

SECTION 500 – RURAL RESIDENTIAL DISTRICTS

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

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

501.01 Purpose.

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

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

501.02 Permitted Uses.

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

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

M. Residential home; and

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

N. Accessory dwelling unit subject to the Type A application procedure set forth in Section 1301 and the standards in Section 1014.

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

501.03 Conditional Uses.

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

- A. Secondary dwelling, for persons engaged full-time in farm activities on the premises for at least six (6) months in each year, in conjunction with a principal dwelling on the same parcel, and provided that:
 - 1. The applicant demonstrates that the nature of the farm activities on the premises makes it necessary for the occupants of the secondary dwelling to reside there.
 - 2. The occupants of the secondary dwelling will perform work related to the management of the farm that the occupants of other dwellings on the property cannot perform.
 - 3. If the occupants of a secondary dwelling approved hereunder have no proprietary interest in the land, the dwelling shall be a manufactured home. In such a case, if at any time the requirements of this Section can no longer be satisfied, the manufactured home shall be removed.
- B. One manufactured dwelling or recreational vehicle, or the temporary use of an existing building, in conjunction with as existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative, as defined in ORS 215, of the resident, subject to the following:
 - 1. The resident or relative of the resident is aged, infirm, or for health-related reasons, is incapable of maintaining a complete separate residence.
 - 2. The permit for the manufactured dwelling for the term of hardship shall be valid for a period of two years or a shorter period as determined appropriate by the Director or hearings body. A permit may be revoked by the Director at any time, if any of the reasons for which the permit was granted are no longer applicable, or if any imposed condition is violated.
 - 3. The permit for the temporary dwelling for the term of hardship shall be granted to the applicant only and shall not be deemed to run with the land.
 - 4. The temporary dwelling shall use the same subsurface sewage disposal system as the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

5. When a recreational vehicle is allowed to be used as a temporary structure the recreational vehicle site shall have services, inspected and approved by the building department which includes electricity, plumbing and connection to an approved septic system.
 6. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. In the case of a recreational vehicle, within three months of the end of the hardship, it shall be removed, demolished or may remain on the property and used in accordance with Section 501.06(H). A temporary residence approved under this paragraph is not eligible for replacement. [Amended 07/29/04; Ord. 743]
- C. Home occupation, as defined by this ordinance, subject to the standards and limitations set forth in Section 1004;
 - D. Mineral resource extraction, subject to the applicable criteria in Section 404;
 - E. Extraction and development of oil, natural gas or geothermal resources, subject to the criteria specified in subsection 404.10;
 - F. Personal use airports or helicopter pads, including associated hangars, maintenance and service facilities. For the purpose of this section, a personal use airport is defined as an airstrip restricted, except for aircraft emergencies, to use by the owner or by his invited guests, on an infrequent and occasional basis, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based or stored at a personal use airport except those owned or controlled by the owner of the airstrip;
 - G. Kindergarten, day nursery or day care facility in conjunction with a principal dwelling on the same parcel, subject to the standards for day care facilities set forth in Section 1008;
 - H. Veterinary hospital;
 - I. Kennel;
 - J. Community or municipal water-supply system, except within acknowledged service boundaries;
 - K. Community or municipal sewer system;
 - L. Utility facility, subject to Section 1101 for Site Design Review;
 - M. Public or private school, including all buildings essential to the operation of the school; and
 - N. Church
 - O. A church may offer overnight camping space on institution property to homeless persons living in vehicles provided there are three or fewer vehicles and campers have access to sanitary facilities including but not limited to toilet, hand washing and trash disposal facilities. [Amended 12/05/02; Ord. 720]

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

501.04 Prohibited Uses.

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

501.05 Nonconforming Uses.

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

501.06 Standards and Limitations.

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

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

B. Parcel Size and Dimension.

1. Newly-Created Parcels.

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

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

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

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

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

[501.06(B)(4) added 09/02/04, Ord 746]

C. Setbacks.

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

- 1. No dwelling shall be located within one hundred (100) feet of the property line of an existing extraction or mining operation nor less than two hundred (200) feet from an existing extraction operation;
- 2. The minimum setback for a kennel and a veterinary hospital shall be fifty (50) feet;
- 3. The minimum setback for signs shall be five (5) feet; and
- 4. An accessory structure not more than fifteen (15) feet in height, at least sixty (60) feet from a road, and at least ten (10) feet from any dwelling may be located a minimum distance of three (3) feet from the property line in a side yard or rear yard.
- 5. A swimming pool may be located in a required rear yard, provided it lies a minimum of five (5) feet from the rear property line.
- 6. Fences, walls and hedges may be permitted in any required yard or along the edge of any yard, subject to the clear-vision area requirements of subsection 501.06(F).

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

D. Parcel Coverage.

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

E. Access.

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

F. Clear-Vision Areas.

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

G. Height.

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

H. Occupancy of Recreational Vehicles

One (1) recreational vehicle shall be permitted to be parked on any parcel in conjunction with a principal dwelling, and may be used for the temporary accommodation of guests for a period of up to 30 days total in any year. In no case shall any recreational vehicle be used as a principal dwelling or rented unless the necessary permits have been obtained.

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

I. Off-street Parking.

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