

SECTION 400 – NATURAL RESOURCE DISTRICTS

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

[Last amended 09/02/04, Ord. 746; 5/24/12, Ord. 872; 08/01/18; Ord. 903]

403.01 Purpose.

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

403.02 Permitted Uses.

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

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

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

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

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

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

- V. Churches and cemeteries in conjunction with churches, subject to the Type B application procedures and Section 1101, Site Design Review. The facilities must be located at least three miles from an urban growth boundary, and are not permitted on a tract identified as high-value farmland. Existing facilities on high-value farmland that are wholly within a farm use zone may be maintained, enhanced or expanded.

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

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

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

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

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

- Y. Fire service facilities providing rural fire protection services.

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

- Z. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

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

- AA. Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

1. A public right of way;
2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
3. The property to be served by the utility.

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

- BB. Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural, or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in the exclusive farm use zone.

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

- CC. A "residential home" as defined in ORS 197.660 may be established in an existing dwelling.

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

- DD. Agri-tourism and other commercial events or activities that are related to and supportive of agriculture, subject to Section 1013 Agri-Tourism Use Permits.

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

403.03 Dwellings Permitted Subject to Standards

The following residential uses shall be permitted in the Agriculture/Forestry District subject to the standards and limitations set forth in Section 403.11 and satisfaction of the criteria specified for each use. Furthermore, the decision-making body may attach reasonable conditions to approvals in order to insure compliance with relevant criteria. The following uses are subject to the Type A notice requirements of Section 1301 unless otherwise stated.

- A. Principal dwelling customarily provided in conjunction with farm use on a tract that is predominantly high-value farmland, subject to the following (Type A notice):
 - 1. The subject tract was predominantly in agricultural use on January 1, 1993.
 - 2. The subject tract is currently employed for farm use, and produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the gross income attributed to the tract.
[Amended 12/05/02; Ord. 720]
 - 3. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1) of this Section.
 - 4. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract.
[Section A added 3/19/98, Ord. 643]

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

- C. Principal dwelling customarily provided in conjunction with farm use on a parcel at least 160 acres in size that is not high-value farmland, under the following circumstances:
 - 1. The subject tract is currently employed for farm use, as defined in Subsection 403.12(E).
 - 2. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale as defined in subsection 4 of this section.
 - 3. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract.

4. The determination of whether the farm is "commercial" will be based upon whether the farm:
 - (a) Contributes in a substantial way to the area's existing agricultural economy; and
 - (b) Helps maintain agricultural processors and established farm markets;
 - (c) When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. [Section C amended 3/19/98, Ord. 643]

- D. Principal dwelling customarily provided in conjunction with farm use on a tract that is not high-value farmland, under the following circumstances:
 1. The subject tract was predominantly in agricultural use on January 1, 1993.
 2. The subject tract is at least as large as the median size of those commercial farm tracts capable of generating at least \$10,000 in annual gross sales that are located within the study area defined in subsection (7) of this Section.
 3. The subject tract is capable of producing annual gross sales of county indicator crops, as determined by OAR 660-33-135(4), at a level equal to or greater than the median of those farms within the study area defined in subsection (7) of this Section.
 4. The subject tract is currently employed for a farm use at a level capable of producing the annual gross sales required in subsection (3) of this Section. If no farm use has been established at the time of application, land-use approval shall be subject to a condition that no building permit for a residence may be issued prior to the establishment of the farm use required in this subsection.
 5. The subject lot or parcel on which the dwelling is proposed is at least 10 acres in size.
 6. Except for permitted seasonal farm worker housing, there is no other dwelling on the subject tract.
 7. In order to identify the commercial farm tracts to be used in subsections (2) and (3) of this Section, the gross sales capability of each tract in the study area including the subject tract must be determined, using the gross sales figures provided by the Land Conservation and Development Commission pursuant to OAR 660-33-135(4) as follows:
 - (a) Identify the study area. This includes all the land in the tracts wholly or partially within one mile of the perimeter of the subject tract;
 - (b) Determine for each tract in the study area the number of acres in every land classification from the county assessor's data;
 - (c) Determine the potential earning capability for each tract by multiplying the number of acres in each land class by the gross sales per acre for each land class provided by the Land Conservation and Development Commission pursuant to OAR 660-33-135(4). Add these to obtain a potential earning capability for each tract;

- (d) Identify those tracts capable of grossing at least \$10,000 based on the data generated in subsection (7)(c) of this Section;
- (e) Determine the median size and gross sales capability for those tracts capable of generating at least \$10,000 in annual gross sales to use in subsections (2) and (3) of this Section. [Section D added 3/19/98, Ord. 643]

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

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

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

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

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

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

4. The secondary dwelling will be located:

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

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

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

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

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

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

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

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

1. The subject tract will be employed as a commercial dairy as defined in this ordinance; and
2. The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy; and
3. Except for seasonal farm worker housing, there is no other dwelling on the subject tract; and

4. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm; and
 5. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
 6. The Oregon Department of Agriculture has approved the following:
 - (a) A permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.200 to 468B.230; and
 - (b) A Producer License for the sale of dairy products under ORS 621.072.
[Amended 12/05/02; Ord. 720]
- H. Replacement dwelling to be used in conjunction with farm use on a tract that was predominantly in agricultural use on January 1, 1993 if the existing dwelling has been listed in the county inventory as historic property and on the National Register of Historic Places.
- I. Principal dwelling not provided in conjunction with farm use on a tract that was predominantly in agricultural use on January 1, 1993, subject to Type B notice procedures and the following standards and criteria:
1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.
 2. The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils. Soil assessments may be submitted from a professional soil classifier pursuant to OAR 660-033-0030.
[Amended 5/24/12; Ord. 872]
 3. The dwelling will be sited on a lot or parcel created before January 1, 1993.
 4. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern of the area, the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, the county shall:
 - (a) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;
 - (b) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of

existing dwellings (farm, nonfarm, hardship, etc.) And the dwelling development trends since 1993. Determine the potential number of nonfarm/lot of record dwellings that could be approved, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph;

- (c) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of the existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

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

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

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

- 1. The originating lot or parcel was predominantly in agricultural use on January 1, 1993 and is:
 - (a) larger than the minimum lot size;
 - (b) not stocked to the requirements under ORS 527.610 to 527.770;
 - (c) composed of at least 95 percent Class VI through VIII soils; and
 - (d) composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber.

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

K. Principal lot-of-record dwelling on a lot or parcel which is not high-value farmland and was not predominantly devoted to forest use on January 1, 1993, subject to the following standards and criteria:

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - (a) And has been owned continuously by such owner since prior to January 1, 1985; or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985.
2. The tract on which the dwelling is to be sited does not include a dwelling.
3. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
4. The lot or parcel is not high-value farmland as defined in Subsection 403.12 (H).
5. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
6. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not

limited to floodplain, greenway, and airport overlay restrictions.

7. The county assessor shall be notified that the governing body intends to allow the dwelling.
8. For purposes of this section 403.03(K), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or business entity owned by any one or combination of these family members.

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

L. Principal lot-of-record dwelling not in conjunction with farm use on a lot or parcel which is predominantly Class III and IV high-value farmland and was not predominantly devoted to forest use on January 1, 1993, subject to the following standards and criteria:

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - (a) and has been owned continuously by such owner since prior to January 1, 1985; or
 - (b) By devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985.
2. The tract on which the dwelling is to be sited does not include a dwelling.
3. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
4. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
5. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions.
6. The tract on which the dwelling is to be sited is:
 - (a) Composed predominantly of high-value farmland defined in Section 403.12 (H)(2) or (3); and
 - (b) Twenty-one acres or less in size.
7. The tract on which the dwelling is to be sited is:
 - (a) Bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on them on January 1, 1993; or
 - (b) Not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. No more than

two of the four dwellings may be within an Urban Growth Boundary, but only if the subject tract abuts an urban growth boundary; or

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

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

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

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

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

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

9. For purposes of this section 403.03 (L), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or business entity owned by any one or combination of these family members.

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

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

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

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

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

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

3. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.

4. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
 5. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions.
 6. The tract on which the dwelling is to be sited is on high-value farmland as defined in Section 403.12(H)(1).
 7. The Planning Commission determines that:
 - (a) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;
 - (b) The dwelling will comply with the provisions of Section 403.07(A); and
 - (c) The dwelling will not materially alter the overall land use pattern of the area.
 8. The county assessor shall be notified that the governing body intends to allow the dwelling.
 9. For purposes of this section 403.03 (M), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or business entity owned by any one or combination of these family members.
 10. The State Department of Agriculture shall be provided notice of the application at least twenty (20) days prior to the public hearing before the Planning Commission.
[Subsection M amended 5/10/95, Ord. 591; 10/2/96, Ord. 615; 8/13/98, Ord. 657]
- N. Principal dwelling on a large tract of land that was in forest use on January 1, 1993, subject to the siting standards in Sections 403.09, 403.10, 403.11 and the following: A tract separated only by a public road or a waterway is considered contiguous.
1. The dwelling will be sited on land that contains the following minimum acreage:
 - (a) At least 160 contiguous acres of land zoned for forest use; or

- (b) At least 200 acres of land zoned for forest use that is not contiguous but is located entirely within Yamhill County or partially in an adjacent county.
 - 2. There are no other dwellings on the parcels which make up the acreage.
 - 3. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions.
 - 4. If the tract consists of more than one lot or parcel, the lots or parcels that are not to support the dwelling are subject to deed restrictions that prohibit residential development or use of the lots or parcels to total acreage for future siting of dwellings for present or future owners. The applicant shall provide evidence that covenants and restrictions, in a form approved by the county, have been recorded with the County Clerk of Yamhill County and the other counties where the property subject to the covenants and restrictions is located. The covenants and restrictions are irrevocable, unless a statement of release is signed by the Planning Director.

[Section N added 3/19/98, Ord. 643]
- O. Principal lot-of-record dwelling on a lot or parcel predominantly devoted to forest use on January 1, 1993, subject to Sections 403.09, 403.10, 403.11 and the following standards and criteria:
- 1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - (a) and has been owned continuously by such owner since prior to January 1, 1985; or
 - (b) by devise or intestate succession from a person who acquired the lot or parcel and had owned it continuously since prior to January 1, 1985.
 - 2. The tract on which the dwelling is to be sited does not include a dwelling.
 - 3. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
 - 4. The tract on which the dwelling is to be sited is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species.
 - 5. The tract on which the dwelling is to be located is within 1,500 feet of a public road that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock. The road shall not be:
 - (a) A United States Bureau of Land Management Road; or
 - (b) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or state agency.
 - 6. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.

7. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions.
8. The property owner shall submit a stocking survey report to the County Assessor, and the Assessor shall verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.
9. The county assessor shall be notified that the governing body intends to allow the dwelling.
10. For purposes of this section 403.03 (O), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or business entity owned by any one or combination of these family members.

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

P. Principal forest template dwelling on a lot or parcel predominantly devoted to forest use on January 1, 1993, except as provided in subsection Q of this Section, subject to Sections 403.09, 403.10, 403.11 and the following standards and criteria:

1. There are no other dwellings on the subject tract; and
2. When the lot or parcel on which the dwelling will be sited is part of a tract, the remainder of the subject tract shall be consolidated into a single lot or parcel when the dwelling is allowed, which shall not be eligible for an additional dwelling; and
3. The lot or parcel is predominantly composed of soils that are capable of producing 0 to 49 cubic feet per acre of wood fiber; and
 - (a) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a circle with a 1489.46 foot radius or a 160-acre square centered on the center of the subject tract; and
 - (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels; or
4. The lot or parcel is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre of wood fiber; and
 - (a) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a circle with a 1489.46 foot radius or a 160-acre square centered on the center of the subject tract; and
 - (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels; or
5. The lot or parcel is predominantly composed of soils that are capable of producing more than 85 cubic feet per acre of wood fiber; and

- (a) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a circle with a 1489.46 foot radius or a 160-acre square centered on the center of the subject tract; and
 - (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels.
- 6. If the tract on which the dwelling will be sited abuts a public road that existed on January 1, 1993, the measurement under subsections 4.a, 5.a, or 6.a may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road.
 - 7. The dwelling is not prohibited by, and complies with the Comprehensive Plan and other provisions of this ordinance and other provisions of law, including but not limited to floodplain, greenway, and airport overlay restrictions.

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

Q. Principal forest template dwelling on a tract of 60 or more acres predominantly devoted to forest use on January 1, 1993, that abuts a public road that physically existed on January 1, 1993 or a perennial stream, subject to Sections 403.09, 403.10, 403.11 and the following standards and criteria:

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

6. The lot or parcel is predominantly composed of soils that are capable of producing more than 85 cubic feet per acre of wood fiber; and
 - (a) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre rectangle; and
 - (b) At least three dwellings not inside an Urban Growth Boundary existed on January 1, 1993 and continue to exist on the other lots or parcels, one of which is on the same side of the road or stream as the subject tract.
7. The measurement under subsections 5.a, 6.a, or 7.a of this section shall be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream.
8. The one dwelling required to be on the same side of the road or stream pursuant to subsections 5.b, 6.b, or 7.b of this section may be outside the width of the rectangle described in subsection 8 of this section if it is within one-quarter mile of the subject tract.
9. If the road crosses the subject tract on which the dwelling is to be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. [Subsection Q amended 3/19/98, Ord. 643; 8/13/98, Ord. 657; 09/02/04, Ord 746]

403.04 Conditional Uses.

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

- A. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative of the resident, subject to the following: [Amended 12/05/02; Ord. 720]
 1. The resident or relative of the resident is aged, infirm, or for health-related reasons, is incapable of maintaining a complete separate residence.
 2. The permit for the temporary dwelling for the term of hardship shall be valid for a period of two years or a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time, if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated.
 3. The permit for the manufactured dwelling for the term of hardship shall be granted to the applicant only and shall not be deemed to run with the land.
 4. The temporary dwelling shall use the same subsurface sewage disposal system as the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

5. When a recreational vehicle is allowed to be used as a temporary structure the recreational vehicle site shall have services, inspected and approved by the building department which includes electricity, plumbing and connection to an approved septic system. [Section 5 added 12/05/02; Ord. 720]
 6. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. A temporary residence approved under this paragraph is not eligible for replacement as a permanent residence. [Subsection A amended 3/19/98, Ord. 643; 12/05/02; Ord. 720]
- B. Permanent facility for the primary processing of forest products.
 - C. Residential facility, as defined in ORS 197.660, in an existing dwelling. [Amended 05/24/12; Ord. 872]
 - D. Community centers, parks, or playgrounds owned by a governmental agency or a nonprofit community organization, and operated primarily by and for residents of the local rural community, subject to Section 1101, Site Design Review. A public park may also be established consistent with the provisions of ORS 195.120. [Amended 12/05/02; Ord. 720]
 - E. Dog kennel, except dog kennels are not allowed on a tract identified as high-value farmland. Existing dog kennels on high-value farmland that are wholly within a farm use zone may be expanded subject to conditional use approval. [Amended 3/19/98, Ord. 643]
 - F. The propagation, cultivation, maintenance, and harvesting of aquatic or insect species. The insect species must comply with ORS 215.283(2)(p). Notice shall be mailed to the State Department of Agriculture at least 20 days prior to any administrative decision or initial public hearing on the application. [Amended 3/19/98, Ord. 643; 5/24/12; Ord. 872]
 - G. Commercial activities that are in conjunction with farm use as defined in Section 403.12(C), but not including the processing of farm crops which are a permitted use as described in subsection 403.02(E), subject to Section 1101, Site Design Review.
 - H. The following mineral, aggregate, oil, and gas uses, subject to the standards of Section 404:
 1. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted in this Section.
 2. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral, and other subsurface resources subject to ORS 215.298.
 3. Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement more than two miles from one or more vineyards, totaling 40 acres or more, planted as of the date of application for processing.
 4. Processing of other mineral resources and other subsurface resources.
 5. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects not within two miles of planted vineyards planted as of the date of application for processing.
 - I. Home occupation, subject to the standards and limitations set forth in Section 1004.

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

- P. Log scaling and weigh stations.
- Q. Fire stations for rural fire protection.
- R. Aids to navigation and aviation.
- S. Reservoirs and water impoundments.
- T. Firearms training facility.
- U. Cemeteries.
- V. Private seasonal accommodations for fee hunting operations, subject to Sections 403.09 and 403.10 and the following requirements:
 - 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - 2. Only minor incidental and accessory retail sales are permitted;
 - 3. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and
 - 4. A governing body may impose other appropriate conditions.
- W. New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width.
- X. Private accommodations for fishing occupied on a temporary basis, subject to Sections 403.09 and 401.10 and the following requirements:
 - 1. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - 2. Only minor incidental and accessory retail sales are permitted;
 - 3. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;
 - 4. Accommodations must be located within 1/4 mile of fish bearing Class I waters; and
 - 5. A governing body may impose other appropriate conditions.
- Y. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- Z. On-site filming and activities accessory to on-site filming, as defined in ORS 215.306(4), that exceed 45 days on any site within a one-year period or involve erection of sets that would remain in place for longer than 45 days subject to ORS 30.930 to 30.947. [Added 8/13/98, Ord. 657]
- AA. Operations for the extraction and bottling of water. [Added 8/13/98, Ord. 657]

- BB. Room and board arrangements for a maximum of five unrelated persons in an existing dwelling. [Added 8/13/98, Ord. 657]
- CC. Youth camps subject to Section 1101 for site design review and the Oregon Administrative Rules Section 660-006-0031. [Added 12/05/02; Ord. 720]

403.05 Prohibited Uses.

Subdivisions and planned unit developments shall be prohibited.

403.06 Nonconforming Uses

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

403.07 Additional Standards for Approval of Conditional Uses

- A. In the Agriculture/Forestry District, prior to establishment of a conditional use, the applicant may be required to demonstrate compliance with the following criteria in addition to other requirements of this ordinance:
1. The use will not force a significant change in accepted farming or forest practices on surrounding lands devoted to farm or forest use.
 2. The use will not significantly increase the cost of accepted farming or forest practices on surrounding lands devoted to farm or forest use.
- B. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through a waiver action by the Oregon Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to applicable rules of the Oregon Aeronautics Division.
- C. A facility for primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in Section 403.12(E). Such facility may be approved for a one-year period which is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located. [Added 3/19/98, Ord. 643]

403.08 Permit Expiration Dates and Declaratory Statements for Dwelling Approvals

- A. Notwithstanding other provisions of this Ordinance and except as provided for in subsection 403.08 (D), a discretionary decision, except for a land division, approving a proposed development in the Agriculture Forestry Large Holding district is void two years from the date

of the final decision if the development action is not initiated in that period. An extension period of up to 12 months may be granted if:

1. An applicant makes a written request for an extension prior to expiration of the development approval period, stating the reasons that prevented the applicant from beginning or continuing development within the approval period; and
 2. The Planning Director determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.
- B. Approval or denial of an extension granted under this rule is an administrative decision, is not a land-use decision described in ORS 197.015, and is not subject to appeal as a land-use decision. However, the Board, on its own motion, may order review of the decision of the Director within 15 days of the decision.
- C. Additional one-year extensions may be authorized by the Planning Director where applicable criteria for the decision have not changed. [Amended 3/19/98, Ord. 643]
- D. If a permit is approved for a proposed residential development on agricultural land outside of an urban growth boundary, the permit shall be valid for four years. Any extension of a permit for residential development shall be valid for two years. For the purpose of this subsection, "residential development" only includes the dwellings provided for under ORS 215.283(1)(p), (replacement dwelling, exclusive farm zone) 215.284 (nonfarm dwelling), 215.705(1) to (3) (lot-of-record dwelling), 215.720 (lot-of-record dwelling), 215.750 (forest template dwelling) and 215.755(1) (replacement dwelling, forest zone) and (3). [Amended 12/05/02; Ord. 720; 5/24/12; Ord. 872]
- E. Prior to issuance of any residential building permit for an approved dwelling located within 1 mile of an area which has been designated in the plan or zone or otherwise approved by Yamhill County for mineral resource uses, the landowner shall be required to sign an affidavit acknowledging the following declaratory statement and record it in the deed and mortgage records of Yamhill County;

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

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

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

403.09 Siting Standards for Dwellings and Structures.

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

- A. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, access, surrounding land use and source of domestic water shall be used to identify a site which:
 - 1. Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;
 - 2. Ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - 3. Minimizes the amount of forest lands used for the building sites, road access and service corridors; and
 - 4. Minimizes the risk associated with wildfire.
- B. The applicant shall provide evidence that the domestic water supply, if any, is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR Chapter 629). If the water supply is from a well, a copy of the well constructor's report shall be submitted to the county upon completion of the well. If the water supply is unavailable from public sources or sources located entirely on the subject property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. [Amended 8/13/98, Ord. 657; 5/24/12; Ord. 872]
- C. As a condition of approval for a dwelling under subsections 403.03 (M) through (P), if the tract is more than 5 acres in size the property owner shall submit a stocking survey report to the County Assessor and the Assessor shall verify that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met. [Amended 8/13/98, Ord. 657]

403.10 Fire Siting and Construction Standards for Dwellings and Structures

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

- A. The dwelling shall have a fire-retardant roof;
- B. The dwelling shall not be sited on a slope of greater than 40 percent;
- C. The dwelling is located upon a parcel within a fire protection district that fights residential fires, or shall be provided with residential fire protection by contract. A dwelling may be allowed on a parcel that does not comply with these provisions provided that:
 - 1. The applicant provides evidence that the applicant has asked to be included in the nearest fire protection district, but that district is unable to provide residential fire protection by contract; and
 - 2. The dwelling shall be provided with a fire sprinkling system; and
 - 3. The parcel is provided with a water supply consisting of a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons, or a stream

that has a minimum year-round flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment.

- D. Road access to the structure shall meet the road design standards described in Section 403.11(E).
- E. If the dwelling has a chimney or chimneys, each chimney shall be provided with a spark arrester.
- F. A primary fire break shall be constructed, no less than 30 feet wide. The fire break is only required to be constructed on land surrounding the dwelling that is owned or controlled by the owner. The primary firebreak could include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.
- G. A secondary firebreak of not less than 100 feet outside the primary firebreak shall also be constructed. The fire break is only required to be constructed on land surrounding the dwelling that is owned or controlled by the owner. Vegetation within the secondary firebreak should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent spread of fire into the crowns of the larger trees. Dead fuels shall be removed. The secondary fire break shall be increased to 150 feet if the dwelling or structure is located on a slope of greater than 25% or other fire hazards exist. [Amended 3/19/98, Ord. 643]
- H. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- I. The applicant shall obtain an address from the County, and shall display that number in a location on the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.

403.11 Standards and Limitations.

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

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

- (a) Any new farm/forest parcel proposed to be created shall be a minimum of 20 acres in the AF-20 district, 40 acres in the AF-40 district and 80 acres in the AF-80 district.
 - (b) Any new nonfarm parcel created to support a dwelling shall comply with Subsection 403.03(J).
 - (c) Any new nonfarm/nonforest parcel proposed to be created for nonfarm/nonforest uses other than dwellings shall be no larger than the minimum size necessary for its use.
2. Lot-line adjustments.
- (a) Any parcel principally devoted to farm use subject to alteration in size through a lot-line adjustment shall be shown to be of a size at least as appropriate for the continuation of the existing commercial agricultural enterprise in the area as were the parcels prior to adjustment.
 - (b) Any parcel principally devoted to forest use subject to alteration in size through a lot-line adjustment shall be shown to be at least as economically efficient for forest practices, provide for continuous growing and harvesting of forest tree species at least as well as, and conserve other forest values at least as well as did the parcel prior to adjustment.
 - (c) When one or more parcels subject to a proposed adjustment are larger than the minimum lot size, the same number of parcels shall be as large or larger than the minimum lot size after the adjustment. When all parcels subject to the proposed adjustment are as large or larger than the minimum lot size in the zone, no parcel shall be reduced below the applicable minimum lot size.
 - (d) The lot line adjustment shall not result in an increase in the potential number of dwellings on the parcels. When an area that contains an existing dwelling will be conveyed from one parcel (Parcel A) to the adjacent parcel (Parcel B), Parcel B must either receive land use approval for the dwelling under the terms of this ordinance, or, in the alternative, a deed affidavit shall be recorded by the owner of Parcel A prohibiting the establishment of any new principal dwellings on the adjusted parcel or parcels. [Added 3/19/98, Ord. 643]
3. Existing Lots. Any permitted or conditional use provided for in this District, may be established on an existing lot subject to satisfaction of the applicable requirements of the Agriculture/ Forestry District.
4. For a property predominantly devoted to farm use, a division of land smaller than the minimum parcel size noted under 403.11 (B)(1)(a) may be approved for the purpose of establishing a church, including cemeteries in conjunction with the church provided it satisfies the following: [Section 4 added 12/05/02; Ord. 720]
- (a) The church has been approved under subsection 403.02(V);
 - (b) The newly created lot or parcel is not larger than five acres; and

- (c) The remaining lot or parcel, not including the church, meets the minimum parcel size described in 403.11(B)(1)(a) by itself or after consolidation with another lot or parcel.

5. A division of a lot or parcel may be allowed if:

- (a) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
- (b) Each dwelling complies with the criteria for a replacement dwelling under 403.02(N);
- (c) Except for one lot or parcel, each lot or parcel created under this paragraph is between two and five acres in size;
- (d) At least one dwelling is located on each lot or parcel created under this paragraph; and
- (e) The landowner of a lot or parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with the county clerk of the county in which the lot or parcel is located. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the lot or parcel is located indicating that the comprehensive plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use. (3) A county planning director shall maintain a record of lots and parcels that do not qualify for division under the restrictions imposed under subsections (2)(e) and (4) of this section. The record shall be readily available to the public. (4) A lot or parcel may not be divided under subsection (2)(e) of this section if an existing dwelling on the lot or parcel was approved under: (a) A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or Enrolled Senate Bill 715 (SB 715-B) Page 2 (b) A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under a statewide planning goal protecting forestland.

[Section 5 added 12/05/02; Ord. 720]

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

- (a) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
- (b) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
- (c) A parcel created pursuant to this subsection that does not

contain a dwelling:

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

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

C. Setbacks.

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

1. The minimum setback for all yards for a livestock feeding or sales yard shall be 200 feet from the centerline of any watercourse used for domestic water supply, 500 feet from any residential zoning district or urban growth boundary unless the applicant has received a conditional use permit pursuant to Section 1202, and 50 feet from property lines in all other circumstances. [Amended 3/19/98, Ord. 643]
2. The minimum setback for signs shall be five feet.
3. An accessory structure not more than 15 feet in height, and at least 60 feet from a road, or off-site dwelling, may be located a minimum distance of three feet from the property line in a side yard or rear yard.
4. A swimming pool may be located in a required rear yard, provided it lies a minimum of five feet from the rear property line.
5. The minimum setback for a kennel shall be 50 feet from any property line and 500 feet from any off-site dwelling.

6. Fences, Walls, and Hedges. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection (F). [Subsection C amended 7/9/98, Ord. 648]

D. Parcel Coverage.

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

E. Access.

The following standards apply to all roads and driveways, except for private roads accessing only commercial farm or forest uses, which access uses permitted under Section 403.02 or approved under Sections 403.03 or 403.04 of this section. Variations from these standards may be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical and where the local fire protection district states the access is acceptable for their fire-fighting equipment: [Amended 12/05/02; Ord. 720]

1. Width. Access roads serving three (3) or fewer dwellings shall have a 12 foot improved width and a 20 foot horizontal clearance. Access roads serving more than three (3) dwellings shall have a 16 foot improved width and a 20 foot horizontal clearance.
2. Construction. Access roads must be improved with an all- weather surface. Roads, bridges and culverts shall be designed and maintained to support a minimum gross vehicle weight (GVW) of 50,000 lbs. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 lb. GVW standard shall be provided by a Professional Engineer, registered in Oregon.
3. Vertical Clearance. Access roads shall have an unobstructed vertical clearance of not less than thirteen and one-half (13.5) feet.
4. Turnarounds. Dead end roads over 150 feet in length shall provide a turnaround adequate for emergency vehicles.
5. Turnouts. Access roads greater than 400 feet in length shall have turnouts at a maximum spacing of one-half the length of the access road or 400 feet, whichever is less. Turnouts shall be required more frequently where visibility is limited. Turnouts shall be an all weather surface at least 10 feet wide and 40 feet long.
6. Road Grade. Road grades shall not exceed twelve (12) percent, with a maximum of 15 percent on pitches less than 200 feet long. [Amended 12/05/02; Ord. 720]
7. Before a dwelling may be established on any parcel as provided in this Section, the parcel shall have a legal, safe and passable means of access by abutting at least 20 feet either directly upon a public road, or by a private easement which is at least 30 feet in width for its entire length and which also abuts upon a public road for at least 30 feet. Nothing in this Section shall be construed to vary or waive the requirements for creation of new access contained in any Land Division Ordinance legally adopted by Yamhill County.

F. Clear-Vision Areas.

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

G. Height.

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

H. Occupancy of Recreational Vehicles.

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

I. Off-Street Parking.

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

403.12 Definition of Terms Used in this Section

The following terms apply only to Section 403, and have no relevance to the same term used in other sections of this ordinance unless specifically stated.

- A. Auxiliary - A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on

site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

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

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

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

1. The processing, packaging, and wholesale distribution and storage of a product not derived primarily from farm activities on the premises;
2. Retail sales and promotion of agricultural products, supplies and services directly related to the production, harvesting, and processing of agricultural products. Such uses include, but are not limited to, the following: [Amended 5/24/12, Ord. 872]
 - Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture
 - Livestock auction or sales yards
 - Farm equipment storage and repair facilities
 - Storage, repair, or sale of fencing, irrigation pipe and pumps, and other commercial farm-related equipment and implements
 - Veterinarian clinics
 - Slaughtering of animals, including attendant retail and wholesale sales
 - Wineries not listed as a permitted use

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

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

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

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

"Current employment" of land for farm use includes:

- Farmland, the operation or use of which is subject to any farm-related government program;
- Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- Land planted in orchards or other perennials prior to maturity;
- Wasteland, dry or covered with water, neither economically tillable nor grazeable, lying in adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- Except for land under a single family dwelling, land under buildings supporting accepted farming practices, including the processing facilities allowed by ORS 215.283(1)(r) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.283(2)(a);
- Water impoundments lying in or adjacent to and in common ownership with farm use land;
- Land under buildings supporting accepted farming practices;
- Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot in not utilized in conjunction with farm use;

- Land lying fallow for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family;
- Any land described under ORS 321.267 (1)(e) or 321.415 (5);
- Any land in an exclusive farm use zone used for the storage of agricultural products that would otherwise be disposed of through open field burning or propane flaming;
- Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing; and
- Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:
 - (i) Only the crops of the landowner are being processed;
 - (ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
 - (iii) The landowner is custom processing crops into biofuel from other landowners in the area for their sale or use.

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

"Cultured Christmas trees" means trees:

- (a) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- (b) Of a marketable species;
- (c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
- (d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

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

- F. Forest operation - Any commercial activity relating to the growing or harvesting of any tree species as defined in ORS 527.620(6).
- G. Golf course - An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:
 - 1. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.

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

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

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

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

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

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

- I. Public parks - includes only the uses specified under OAR 660-034-0035.
[Added 8/13/98, Ord. 657]
- J. Seasonal Farm Worker - Any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, precommercial thinning and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash and other related activities.
- K. Tract - One or more contiguous lots or parcels under the same ownership.
- L. Winery - As authorized under subsection 403.02(C), a winery is a facility that produces and sells wine and conforms to the following attributes:
 - 1. A winery herein defined has a maximum annual production of:
 - (a) Less than 50,000 gallons and:
 - i. Owns an on-site vineyard of at least 15 acres;
 - ii. Owns a contiguous vineyard of at least 15 acres;
 - iii. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of vineyard contiguous to the winery; or
 - iv. Obtains grapes from any combination of (i), (ii), or (iii) above; or
 - (b) At least 50,000 gallons and no more than 100,000 gallons and:
 - i. Owns an on-site vineyard of at least 40 acres;
 - ii. Owns a contiguous vineyard of at least 40 acres;
 - iii. Has a long-term contract for the purchase of all of the grapes from at least 40 acres of vineyard contiguous to the winery; or
 - iv. Obtains grapes from any combination of (i), (ii), or (iii) above; and

- (c) Prior to the issuance of building permits, the applicant shall provide evidence that the vineyards described in subsections (a) or (b) have been planted, or the contract has been executed, as applicable.
- 2. The winery shall allow only the sale of:
 - (a) Wines produced in conjunction with the winery; and
 - (b) Items directly related to wine, the sales of which are incidental to the retail sale of wine on-site and do not exceed 25 percent of the total gross receipts of the retail facility. Such items include those served by a limited service restaurant, as defined in ORS 624.010.
- 3. Permitted on-site marketing of wine includes up to three events of one to three days in duration during a calendar year intended to draw customers to the site for the tasting and purchase of wine, with an anticipated maximum of 750 daily visitors. The frequency and duration of these events may be limited through site design review approval based on the adequacy of public facilities. Rent or lease of space within or adjacent to the winery facility for events such as parties, receptions, and banquets that are not directly related to promotion of the wine is not included in this definition of a winery.
- 4. A facility for production and sale of wine that does not conform to the attributes described in subsections 403.12(L) may be deemed a commercial activity in conjunction with farm use pursuant to subsection 403.04(G).

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