (GVW) of 50,000 lbs. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 lb. GVW standard shall be provided by a Professional Engineer, registered in Oregon.

3. Vertical Clearance. Access roads shall have an unobstructed vertical clearance of not less than thirteen and one-half (13.5) feet.
4. Turnarounds. Dead end roads over 150 feet in length shall provide a turnaround adequate for emergency vehicles.
5. Turnouts. Access roads greater than 400 feet in length shall have turnouts at a maximum spacing of one-half the length of the access road or 400 feet, whichever is less. Turnouts shall be required more frequently where visibility is limited. Turnouts shall be an all weather surface at least 10 feet wide and 40 feet long.
6. Road Grade. Road grades shall not exceed twelve (12) percent, with a maximum of 15 percent on pitches less than 200 feet long. Variations from these standards may be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical and where the local fire protection district states their fire-fighting equipment can negotiate the proposed roads grade.
7. Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least 20 feet either directly upon a public road, or by a private easement which is at least 30 feet in width for its entire length and which also abuts upon a public road for at least 30 feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of 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. 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 403.11 F.
3. Storage and Use of Certain Structures and Recreational Equipment.
 - a. One travel trailer only shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests, subject to the Type A application procedure set forth in Section 1301. In no case shall such a travel trailer be occupied for periods totalling more than three months in any year, and in no case shall any travel trailer be used as a principal dwelling or rented unless the necessary permits have been obtained.
 - b. 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.
 - c. 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 - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
- C. Commercial Activities in Conjunction with Farm Use - The processing, packaging, treatment, and wholesale distribution and storage of a product derived primarily, but not entirely, from farm activities on the premises. Also, retail sales of agricultural products, supplies and services directly related to the production and harvesting 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
- 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. "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. It 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).

"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;
- 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 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); and
 - 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.
- 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.
 - c. 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.
 - d. 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.
 - e. Commercial activities such as food and beverage service and pro shop are accessory to a golf course only when located in the clubhouse.
- 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 are those of the Soil Conservation Service in its most recent publication prior to November 4, 1993.

- I. 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.
- 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.

EXHIBIT "D" TO ORDINANCE 565
(Quasi-judicial Zone District Boundary Changes)

1208. QUASI-JUDICIAL ZONE DISTRICT BOUNDARY CHANGES.

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.
- 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.

EXHIBIT "E" TO ORDINANCE 565
(Plan Policy Amendments to
Agriculture and Forest Lands)

SECTION II

THE LAND AND WATER

A. AGRICULTURAL LANDS

SUMMARY

Agriculture plays an integral role in the overall economy of the county.

A significant amount of land within the county has soils which are defined as having high quality agricultural capability.

The need to maintain the integrity and viability of the agricultural land base has been clearly recognized by Yamhill County residents.

Expansion of urban development into rural areas creates conflicts between farm and urban activities, thereby decreasing the potential for agricultural productivity.

In addition to agriculture's important role in the economy of the county, vast expanses of farmland provide county residents with scenic open space which contributes to their overall health and welfare.

Irrigation is an important element in the production of some farm crops, and water storage is an effective means of prolonging the irrigation season.

GOAL STATEMENT

1. To conserve Yamhill County's farmlands for the production of crops and livestock and to ensure that the conversion of farmland to urban use where necessary and appropriate occurs in an orderly and economical manner. (104) R

POLICIES

- a. Yamhill County will provide for the preservation of farmlands through appropriate zoning, recognizing comparative economic returns to agriculture and alternative uses, changing ownership patterns and management practices,

changing market conditions for agricultural produce, and various public financial incentives. (105)

b. Yamhill County shall provide for the protection of farmland in large blocks through minimum lot sizes of 20, 40, and 80 acres, as appropriate, on the Comprehensive Plan and official zoning maps. Any proposal to reduce the minimum lot size on a farm or farm/forest parcel shall be shown to be appropriate to maintain the existing commercial agricultural enterprise in the area.

c. Yamhill County recognizes that certain areas of the county are characterized by such a mixture of farm and forest use that the agricultural lands and forest lands goals of this Plan are both applicable. Farm and forest resources within these areas shall be protected through mixed-use zoning that recognizes both types of use. Any proposal to change the zoning designation of a parcel from a farm or forest classification to a mixed-use zone shall include a demonstration that the use of the parcel is such a mixture that neither the farm nor forest land goals can be exclusively applied.

[b.]d. Yamhill County will provide for the conservation of farmlands through various plan implementation measures and the review of any public or private land use determinations subject to county jurisdiction, including urban development activity and the location and construction of highways and utility transmission lines which disturb the soil cover and natural drainage pattern, and increase storm runoff, erosion and sedimentation. (106)

[c.]e. Yamhill County will recognize and support watershed storage projects in the Yamhill River basin for their irrigation and flood control benefits. (106) R

[d.]f. Yamhill County will continue to support State special assessment incentives relative to farmlands which are subject to ORS statutes or other farm management programs in order to preserve such lands for farm use and production. (106) R

[e.]g. Yamhill County will not permit subdivision on lands designated by the county comprehensive plan as [F-40, EF-40, and AF-20] Exclusive Farm Use or Agriculture/Forestry Large Holding in order to preserve such lands for forest and farm uses and production. (D. 233)

[f.]h. No proposed rural area development shall substantially impair or conflict with the use of farm or forest land, or be justified solely or even primarily on the

argument that the land is unsuitable for farming or forestry or, due to ownership, is not currently part of an economic farming or forestry enterprise.

[g.]i. In order to conserve energy in the production and delivery of food and other agricultural products, Yamhill County will encourage the creation of farmer's markets and will encourage the use of less petroleum-intensive farming methods while providing related technical assistance.

j. Yamhill County shall adopt provisions in the zoning ordinance that will be used as standards for review of requests to change the minimum lot size within the areas designated Exclusive Farm Use or Agriculture/Forestry Large Holding on the Comprehensive Plan map, or from a farm, forest, or agriculture/forestry designation to a different resource classification.

B. FOREST LANDS

SUMMARY

The timber industry is Yamhill County's number one basic export economy. In addition to employment and wood products, the county's forest lands provide watershed areas for cities, recreational areas, and fish and wildlife habitat.

A guarantee of future productive forest lands in the county is of concern as the demand for wood products, recreational areas, expanded municipal water supplies and fish and wildlife habitat increase.

Uncertainties exist regarding the adequacy of timber supply for the future.

In most locations of the county, marginal agricultural lands can be converted to productive forest lands.

Nearly half of the land area in the county is designated on the plan map as Commercial Forestry; other productive forest lands are scattered throughout the land area designated as Agriculture/Forestry Large Holding.

GOAL STATEMENT

1. To conserve and to manage efficiently the county's forest and range resources, thereby ensuring a sustained yield of forest products, adequate grazing areas for domestic livestock, habitat for fish and wildlife, protection of

forest soils and watershed, and preservation of recreational opportunities. (98)

POLICIES

a. Yamhill County will cooperate with federal and State agencies, large private timber owners and small woodland owners to manage forest and grazing lands for the highest aggregate economic, recreational and ecological benefits which these lands can sustain, including timber production, livestock range, fish and wildlife habitat, watershed protection, erosion control and recreational use. (98) R

b. Yamhill County will continue to support State special assessment incentives, reforestation programs, and forest management plans and programs in order to preserve and rehabilitate forest lands in the county.

c. Yamhill County will encourage afforestation of marginal agricultural lands in the county. (100) R

d. Yamhill County will provide for the preservation of forest lands through appropriate zoning, and provide for maintenance of commercial-sized forest units via an 80-acre minimum lot size.

e. Yamhill County recognizes that areas of the county are characterized by such a mixture of farm and forest use that the agricultural lands and forest lands goals of this Plan are both applicable. Farm and forest resources within these areas shall be protected through mixed-use zoning that recognizes both types of use. Any proposal to change the zoning designation of a parcel from a farm or forest classification to a mixed-use zone shall include a demonstration that the use of the parcel is such a mixture that neither the farm nor forest land goals can be exclusively applied.

f. Yamhill County shall adopt provisions in the zoning ordinance that will be used as standards for review of requests to change the minimum lot size within areas designated Agriculture/Forestry Large Holding on the Comprehensive Plan map, or from a farm, forest, or agriculture/forestry designation to a different resource classification.

g. Yamhill County will not permit subdivision on lands designated by the county comprehensive plan as Commercial Forest or Agriculture/Forestry Large Holding in order to preserve such lands for forest and farm uses and production.

EXHIBIT "F" TO ORDINANCE 565
(Goal 3 Justification Statement)

PROPOSAL AND JUSTIFICATION REGARDING
COMPLIANCE WITH STATEWIDE GOAL 3

I. Introduction

Yamhill County has been involved with demonstrating compliance with statewide Goal 3, "Agricultural Lands," for several years through the statutorily prescribed periodic review process. Since the county entered this program, the administrative rules regarding implementation of the goal have been significantly amended, and another revision is currently in the works. In addition, the Oregon legislature has adopted bills during each session that have affected local zoning ordinances. During the 1993 session, the legislature passed House Bill 3661, which resulted in major modifications to certain aspects of farm and forest zoning regulations.

In 1991, the Land Conservation and Development Commission ordered Yamhill County to perform particular amendments to the county's Comprehensive Plan and zoning ordinance in order to comply with Goal 3. These amendments include specific language regarding the approval of dwellings customarily provided in conjunction with farm use, minimum lot sizes in the farm zones, potential rezoning of land from a farm or mixed farm/forest designation to Forest, and Comprehensive Plan policy changes to specify the conditions for changing from one minimum lot size to another.

This document is intended to explain and justify the system by which Yamhill County is again attempting to comply with Goal 3. The amendments considered are intended to comply with Goal 3; the Goal 3 Rule as of August 7, 1993; LCDC Order No. 91-RA-809 ("Required Amendments Remand," December 23, 1991, hereinafter called "the order"); and the accumulated statutory changes since the zoning ordinance was last updated. In addition, amendments to comply with statutory and rule amendments to the Forest zones are included due to the connection between Goals 3 and 4 made by the order.

II. Existing Circumstances

The Yamhill County Zoning Ordinance contains three farm and forest zones. These are the Forest (F-80), Exclusive Farm Use (EF-40), and Agriculture/Forestry (AF-20) zones. The

Comprehensive Plan map includes designations for Commercial Forest, implemented by the F-80 and AF-20 zones, and Agriculture/Forestry Large Holding, implemented by the EF-40 and AF-20 zones.

The F-80 zone was updated in 1993 to be consistent with the amended Goal 4 Rule. The EF-40 zone is an exclusive farm use zone and does not permit uses not authorized by ORS 215.283. The minimum lot size in the EF-40 zone is, "40 acres or that size which is appropriate for the existing commercial agricultural enterprise in the area, whichever is greater." The AF-20 zone is a mixed farm/forest zone. The permitted uses include only those in ORS 215.283 except there is provision for dwellings in conjunction with forest use. The minimum lot size is the same as the EF-40 zone except the smallest permitted parcel is 20 rather than 40 acres.

The F-80 zone is currently applied to land in the Coast Range. These areas are commercial forest lands primarily in forest industry ownership. Public forest lands were not zoned by the county when the official maps were adopted in 1976. The AF-20 zone is applied predominantly to forest lands in the Coast Range foothills, interior hills (i.e., Chehalem Mountains, Red Hills, and Amity-Eola Hills), and riparian areas on the valley floor, although some farmland is so designated. Cultivated agriculture and some pasture and rangeland is zoned EF-40, regardless of its location in the county.

III. Proposed Amendments

Because of the host of changes in the laws and rules regulating land use in the state, significant changes to the county's Plan and zoning ordinance are proposed. Each section below addresses one aspect of these amendments.

A. Zoning Map Amendments

LCDC Order 91-RA-809 required Yamhill County to, among other things, prepare an interim mixed agriculture/forest plan designation and zone that includes plan policies that commit the county to review the Coast Range foothills to determine the appropriate blend of zoning among forest, exclusive farm use, and mixed farm/forest designations. The order required that this interim zone provide a case-by-case review to determine the minimum lot size.

As a result of HB 3661, the county is required to implement an 80-acre minimum lot size for all farm and forest zones, so the case-by-case review requirement of the order is moot. Minimum lot sizes are addressed in Section III.B below. Yamhill County

decided that, rather than prepare an interim farm/forest zone, the proper zoning would be applied to the entire county now.

The Coast Range foothills (between the F-80 designated area and the valley floor, as defined on the map attached as Exhibit B of the LCDC remand order [herein "the Exhibit B map"]) and the interior hills have been reviewed without reference to their previous zone. Aerial photographs and taxation information were reviewed to determine whether the Forest, Agriculture/Forestry, or Exclusive Farm Use zone should be applied to individual parcels. Only in a few instances is the zoning of a parcel split. An attempt was made to distinguish with particularity those areas that should be designated Forest and those that should be Exclusive Farm Use; this was not possible in some areas, and those parcels are zoned Agriculture/Forestry. The entire valley floor has been designated Exclusive Farm Use.

B. Minimum Lot Sizes

As previously stated, HB 3661 requires an 80-acre minimum lot size for farm and forest zones. The bill does, however, provide LCDC with the discretion of acknowledging a smaller minimum in certain circumstances. The minimum lot size standard in Goal 3 is essentially the same as it has been for several years: That size which is appropriate to maintain the existing commercial agricultural enterprise within the area.

The order included a thorough analysis of available data, an explanation of the agricultural subareas of the county, and a description of the commercial agricultural enterprise within those subareas. In the order, LCDC provided for 20- and 40-acre minimum lot sizes in the exclusive farm use area. The Exhibit B map depicted those areas in the eastern part of the county that could potentially have a 20- or 40-acre minimum lot size and be in compliance with Goal 3. The order stated, however:

The boundaries for these proposed minimums are not intended to be property specific. Rather, it is for Yamhill County to refine and adjust these boundaries based on public involvement and further analysis by their staff.

This further analysis has taken place. The areas shown on the Exhibit B map as having a 20- or 40-acre minimum lot size have not been amended much, but, since the analysis of the Coast Range foothills that was anticipated to be deferred has in fact occurred, there are additional areas zoned with these smaller minimum lot sizes that were not shown on the earlier map.

Yamhill County relies on the analysis in the order to justify these minimum lot sizes. Since the minimum lot size standard in the goal has not been appreciably changed, the

earlier work is still relevant. The Coast Range foothills do not typically have the wide variety of crops that is described in the order for the areas zoned 20 or 40 acres, but the remainder of the analysis is applicable to these areas not included in the order.

Regarding Goal 4, the minimum lot size is that size which will provide for:

- The opportunity for economically efficient forest and agriculture practices typically occurring in the area, and
- The opportunity for the continuous growing and harvesting of forest tree species, and
- The conservation of other values found on forest lands.

The Forest zone has just an 80-acre minimum lot size. The county has, however, adopted 20- and 40-acre minimum lot sizes to be applied in limited areas of the Agriculture/Forestry district in addition to an AF-80 zone. There are a very small number of parcels that are eligible for partitioning in these areas. Identification of these enclaves of relatively small parcels is, in fact, documentation of the "forest and agriculture practices typically occurring in the area." These are not quasi-residential zones; the opportunity to continue forest and farm uses will remain as though in a larger minimum lot size zone. Since the land use pattern of these areas has already been established, conservation of the other values associated with forest lands will not be undermined.

C. Permitted and Conditional Uses

The use lists in the Exclusive Farm Use zone reflect those uses permitted by ORS 215.283 and legislative changes, including HB 3661. The review criteria are from the statutes, HB 3661, or the Goal 3 Rule that became effective August 7, 1993. Yamhill County recognizes that further amendments to the Goal 3 Rule are currently being considered, and that further revisions to the zoning ordinance will be required when these are finished.

The only areas of deviation from the above paragraph are: (1) Yamhill County has decided to remove landfills from the list of conditional uses in the farm zone; (2) one of the nonfarm dwelling options provided in HB 3661 has not been included, also at County discretion; and (3) the approval criteria for dwellings customarily provided in conjunction with farm use are from the order, but adapted, primarily as a result of the amended Goal 3 Rule (removing the minimum lot size requirement), and partly at

county discretion (inclusion of Rule language for determination of a "commercial agricultural enterprise").

The Forest zone has been amended to be in compliance with the latest version of the Goal 4 Rule and HB 3661. The Agriculture/Forestry zone includes all the uses of the other two resource zones, with the appropriate review criteria, as explained in the preceding paragraphs.

D. Comprehensive Plan Map

The order required the county to review the Coast Range foothills to determine areas that should be planned for forest, mixed farm/forest, and exclusive farm use. In other words, the mix of zoning is not the only consideration, and the system to comply with the goals must include separate Plan designations for the three resource areas.

Yamhill County has amended the Comprehensive Plan map as follows. The area with a Commercial Forest map designation has been expanded to include those areas found to be in commercial forestry use, and will be implemented by the F-80 zone. The area designated Agriculture/Forestry Large Holding has been reduced in size to include only those areas that are a mix of farm and forest uses to such a degree that neither goal can be exclusively applied. In addition, the AFLH designation has been divided into the AFLH-80, AFLH-40, and AFLH-20, corresponding with the adopted minimum lot sizes. These areas are, obviously, implemented by the AF-80, AF-40, and AF-20 zones, respectively. The areas in farm use have received a new Plan designation - Exclusive Farm Use. As with the AFLH, the EFU designation is divided into the EFU-80, EFU-40, and EFU-20, each implemented by a corresponding zone.

E. Comprehensive Plan Policies

Yamhill County has added Comprehensive Plan policies to define the parameters by which the respective map designations are applied and changed. These policies will be relevant at the time of a request for an amendment to the minimum lot size of property within the EF or AF zones or a change from one resource zone to another.

The Plan policies require that any amendment be shown to comply with Goal 3 or 4, or both, as applicable. Because the minimum lot size of all farm and forest property in the county is secured by the Comprehensive Plan, a Plan amendment will be required to change it. The new policies ensure that any amendment is appropriate to protect the resource values of the land in the county.