



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/22/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Polk County Plan Amendment
DLCD File Number 001-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, January 04, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Jerry Sorte, Polk County
Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative

<paa> YA

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **Polk County**

Local file number: **LA 08-04**

Date of Adoption: **12/9/2009**

Date Mailed: **12/14/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: March 24, 2009

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The proposed amendments to the Polk County Zoning Ordinance provide development standards and clarification as to where and under what circumstances non-commercial photovoltaic systems, non-commercial wind energy systems, and meteorological towers can be established in Polk County.

Does the Adoption differ from proposal? Yes, Please explain below:

The text of the zoning ordinance amendments was changed in some areas through the legislative amendment process.

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **Countywide**

Acres Involved:

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Jerry Sorte**

Phone: (503) 623-9237 Extension:

Address: **850 Main Street**

Fax Number: **503-623-6009**

City: **Dallas**

Zip: **97338**

E-mail Address: **sorte.jerry@co.polk.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

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4
5 **BEFORE THE BOARD OF COMMISSIONERS FOR**
6 **POLK COUNTY, OREGON**
7

8 In the matter of Legislative Amendment)
9 LA 08-04 to amend the text of the Polk)
10 County Zoning Ordinance to clarify where)
11 And with what restrictions non-commercial)
12 Wind energy systems, meteorological towers,)
13 And non-commercial photovoltaic systems)
14 Can be established in Polk County.)

15
16 **ORDINANCE NO. 09-06**
17

18 **WHEREAS**, the Planning Division has received inquiries, building permit applications, land use
19 determination applications, and variance applications from property owners seeking to install renewable
20 energy structures; and
21

22 **WHEREAS**, the Polk County Zoning Ordinance does not contain standards tailored specifically
23 for non-commercial wind energy systems, meteorological towers, and non-commercial photovoltaic
24 systems; and
25

26 **WHEREAS**, on December 9, 2008 the Board of Commissioners initiated a legislative
27 amendment process to adopt standards for non-commercial wind energy systems, meteorological towers,
28 and non-commercial photovoltaic systems; and
29

30 **WHEREAS**, a subcommittee of Planning Commissioners and Planning Staff held three
31 meetings to draft changes to the Polk County Zoning Ordinance and gather input from government, non-
32 profit, and private industry partners; and
33

34 **WHEREAS**, the Planning Commission conducted a duly noticed public hearing on August 4,
35 2009 to receive comments and testimony. The Planning Commission deliberated at their August 4, 2009
36 meeting and forwarded a recommendation to the Board of Commissioners supporting Polk County
37 Zoning Ordinance amendments to clarify where and with what restrictions non-commercial wind energy
38 systems, meteorological towers, and non-commercial photovoltaic systems can be established in Polk
39 County; and
40

41 **WHEREAS**, the Board of Commissioners conducted a duly noticed public hearing on October
42 28, 2009, and provided an opportunity for the submission of testimony and evidence. At this meeting, the
43 Board of Commissioners publicly considered testimony and evidence from interested citizens,
44 deliberated and unanimously approved the proposed Polk County Zoning Ordinance amendments as
45 recommended by the Planning Commission; now, therefore:
46

47 **THE POLK COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:**
48

49 Sec. 1. That Polk County adopts the findings in favor of the amendments to the Polk County
50 Zoning Ordinance as identified in the Staff Report section of the Board of Commissioner's Memorandum
51 dated October 20, 2009 as shown on Exhibit A.
52
53

091476

Staff Report Section of the Board of Commissioner's Memorandum Dated October 20, 2009 for Legislative Amendment 08-04:

I. BACKGROUND

The Planning Division has received inquiries, building permit applications, land use determination applications, and variance applications from property owners seeking to install renewable energy structures. Property owners have predominantly sought to establish single wind turbines or photovoltaic systems to offset some of the electricity consumed by their dwellings or other uses permitted on the property. The Planning Division has also received inquiries from wineries seeking to install photovoltaic systems; perhaps in order to obtain Leadership in Energy and Environmental Design (LEED) certification. Presumably, property owners are also seeking to take advantage of federal and state tax credits for construction of renewable energy systems. For example, a 2,000 watt photovoltaic array costs approximately \$20,000 to purchase and install. After Energy Trust of Oregon incentives (\$4,000), Federal tax credits (\$2,000), and state tax credits (\$6,000 over four years) are factored in, the total cost of the solar array is reduced to approximately \$8,000.

It is unclear in the Polk County Zoning Ordinance how non-commercial wind energy systems, meteorological towers, and non-commercial photovoltaic systems should be classified. One could contend that these devices should be considered "commercial power generating facilities" or "utility facilities necessary for public service," which are both uses specifically identified in the Polk County Zoning Ordinance. Those uses; however, require approval through a conditional use or administrative review process, and are not permitted in some zones. Staff does not believe that wind energy or photovoltaic systems designed to offset some or all of the power consumed by a house, farm, office building, or other approved use on a property should be grouped under the same category as commercial ventures. The Polk County Zoning Ordinance amendments recommended by the Planning Commission would clarify the standards for non-commercial wind energy systems, meteorological towers, and non-commercial photovoltaic systems. The proposed amendments would not regulate commercial power generating facilities such as those similar to the commercial wind farms located in the Columbia River Gorge.

Meteorological towers are included in this project because they are a related type of tower that may be accessory to a variety of uses. Staff has primarily received meteorological tower inquiries and building permit applications from commercial parties seeking to gather wind speed data in various parts of Polk County; near the Coast Range in particular. Presumably those meteorological towers are used to scout for potential commercial wind power generation locations. General public interest in establishing meteorological towers has been minimal, and the Planning Commission's Renewable Energy Subcommittee learned that few property owners utilize meteorological towers to scout locations for non-commercial wind energy systems. This legislative amendment process provides an opportunity for the Board of Commissioners to develop meteorological tower standards; however, standards could also be considered in the future if/when the State provides greater clarification on the standards for establishing commercial wind energy facilities.

The Renewable Energy Subcommittee, which consisted of three Planning Commission members and Planning Staff held meetings to gather input from representatives from the Oregon Department of Energy, Oregon Department of Agriculture, Energy Trust of Oregon, and Abundant Renewable Energy, LLC. The Subcommittee reviewed solar and wind power publications produced by the Oregon Department of Energy and the U.S. Department of Energy, and the Wisconsin Small Wind Energy System Ordinance. The proposed amendments to the PCZO, which were the product of these meetings, were considered by the Planning Commission at the August 4, 2009 public hearing. The Planning Commission unanimously passed a motion to recommend that the Board of Commissioners adopt those amendments. The motion included a

minor modification to the definition of "commercial power generating facility," which was recommended by Staff at the public hearing. The text of the proposed amendments is included as Attachment A to this memo.

The PCZO amendments proposed by the Planning Commission address the *use* and *structural* aspects of non-commercial wind energy systems, meteorological towers, and non-commercial photovoltaic systems. The PCZO lists the allowed uses in each zone located in Polk County. So, the first component of the proposed amendments provide a description of what type of renewable energy systems and meteorological towers are permitted in each zone and what planning permits are required to establish the use. The amendments proposed by the Planning Commission would allow non-commercial wind energy systems and meteorological towers in all zones outside of adopted urban growth boundaries as outright permitted uses. Non-commercial photovoltaic systems would also be an outright permitted use in all zones. Non-commercial wind energy systems and meteorological towers could be established in an adopted urban growth boundary but would require review through a conditional use application process.

The second aspect of these amendments proposes regulations to the structural features of non-commercial wind energy systems, meteorological towers, and non-commercial photovoltaic systems. These structural features include tower height, tower and photovoltaic array setbacks, type of tower construction, device color, and so forth, and are intended to benefit both property owners wishing to establish a device and also mitigate the potential negative impacts these devices may have on neighboring property owners. For example, on most properties, a property owner would be able to establish a wind tower that exceeds the general height restriction of the zone. However, the tower would need to be setback the height of the system from the property line. For example, the proposed amendments would allow a property owner in the Exclusive Farm Use zone, outside of an urban growth boundary, to establish a wind energy system that is 150 feet high. That system would be outright permitted assuming that the other structural standards are met including setting the tower back 150 feet from all property lines. In this situation, a property owner would benefit by reaching elevations with higher wind speeds, and the expanded setback would mitigate the noise and visual impact the tower would have on neighbors.

The proposed standards for wind towers and meteorological towers have been integrated with the "Communication and Broadcast Tower Standards" listed in PCZO 112.135 to create a new "Tower Standards" section. This new section lists general tower standards that are applicable to communication, non-commercial wind energy system, and meteorological towers. That section also breaks out standards that are specific to communications towers only and wind and meteorological towers only. In order to facilitate the integration of non-commercial wind energy system and meteorological tower standards into one section with communication and broadcast towers, the proposed amendments include a definition for "communication tower" and minor modifications to references within the communication tower standards. The proposed amendments would also update a section of the Communication and Broadcast Tower Standards by removing reference to Area Advisory Committees (AACs). The AACs were replaced with registered groups during a legislative process that was completed earlier this year with the approval of Legislative Amendment 07-01. The proposed amendments and rearrangements of criteria relevant to communication towers are intended to better facilitate the integration of standards for non-commercial wind energy system towers and meteorological towers. These amendments would not substantively change the criteria for establishing communication towers.

Some of the Planning Commission's recommended changes would modify existing sections of the PCZO. As depicted on Attachment A, proposed insertions are denoted by double underline, and proposed deletions are denoted by strikethrough. Some sections of PCZO 112.135 were rearranged in order to better organize the chapter and integrate the proposed PCZO changes. Those rearrangements are not noted as insertions or deletions. The following is a summary of some of the key components of the proposed amendments:

Regarding *Use*:

- ◇ The definition of “Commercial Power Generating Facility” clarifies that a power generation facility that is accessory to an approved onsite use that is either net metered, or produces equal to or less than the amount of power consumed by the use to which it is accessory is *not commercial*.
- ◇ Non-commercial wind energy systems, non-commercial photovoltaic systems, and meteorological towers could be established in any zone; however, a conditional use permit would be required for non-commercial wind energy systems that utilize towers and meteorological towers if established in an adopted urban growth boundary.
- ◇ The definition of “Photovoltaic System” excludes systems that use a photovoltaic panel that contains less than nine square feet of surface area. So, a typical solar powered gate opener would not be subject to these standards.

Regarding *Structural Aspects*:

- ◇ The height of a wind energy system utilizing a tower or a meteorological tower outside of an adopted UGB cannot exceed 150 feet. Within a UGB, that height cannot exceed 100 feet and the project must be reviewed through a conditional use application process.
- ◇ The base of a wind energy system utilizing a tower or a meteorological tower must be setback the height of the system from all property lines; however, a tract may be considered a single parcel for the purpose of setbacks.
- ◇ Wind and meteorological towers shall be grey unless another color is required by state or federal law. Other components mounted to the tower shall remain the color originally applied by the manufacturer.
- ◇ Roof-mounted wind energy systems may be utilized within specific height parameters.
- ◇ Photovoltaic systems are subject to the regular setbacks of the zone, and may be attached to an existing structure or established as a stand alone structure.
- ◇ Property owners shall obtain all necessary building and electrical permits for these structures.

Planning Division staff provided notification of the October 28, 2009 Board of Commissioner’s public hearing for file LA 08-04 to the Dallas *Itemizer-Observer* Newspaper for publication on, October 7, 2009. On September 30, 2009, Planning staff provided notice of the Board of Commissioners public hearing to interested parties. Notification of this legislative proceeding has been fulfilled pursuant to Polk County Zoning Ordinance (PCZO) Section 111.370.

II. COMMENTS RECEIVED

There were no comments received in response to the request for comment for the Board of Commissioner’s public hearing. Comments received prior to the Planning Commission are included in the record.

III. CRITERIA FOR LEGISLATIVE AMENDMENTS

A legislative amendment to the text of the Polk County Zoning Ordinance (PCZO) may be approved provided that the request is based on substantive information providing a factual basis to support the change. In amending the PCZO, Polk County shall demonstrate compliance with PCZO 115.060(A). Staff’s analysis and findings are provided below:

- (A) **Compliance with Oregon Revised Statutes, and the statewide planning goals and related administrative rules. If an exception to one or more of the goals is**

necessary, Polk County shall adopt findings which address the exception criteria in Oregon Administrative Rules, Chapter 660, Division 4; [PCZO 115.060(A)]

Findings: The proposed amendments to the Polk County Zoning Ordinance (PCZO) would provide standards for establishing non-commercial wind energy systems, meteorological towers, and non-commercial photovoltaic systems. ORS 215 does not specifically place standards on these devices. ORS 215 provides standards for “Commercial utility facilities for the purpose of generating power for public use by sale” [ORS 215.283(2)(g)] and “Utility facilities necessary for public service” [ORS 215.283(1)(d)]. On December 5, 2008, the Land Conservation and Development Commission (LCDC) adopted amendments to administrative rules specifically regarding the siting of wind energy facilities on farmland. These rules are listed in OAR 660-033-130(37). As depicted on Table 1 in OAR 660-033-120, the wind power generation facility standards listed in OAR 660-033-130(37) are specific to “Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale” (emphasis added). Meteorological towers are regulated under OAR 660-033-130(37) when they are a component of a commercial wind power generation facility. OAR 660-006-0025(4)(j) provides standards for “Utility facilities for the purpose of generating power.” OAR 660-006 also does not provide specific standards for non-commercial wind energy systems, meteorological towers, or non-commercial photovoltaic systems.

The proposed amendments to the PCZO are specific to non-commercial wind energy systems, meteorological towers that are not components of commercial power generation facilities, and non-commercial photovoltaic systems. These devices are not specifically regulated by the Oregon Statewide Planning Goals, Oregon Revised Statutes, and Oregon Administrative Rules. Therefore, Staff concludes that the proposed amendments to the PCZO (Attachment A) would be consistent with the Oregon Statewide Planning Goals, Oregon Revised Statutes, and Oregon Administrative Rules. The drafted text amendments would not require an exception to any Oregon Statewide Planning Goal.

(B) Conformance with the Comprehensive Plan (PCCP) goals, policies and intent, and any plan map amendment criteria in the plan; [PCZO 115.060(B)]

1. **Polk County will permit those farm and nonfarm uses in agricultural areas authorized by Oregon Revised Statutes Chapter 215 and Oregon Administrative Rules Chapter 660, Division 33. [PCCP Element B, Agricultural Lands, Policy 1.4]**
2. **Polk County will permit new dwellings and structures on designated forest lands consistent with Oregon Revised Statutes Chapter 215 and Oregon Administrative Rules Chapter 660, Division 6. [PCCP Element C, Forest Lands, Policy 1.5]**
3. **Polk County will encourage the development and utilization of alternative energy sources and appropriate technologies to achieve the conservation of energy. [PCCP Element N, Energy Conservation, Policy 4.2]**

Findings: Staff has identified the above policies in the PCCP as applicable to the proposed amendments to the PCZO. The PCCP specifies that Polk County will permit dwellings and structures in agricultural areas and designated forest lands consistent with ORS 215 and OAR 660-033 and OAR 660-006. As discussed in Subsection B, above, ORS 215, OAR 660-033, and OAR 660-006 do not provide specific standards for non-commercial wind energy systems, meteorological towers that are not a component of commercial wind energy facilities, or non-commercial photovoltaic systems. These non-commercial energy producing devices would be accessory to approved on-site uses. For example, in order for a photovoltaic system to be non-commercial, it would need to offset power that is consumed by an approved on-site use. The approved on-site use may be a dwelling, farm product processing facility, or commercial office building. A non-commercial photovoltaic system or wind energy system would act as an

appliance to serve the approved on-site use. These would act much like a residential heat pump; which is not regulated under Oregon's land use planning rules.

Currently, it is unclear how non-commercial wind energy systems, meteorological towers, and non-commercial photovoltaic systems should be treated under the PCZO. The proposed PCZO amendments would provide certainty for property owners by allowing them to understand where, and with what development standards, non-commercial wind energy systems, meteorological towers, and non-commercial photovoltaic systems can be established. These standards should assist property owners in making decisions about if establishing these renewable energy devices will ultimately allow them to meet their goals. The proposed amendments would allow property owners to potentially establish wind energy towers that exceed the general height limit of the zone. It would also clarify that because the devices are not-commercial, that they do not need to meet the standards established for commercial power generating facilities. These amendments would ultimately encourage the development and utilization of these alternative energy sources.

If the proposed amendments are adopted, non-commercial wind energy systems, meteorological towers, and non-commercial photovoltaic systems would still be required to comply with the regulations provided under Polk County's overlay zones. Structures that would be located in areas subject to the Greenway Management Overlay Zone, the Mineral and Aggregate Overlay Zone, the Floodplain Overlay Zone, Historic and Archeological Resource standards, the Significant Resource Areas Overlay Zone, and the Limited Use Overlay Zone, would still be subject to any applicable restrictions required by those zones.

Based on the above findings, the proposed amendments to the Polk County Zoning Ordinance would comply with the above identified Comprehensive Plan policies. No other Comprehensive Plan policies or goals have been identified to be relevant to this proposal.

(C) That the proposed change is in the public interest and will be of general public benefit; and [PCZO 115.060(C)]

Findings: As discussed in Subsection B above, it is currently unclear how non-commercial wind energy systems, meteorological towers, and non-commercial photovoltaic systems should be classified under the PCZO. The proposed PCZO amendments would provide certainty for property owners by allowing them to understand where, and with what development standards, non-commercial wind energy systems, meteorological towers, and non-commercial photovoltaic systems can be established. These standards should assist property owners in making decisions about if establishing these renewable energy devices will ultimately allow them to meet their goals. The proposed amendments would allow property owners to potentially establish wind energy towers that exceed the general height restriction of the zone. It would also clarify that because the devices are not-commercial, that they do not need to meet the standards established for commercial power generating facilities. These amendments would ultimately encourage the development and utilization of these alternative energy sources, and would allow property owners to take advantage of available state, federal, and Energy Trust of Oregon tax credits.

Meteorological towers that are not a part of a commercial wind energy facility are currently unregulated. This legislative amendment process provides an opportunity for the Board of Commissioners to set standards on those towers. The Subcommittee's proposed amendments to the PCZO would provide benefit to both those establishing meteorological towers and nearby property owners. The proposed development standards would in most cases allow the towers to exceed the height limitation of the zone. As a benefit to nearby property owners, the towers would be subject to a setback standard which, based on the height of the tower, would typically exceed the standard structural setback of the zone. There would also be color requirements for meteorological towers.

The proposed amendments to the PCZO clarify that non-commercial wind energy systems, meteorological towers, and non-commercial photovoltaic systems are uses that could be allowed in any zone. The Subcommittee also considered the possible negative impacts that these

structures would impose on neighbors and integrated mitigation standards into the proposed PCZO amendments. These include height, color, and setback standards. The setback standard for wind energy systems and meteorological towers would be set at the height of the system. So, a 100 foot high wind energy system would have a 100 foot setback. One reason why the Subcommittee incorporated this special setback was to mitigate the impact of noise on neighboring properties. Photovoltaic systems would also need to meet the standard setback requirements of the zone, rather than being exempt from setbacks like a structure such as a fence. Among other impacts, these setbacks are designed to minimize reflection of solar panels on neighboring properties.

Altogether, the proposed PCZO amendments are intended to balance the ability of property owners to establish these renewable energy devices with the potential negative impacts that these devices may have on neighbors. Based on the above findings, Staff concludes that the proposed changes to the PCZO are in the public interest and of general public benefit.

(D) Compliance with the provisions of any applicable intergovernmental agreement pertaining to urban growth boundaries and urbanizable land. [PCZO 115.060(D)]

Findings: Polk County has adopted intergovernmental agreements with each of the cities that have urban growth boundaries (UGB) in Polk County. These cities are Salem, Dallas, Monmouth, Independence, and Willamina. All cities were notified of the October 28, 2009 Board of Commissioners public hearing on September 30, 2009. No comments were received in response to that request for comment.

The proposed amendments would state that non-commercial photovoltaic systems are outright permitted in all zones, and non-commercial wind energy facilities utilizing a tower and meteorological towers could be established in an adopted urban growth boundary if approved through a conditional use process. The Subcommittee proposed that a conditional use permit process be required for towers in a UGB so that cities, and the public, would have a formal opportunity to provide comment. These proposed amendments would not amend any intergovernmental agreement. So, while an underlying zone in a UGB could allow a non-commercial wind energy facility utilizing a tower, a meteorological tower, or non-commercial photovoltaic system, those uses could be prohibited by an intergovernmental agreement. Consequently, Staff finds that the proposed amendments comply with this criterion.

IV. CONCLUSION

Based on the findings above, Staff concludes that the proposed amendments to the Polk County Zoning Ordinance would comply with all of the applicable review and decision criteria for a legislative amendment.

CHAPTER 110

GENERAL PROVISIONS AND DEFINITIONS

110.001.	Short Title
110.005. - 110.615.	Definitions
110.620.	Application of Zoning Regulations
110.630.	Conformance and Permits Required
110.640.	Amendment of Text Only
110.650.	Savings Clause
110.660.	Repealing Conflicting Ordinances

110.001. SHORT TITLE. This ordinance shall be known as the Polk County Zoning Ordinance, hereinafter referred to as the PCZO, and may be so cited and pleaded.

DEFINITIONS

110.005. GENERAL DEFINITIONS. For the purpose of this ordinance, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and not directory, the word "building" includes structures.

110.007. ACCESS. The connection of any existing or proposed road or bike facility to a county or state road; for example, a private driveway or public road, for ingress or egress to property.
[Amended by Ordinance 98-5, dated July 8, 1998.]

110.010. ACCESSORY BUILDING. A detached, subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land.

110.012. ACCESSORY TRANSPORTATION IMPROVEMENTS. Transportation improvements that are incidental to a land use to provide safe and efficient access to the use.
[Amended by Ordinance #01-10, dated November 14, 2001.]

110.015. ACCESSORY USE. A use incidental, appropriate, and subordinate to the main use of a lot or building.

110.020. APPEARANCES OF INTERESTED PERSONS; REMONSTRANCES. Any person or persons desiring to be heard for or against the subject of the hearing may file with the governing body, Hearings Office or the Planning Commission, whichever holds the hearing, a statement in writing, or may appear and respond orally at the hearing, either in person or by authorized representative. An issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final evidentiary hearing on the proposal. Such issues shall be raised with sufficient specificity as to afford the hearings body, and the parties, an adequate opportunity to respond to each issue.
[Amended by Ordinance #89-17, dated December 6, 1989.]

110.025. AIR CONTAMINANT. Any dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter or any combination thereof.

110.030. AIR CONTAMINATION SOURCE. Any source at, from, or by reason of which there is emitted into the atmosphere any air contaminant, regardless of who the person may be who owns or operates the building, premises or other property in, at, or on which such source is located, or the facility, equipment or other property by which the emission is caused or from which the emission comes.

110.040. AIRPORT. A landing area, runway or other facility designed, used, or intended to be used for the landing and taking off of aircraft, aircraft storage, hangars, and other necessary buildings and open spaces.

110.045. ALLEY. A public space or thoroughfare not more than 20 feet, but not less than 10 feet in width which has been dedicated or deeded to the public for public use providing a secondary means of access.

110.148. CHANNELIZATION. The separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavements markings to facilitate the safe and orderly movements of both vehicles and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns. "Channelization" does not include continuous median turn lands. [Amended by Ordinance #01-10, dated November 14, 2001.]

110.050. ALTERATION, STRUCTURAL. Any change or repair which would affect or materially change a supporting member of a building, such as a bearing wall, column, beam, or girder.

110.055. APARTMENT. An apartment shall mean a dwelling unit as defined in this ordinance.

110.060. APARTMENT HOTEL. A building or portion thereof designed for or containing both individual guest rooms or suites or rooms and dwelling units.

110.162. CORRIDOR REFINEMENT PLAN OR REFINEMENT PLAN. - An amendment to the Polk County transportation systems plan, which resolves, at a systems level, determinations on function, mode or general location which were deferred during transportation system planning because detailed information needed to make those determinations could not reasonably be obtained during that process. [Amended by Ordinance #01-10, dated November 14, 2001.]

110.065. APARTMENT HOUSE. A building or portion thereof designed, built, rented, leased, let or hired out to be occupied, or which is occupied or is the home or residence of three or more families living independently of each other and doing their own cooking in said building, and shall include flats and apartments.

110.070. ARTERIAL STREET (ROAD). A roadway intended to carry large volumes of traffic (typically 1,000 ADT or more outside of an urban growth boundary) and connect major traffic generators, cities, recreational areas, and major segments of transportation networks. High capacity is achieved through allowing higher speed, limited access, wider roadway and movement preference at intersections with lesser standard roadways.

“Principal arterials” are major urban and rural highways connecting communities towns, and cities. The principal arterial provides for through traffic movement and distribution to lower order roadways.

“Minor arterials” connect areas of principal traffic generation to major urban and rural highways. The minor arterial network provides for through traffic movement to the major arterials and distribution into the network of collector and local streets. [Adopted by Ordinance 98-5, dated July 8, 1998.]

110.075. AUTOMOBILE SERVICE STATION. A premises used for retail sales directly to the consumer for the supplying of gasoline, oil, minor accessories and services for automobiles, trucks, and/or motor vehicles.

110.080. AUTOMOBILE OR TRAILER SALES AREA. A lot used for display, sale, or rental of new or used automobiles, trucks, and/or motor vehicles or trailers, where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

110.085. AUTOMOBILE/TRAILER CAMP. See Trailer Park, Mobile Home Park.

110.090. AUTOMOBILE WRECKING YARD; JUNK YARD. A premises used for the storage or sale of used automobile, truck, and/or motor vehicle parts or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, or parts thereof.

110.095. AWNING. A movable shelter supported entirely from the exterior wall of a building and of a type, which can be retracted, folded or collapsed against the face of a supporting building.

110.100. AWNING, MOBILE HOME, TRAILER. A stationary structure, permanent or demountable, used in conjunction with a mobile home or trailer, other than a window awning, for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

110.105. BASEMENT. That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, then it shall be considered a story.

110.107. BED AND BREAKFAST FACILITY. Any establishment located in a structure designed for a single-family residence and associated structures regardless of whether the owner or operator resides in any of the structures which:

- (A) Has more than two rooms for rent on a daily basis to the public; and
- (B) Offers a breakfast meal as part of the cost of the room.

110.110. BLOCK. The properties abutting on one side of a street between either:

- (A) 2 Cross streets;
- (B) Or between the city limits and the nearest cross streets;
- (C) Or when there is only 1 cross street;
 - (1) Between a cross street and the dead-end of a street;
 - (2) Between a cross street and a line projected from the centerline of an intersecting street, such as a "T" intersection;
 - (3) Between a cross street and a point 600 feet from the particular property under consideration when there is no other cross street or intersecting street within 600 feet;
- (D) Or when there are no cross streets, then the block shall be between the points 600 feet from each side of the property under consideration and along the street.

110.112. BOARD. The Polk County Board of Commissioners.

110.115. BOARDING HOUSE. A building or portion thereof used for the purpose of providing meals or meals and lodging for pay or compensation of any kind to persons other than members of the family occupying such dwelling.

110.120. BUILDING. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

110.125. CABANA. A stationary, light-weight structure which may be prefabricated or demountable, with two or more walls, used adjacent to and in conjunction with a mobile home or trailer to provide additional living space and designed to be moved with the trailer or mobile home.

110.130. CAMPGROUNDS. A premises under one ownership where persons camp or live in any manner other than in a permanent building constructed entirely of wood or more lasting materials, excepting mobile home parks, and trailer parks.

110.135. CARPORT. A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

110.140. CELLAR. See Basement.

110.145. CEMETERY. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery.

110.147. CHANGE OF USE. Any change of a structure, land, waterway, activity within a building, or use of the land in such a way as to substantially alter or affect the land or waterway. See DEVELOPMENT. [Adopted by Ordinance #219, dated September 22, 1978.]

110.150. CLUB. An organization, group, or association supported by the members thereof, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business.

110.152. COMMERCIAL POWER GENERATING FACILITY. A "commercial power generating facility" is a facility that converts energy into a usable form of energy (such as

electricity) and conveys that energy to the public. Commercial power generating facilities typically convert mechanical energy into electrical energy. A "commercial power generating facility" does not include a net metered facility as defined in ORS 757.300 or a facility (either grid-connected or stand-alone) that produces an equal amount or less energy than is consumed by the use(s) to which the facility is accessory over the course of a calendar year, provided that the power generating facility is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

110.155. COMMISSION(S). The Polk County Planning Commission and/or any other Commission established by the Polk County Board of Commissioners. [Adopted by Ordinance #219, dated September 22, 1978.]

110.157. COMMUNICATION TOWER. A "communication tower" includes any tower designed to support commercial radio, television, and/or telecommunications receiving or broadcasting antennas, dishes, buildings and associated commercial equipment used to transmit or receive radio, microwave, wireless communications, and other electronic signals.

110.160. CONVALESCENT HOME. See Nursing Home.

110.165. COURT. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on 3 or more sides by walls of a building.

110.167. CULTURED CHRISTMAS TREES. "Cultured Christmas trees" refers to trees which are:

- (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 for the Agricultural Marketing Services of the U. S. 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, and irrigation. [Amended by Ordinance #89-17, December 6, 1989.]

110.170. DAY NURSERY. An institution, establishment, or place, not a part of the public school system, in which are commonly received at one time 3 or more children, not of common parentage, under the age of 14 years, for a period or periods not exceeding 12 hours per day for the purpose of being given board, care, or training, apart from their parents or guardians for compensation or reward.

110.172. DEVELOPMENT. Any change in the use of land, of a waterway, or of a structure, which substantially alters or affects the land or waterway.

- (A) For the purpose of this ordinance, the term development shall include the following:
 - (1) Any use or activity, which requires a building, permit under the provisions of the Uniform Building Code.
 - (2) Any use or activity which requires a manufactured home placement permit.
 - (3) Any use or activity which requires a permit from the Oregon State Division of Lands.
 - (4) Any use or activity which requires a permit under the provisions of the Oregon Forestry Practices Act.
 - (5) Any use or activity which requires a permit for sub-surface on-site disposal of sewage from the Polk County Division of Environmental Health.

- (6) Any use or activity which requires a conditional use permit or floodplain development permit under the provisions of this ordinance.
- (B) For the purpose of this ordinance, the term development shall exclude the following:
- (1) Landscaping.
 - (2) Construction or placement of accessory structures that are usual and necessary for the use and enjoyment of existing improvements.
 - (3) Construction of driveways.
 - (4) Maintenance and repair usual and necessary for continuance of an existing use or activity. [Amended by Ordinance #256, dated September 19, 1979.]

110.175. DIRECTOR. The Polk County Planning Director or designated representative.
[Amended by Ordinance #219, dated September 22, 1978.]

110.180. DORMITORY. A building other than a hotel, boarding or rooming house, used primarily for sleeping purposes.

110.185. [Repealed by Ord. 89-17, Sec. 2]

110.186. DWELLING. "Dwelling" means a building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, but excluding hotels and motels. [Amended by Ordinance #89-17, dated December 6, 1989.]

110.190. DWELLING UNIT. One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating, excluding hotels, motels, or recreational vehicles.

110.195. DWELLING, SINGLE FAMILY. A detached building designed exclusively for occupancy by one family.

110.200. DWELLING, TWO-FAMILY (DUPLEX). A building designed exclusively for occupancy by two families living independently of each other.

110.205. DWELLING, MULTIPLE FAMILY. A building or portion thereof designed for occupancy by 3 or more families, living independently of each other.

110.210. EDUCATIONAL INSTITUTION. A college or university supported by public funds or by contributions or endowments and giving general academic instruction, excluding elementary and high schools and trade or commercial schools.

110.215. ENFORCEMENT OFFICER. The Director or other persons designated by the Board of Commissioners to assist the Director in enforcing this ordinance. [Amended by Ordinance #88-16, dated July 27, 1988.]

110.220. FAMILY. An individual or 2 or more persons living together in a dwelling unit.

110.223. FARM USE. "Farm use" means the current employment of land [including that portion of such lands under buildings supporting accepted farming practices] for the primary purpose[s] of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the product of, livestock, poultry, furbearing 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 a profit in money by stabling or training equines including, but not limited to, providing riding lessons, training clinics, and schooling shows. "Farm use" also includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. "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 Section 110.167, or land described in ORS 321.267 (1)(e) or 321.415 (5).

"Current employment" of land for farm use includes:

- (A) Farmland, the operation or use of which is subject to any farm-related government program;
- (B) Land lying fallow for one year as a normal and regular requirement of good animal agricultural husbandry;
- (C) Land planted in orchards or other perennials, other than land specified in paragraph (D) of this section, prior to maturity;
- (D) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
- (E) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable or grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- (F) Land under buildings supporting accepted farm practices;
- (G) Water impoundments lying in or adjacent to and in common ownership with farm use land; and
- (H) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- (I) Land lying idle 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. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
- (J) Any land described in ORS 321.267(1)(e); and,
- (K) 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.

[Amended by Ordinance #89-17, December 6, 1989.]

110.225. FENCE. An unroofed barrier or an unroofed, enclosing structure such as masonry, ornamental iron, woven wire, wood pickets or solid wood or any other material used as an unroofed barrier to light, sight, air or passage.

110.230. FRATERNITY, SORORITY, STUDENT HOME. A residential building in which living accommodations are furnished to students.

110.232. FRONTAGE ROAD. Also known as "Marginal Access Road." A service road generally parallel and adjacent to an arterial, and which provides access to abutting properties, but protected from through traffic. Also known as "Access Road." A low volume public road that principally provides access to property. [Amended by Ordinance #00-10, dated November 14, 2001.]

110.235. GARAGE. A building or portion thereof in which a motor vehicle is stored, repaired or kept.

110.240. GARAGE, PRIVATE. A detached accessory building or portion of a main building for the parking or temporary storage of automobiles in which no business, occupation, or services is provided for or is in any way conducted.

110.245. GARAGE, PUBLIC. A building, other than private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked or stored for compensation, hire, or sale.

110.247. GOVERNING BODY. Polk Board of Commissioners.

110.250. GRADE (GROUND LEVEL). The lowest point of elevation of the finished surface of the ground between the exterior wall of a building, or the lowest structural component of a free standing tower, and a point 5 feet distant from said wall or free standing tower, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building or free standing tower and the property line whichever is nearest to said wall or free standing tower.

In case walls or free standing towers are parallel to and within 5 feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

110.255. GROUP CARE HOME. A home or private institution maintained and operated for the care, boarding and training of one or more physically handicapped persons, or one or more mentally retarded persons who, because of well established retarded intellectual development, require special care by a person who is not the parent or guardian of, and who is not related by blood or marriage to such persons, but does not include foster homes, correctional homes, or detention facilities.

110.257. HEARINGS OFFICER. The Polk County Hearings Officer.

110.260. HEIGHT OF BUILDING. The vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

110.261. HEIGHT OF WIND ENERGY SYSTEM. The "height of a wind energy system" shall be the vertical distance from the grade to the tip of a wind generator blade when the tip is at its highest point.

110.262. HELIPORT. A heliport is an area used or to be used for landing or take-off of helicopters or other vertical take-off or landing aircraft capable of hovering and may include any or all of the area or buildings which are appropriate to accomplish these functions.

110.265. HOMES FOR THE AGED AND INFIRM. Any home or other institution that maintains facilities for rendering board and domiciliary care for compensation to 3 or more aged persons not related to the operator by blood or marriage. An aged person is a person of the age of 65 or more, or a person of less than 65 years who by reasons of infirmity requires domiciliary care.

110.270. HOME OCCUPATION. An occupation which may be carried on by the resident of a dwelling house as a secondary use. In residential zones, home occupations are outright permitted uses when no assistants are employed, no commodities are sold other than services, no structural alterations are made to accommodate such occupations and the residential character of the building remains unchanged, and not more than one-half of the floor area of one-story is devoted to such use. Other home occupations which provide various services and commodities may be permitted outright or as conditional uses pursuant to the standards of Chapter 116 of the Zoning Ordinance.

110.275. HOSPITAL. An institution devoted primarily to the rendering of healing, curing and nursing care, which maintains and operates facilities for the diagnosis, treatment or care of two or more non-related individuals suffering from illness, injury or deformity, or where obstetrical or other healing or nursing care is rendered over a period exceeding 24 hours.

110.280. HOSPITAL, VETERINARY. A building or premises for the medical or surgical treatment of domestic animals or pets.

110.285. HOTEL. Any building containing guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

110.286. INOPERABLE VEHICLE.

- (A) A dismantled, unserviceable, inoperable, junked, or abandoned vehicle or any vehicle legally or physically incapable of being operated for a period exceeding 30 days unless such vehicle, or parts thereof, is completely enclosed within a building, or

stored on property lawfully designated under the zoning ordinances of Polk County as a place where such vehicles may be stored.

- (B) An inoperable vehicle shall not mean a licensed or unlicensed camper trailer, utility trailer, or licensed or unlicensed operable vehicle which are used on private property for the production, propagation or harvesting of agricultural or forest products grown or raised on such lands or which are used in the extraction or processing of mineral and aggregate products. [Adopted by Ordinance #219, dated September 22, 1978.]

110.287. INTENSIFICATION. The addition to or expansion of a structure or existing use of land or a waterway in such a way as to substantially alter or affect the land or waterway. See DEVELOPMENT.

110.290. JUNK CAR. See AUTOMOBILE WRECKING YARD.

110.295. KINDERGARTEN. See DAY NURSERY. [Section 110.300 repealed by Ordinance 91-15 dated July 24, 1991.]

110.301. KENNEL, KENNEL (COMMERCIAL). A facility for the keeping of dogs which have a set of permanent canine teeth or have become six months of age if:

- (A) The facility receives more than \$250 in gross receipts during a year for the sheltering of dogs which are not the property of the operator of the facility;
- (B) The facility is privately operated as animal shelter, whether for profit or not for profit;
- (C) The facility is operated for the production or sheltering of dogs which are to be offered for commercial sale. [Adopted by Ordinance 91-15 dated July 24, 1991.]

110.303. LIMITED LAND USE DECISION. A final decision or determination pertaining to a site within an urban growth boundary which concerns:

- (A) The approval or denial of a subdivision or partition, as described in ORS Chapter 92.
- (B) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including, but not limited to, site review and design review.

110.305. LIQUID WASTE. Any waste oils, septic tank pumpings, industrial wastes and other similar materials.

110.310. LOADING SPACE. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

110.315. LOT. A unit of land that is created by a subdivision of land. A lot so created shall remain a discrete lot, unless the lot lines are vacated, or the lot is further divided, as provided by law.

110.320. LOT AREA. The total area measured on a horizontal plane within the lines of a lot.

110.325. LOT DEPTH. The horizontal distance between the front lot line and the rear lot line measured at a point halfway between the side lot lines.

110.330. LOT INTERIOR. A lot other than a corner lot.

110.335. LOT LINE. The lines bounding a lot as defined herein.

110.338. LOT LINE ADJUSTMENT. A change or re-configuration of the lines bounding a lot or parcel. A lot line adjustment does not create a new parcel.

110.340. LOT LINE, FRONT. In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the lot from the street on which the improvement or contemplated improvement will face.

110.345. LOT LINE, REAR. A lot line which is opposite and most distant from the front lot line. In the case of a triangular shaped lot, the rear lot line, for building purposes, shall be assumed to be a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.

110.350. LOT LINE, SIDE. Any lot line which is not a front or rear lot line.

110.360. LOT OF RECORD. A lot which is part of a subdivision or a lot or parcel described by metes and bounds, which has been recorded in the office of the County Recorder. In the Exclusive Farm Use, Timber Conservation, Farm Forest, and Farm Forest Overlay zones, a lot of record refers to a lot or parcel which was lawfully created and acquired by the present owner prior to January 1, 1985, where a dwelling may be allowed subject to compliance with the applicable lot-of-record provisions in each zone.

110.367. MANUFACTURED HOME. Except as provided in Section 178.015, "manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. Based on the standards of the Uniform Building Code, such a home constructed prior to 1976 is defined as a "mobile home". Such a home constructed after 1976 is defined as a "manufactured home". For purposes of this ordinance the terms "manufactured home" and "mobile home" are interchangeable. [Amended by Ordinance #89-17, dated December 6, 1989.]

110.370. MARQUEE. A permanent roofed structure attached to and supported by the building and projecting over public property.

110.375. MATERNITY HOME. See HOSPITAL.

110.380. [Repealed by Ord. 89-17, Sec. 50] [Amended by Ordinance #89-17, dated December 6, 1989.]

110.385. MANUFACTURED HOME PARK. Any place where four (4) or more manufactured homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by Polk County. [Amended by Ordinance #89-17, dated December 6, 1989.]

110.386. METEOROLOGICAL TOWER. A "meteorological tower" includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), temperature and pressure sensors, other weather measuring devices attached to the tower, wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit weather information at a given location.

110.387. MINING. All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits, thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Surface Mining" does not include excavation of sand, gravel, clay, rock or other excavations of sand, gravel or clay, rock or other similar materials conducted by a landowner or tenant on the landowner's or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction

or other onsite construction or nonsurface impacts of underground mines. [Amended by Ordinance #89-17, dated December 6, 1989.]

110.390. MOTEL (TOURIST CAMP). A series of attached, semi-attached, or detached apartments, each composed of bedroom and bathroom, with each apartment having entrance leading directly from the outside of the building.

110.392. NEW ROAD. A public road or road segment that is not a realignment of an existing road or road segment. [Amended by Ordinance #00-10, dated November 14, 2001.]

110.395. NONCONFORMING LOT. A lot which does not meet the area or width requirements of the zone in which it is located.

110.400. NONCONFORMING STRUCTURE. A building or structure or portion thereof lawfully existing at the time this ordinance became effective (November 13, 1970), which was designed, erected, or structurally altered, for a use that does not conform to the use regulations of the zone in which it is located, or which does not conform to the setbacks for maximum lot coverage or other provisions herein established for the zone.

110.405. NONCONFORMING USE. A use to which a building or land was lawfully put at the time this ordinance became effective (November 13, 1970) and which does not conform with the use regulations of the district in which it is located.

110.407. [Repealed by Ord. 89-17, Sec. 50] [Amended by Ordinance #219, dated September 22, 1978.]

110.410. NURSERY. See DAY NURSERY.

110.415. NURSING HOME. Any home, place or institution which operates and maintains facilities providing convalescent or nursing care, or both, for a period exceeding 24 hours for two (2) or more ill or infirm patients not related to the nursing home administrator, or owner, by blood or marriage. Convalescent care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick. A nursing home includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under ORS.

110.420. OVERLAY ZONE. A zone which establishes special requirements and provisions in addition to those of the primary zone. [Adopted by Ordinance #219, dated September 22, 1978.]

110.425. OWNER. The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel of property under written contract.

110.427. PARCEL. "Parcel" includes a unit of land created:

- (A) By partitioning land as defined in ORS 92.010;
- (B) In compliance with all applicable planning, zoning or partitioning ordinances or regulations;
- (C) By deed or sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations; or
- (D) By deed or sales contract, if the property division occurs as a result of a grant to a public agency or public body for state highway, county road, city street, or other right of way purposes provided such deed or sales contract occurred on or prior to August 4, 1991. The property conveyed to the public agency or public body shall be deemed a separate parcel, and the remnant shall be deemed a separate parcel. If the conveyance bisects a property, each remnant located on either side of the parcel conveyed to the public agency or public body shall be considered separate parcels.
- (E) A parcel so created shall remain a discrete parcel, unless the parcel lines are vacated, or the parcel is further divided, as provided by law. [Amended by Ordinance #89-17, dated December 6, 1989, and Ordinance #06-04, dated March 1, 2006.]

110.430. PARKING AREA, PRIVATE. An open area, building or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

110.435. PARKING AREA, PUBLIC. An open area, building or structure, other than a private parking area, street, or alley used for the parking of automobiles, trucks, and other motor vehicles and available for use by the public or by persons patronizing a particular building or establishment.

110.440. PARKING, SPACE, AUTOMOBILE. Space within a private or public parking area, building or structure, for the parking of one automobile.

110.445. PARTICLE DEPOSITION. The quantity of that portion of the particulate matter in the air which settles out in a given length of time as measured by sampling procedures adopted by the Oregon Department of Environmental Quality or their equivalent.

110.450. PARTICULATE MATTER. The discrete particles of a liquid, other than water, or a solid as distinguished from gas and vapor.

110.451. PARTITION. Either an act of partitioning land or an area or tract of land partitioned as defined.

110.452. PARTITION LAND. To divide land into two or three parcels within a calendar year, but does not include:

- (A) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- (B) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
- (C) The division of land resulting from the recording of a subdivision or condominium plat; or
- (D) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.283 (2)(q) to (s). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned. [Adopted by Ordinance #219, dated September 22, 1978, and amended by Ordinance #08-02, dated May 14, 2008.]

110.455. PERSON. A natural person, heirs, executors, administrators, or assigns and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid, and any political subdivisions, agency, board or bureau of the State.

110.457. PHOTOVOLTAIC SYSTEM. A "photovoltaic system" consists of equipment that converts sunlight into electricity and then stores or transfers that electricity. This equipment includes photovoltaic modules and panels, mounting and sun tracking hardware, foundation, inverter, wiring, batteries, or other components used in the system. A photovoltaic system may be a grid-connected or stand-alone system. A photovoltaic system does not include a system that utilizes a photovoltaic module or panel that contains a total surface area of nine square feet or fewer.

110.462. PRIMARY ZONE. The zone which establishes the basic requirements and provisions for the use of land in a particular area. See OVERLAY ZONE. [Adopted by Ordinance #219, dated September 22, 1978.]

110.465. RAMADA. A stationary structure having a roof extending over a mobile home or trailer, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from sun and rain.

110.466. RECREATIONAL VEHICLE PARK. A lot or parcel on which two or more travel trailer/RV sites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation or vacation purposes, and as defined by ORS 446.310(9) (1989 edition). [Adopted by Ordinance 91-15, dated July 24, 1991.]

110.467. RECYCLING DEPOT. A center, depot drop box or other place for receiving source separated recyclable materials with or without compensation. This shall not include a salvage, junk, or auto wrecking yard.

110.470. REFUSE. Any putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, dead animals, abandoned automobiles, junk, solid market wastes, street cleaning, and industrial wastes (including waste disposal in industrial salvage).

110.475. REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not include structural changes.

110.476. RESIDENTIAL FACILITY. A residential care, residential training, or residential treatment facility licensed by or under the authority of the department as defined in ORS 443.400, under ORS 443.400 to 443.460, or licensed by the Children's Services Division under ORS 418.205 to 418.327, which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

[Amended by Ordinance #89-17, dated December 6, 1989.]

110.477. RESIDENTIAL HOME. A residential treatment or training or an adult foster home licensed by or under the authority of the department as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. [Amended by Ordinance #89-17, dated December 6, 1989.]

110.480. REST HOME. See NURSING HOME.

110.485. RESTAURANT, CAFE. An establishment where prepared food is served to the public for consumption within the building, or to "take out" to some other location.

110.487. REVERSE FRONTAGE LOT. A lot having frontage on two parallel or approximately parallel roads, where the rear of the lot, or structure on the lot faces an arterial.

[Adopted by Ordinance 98-5, dated July 8, 1998.]

110.488. ROAD REALIGNMENT. Rebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right of way, and where the existing road surface is removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment. The realignment shall maintain the function of the existing road segment being realigned as specified in the acknowledged comprehensive plan. [Amended by Ordinance #00-10, dated November 14, 2001.]

110.500. ROOMING HOUSE. A residential building or portion thereof providing sleeping rooms where lodging for three (3) or more persons is provided for compensation.

110.502. SEASONAL FARM WORKER. A person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in the 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, transporting, tubing, precommercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities. [Amended by Ordinance #89-17, dated December 6, 1989.]

110.503. SEASONAL FARM WORKER HOUSING. Housing limited to occupancy by seasonal farm workers and their immediate families which is occupied no more than nine months a year. [Amended by Ordinance #89-17, dated December 6, 1989.]

110.505. SCHOOL, TRADE OR COMMERCIAL. A building where instruction is given to pupils for a fee in money or otherwise which fee is the principal reason for the existence of the school.

110.510. SCHOOL, ELEMENTARY, JUNIOR HIGH OR HIGH. An institution, public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules, and regulations of the State Department of Education. [Adopted by Ordinance #219, dated September 22, 1978.]

110.520. SOLID WASTE. Solid waste shall include all putrescible and non-putrescible waste, including but not limited to, garbage, rubbish, refuse, ashes, waste paper and cardboard; grass clippings, composts; sewer sludge; residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable, or abandoned vehicles or vehicle parts and waste motor vehicle tires; manure, vegetable, or animal solid and semi-solid waste and dead animals. Waste shall mean useless, unwanted or discarded materials, which would otherwise come within the definition of solid waste or waste, may from time to time have value and thus be utilized shall not remove them from the definition. The terms solid waste or waste do not include:

- (A) Environmentally hazardous wastes as defined in ORS 466.005.
- (B) Materials used for fertilizer or for other productive purposes on land in agricultural operations in the growing and harvesting of crops or the raising of fowl or animals.
- (C) Septic tank and cesspool pumping or chemical toilet waste.
- (D) Reusable beverage containers as defined in ORS 459.860.
- (E) Source separated principal recyclable materials as defined in ORS 459 and the rules promulgated there.

110.522 SPECIAL FOREST PRODUCTS. Products as defined in ORS 164.813 (6) to be inclusive of the following items:

- (A) Bear grass, boughs, branches, ferns and other forest plant parts used in floral arrangements and decorations;
- (B) The bark and needles of the Pacific yew, cascara bark, cedar salvage including chunks, slabs, stumps and logs that are more than one cubic foot in volume;
- (C) Cut or picked evergreen foliage and shrubs including, but not limited to, ferns, huckleberry, Oregon grape, rhododendron and salal;
- (D) Firewood, native ornamental trees and shrubs, including trees and shrubs that not nursery grown and that have been removed from the ground with the roots intact;
- (E) Round or split posts, poles, pickets, stakes or rails, shakeboards, shake-bolts, shingle bolts or other round or split products of any forest tree species; and wild edible mushrooms that have not been cultivated or propagated by artificial means.

110.525. STABLE, PUBLIC. A building in which horses are kept for remuneration, hire, or sale, including saddle and riding clubs.

110.540. STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than 6 feet above grade as defined herein for more than 50 per cent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered as a story.

110.545. HALF-STORY. A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two-feet above the floor of such story.

110.550. STREET. A way of travel more than 20 feet wide which has been dedicated or deeded to the public for public use.

110.555. STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless of whether it is wholly or partly above or below grade.

110.556. SUBDIVIDE. Subdivide land means to divide land into four or more lots within a calendar year. [Adopted by Ordinance #219, dated September 22, 1978; Amended by Ordinance #289, dated March 24, 1982.]

110.557. TRAILER (TRAVEL OR VACATION). A vehicle or structure equipped with wheels for highway use that is intended for human occupancy, which is not being used for residential purposes and is being used for vacation and recreational purposes. [Amended by Ordinance #219, dated September 22, 1978.]

110.570. TRANSFER SITE OR TRANSFER FACILITY. A fixed or mobile facility, used as an adjunct to collection vehicle(s), resource recovery facility, disposal site between the collection of the waste/solid waste and disposal site, including but not limited to, another vehicle, a concrete slab, pit, building, hopper, railroad gondola or barge.

110.575. TOURIST COURT. See MOTEL.

110.572. TRANSPORTATION IMPROVEMENTS. -- (a) Means transportation improvements on rural lands that provide safe and efficient access to the use for which it is related.

(b) The term includes:

- (i) Accessory transportation improvements that are allowed or conditionally permitted in the EFU, FF, FFO, or TC zoning districts;
- (ii) Transportation improvements that are allowed or conditionally permitted in the EFU, FF, FFO, or TC zoning districts;
- (iii) Channelization;
- (iv) Realignment;
- (v) Replacement of an intersection with an interchange;
- (vi) Continuous median turn lane;
- (vii) New access roads and collectors within a built or committed exception area, or in other areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.
- (viii) Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road;
- (ix) Park-and-Ride areas;
- (x) Railroad mainlines and branchlines;
- (xi) Pipelines;
- (xii) Navigation channels;

- (xiii) Replacement of docks and other facilities without significantly increasing the capacity of those facilities;
- (xiv) Expansion or alterations of public use airports that do not permit service to a larger class of airplanes; and
- (xv) Transportation facilities, services and improvements other than those listed in the Zoning Ordinance that serve local travel needs. The travel capacity and level of service of the facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Comprehensive Plan or to provide adequate emergency access.

110.580. TRUCK. A motor vehicle designed or used for carrying, conveying, or moving over highways of this State any property, article, or thing and having a combined weight of vehicle and maximum load to be carried thereon of more than 6,000 lbs.

110.585. USE. The purpose of which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied.

110.587. UTILITY FACILITY NECESSARY FOR PUBLIC SERVICE. A major physical component of an enterprise that performs an essential public service, such as a natural gas plant, water supply facility, sewage treatment facility, telephone switching station, electrical substation, or radio, microwave, fiber optic, or television transmission tower. However, this does not include components such as poles, wires, cables, lines or pipes. [Adopted by Ordinance 91-15, dated July 24, 1991.]

110.589. VISION CLEARANCE. A triangular area at the street or highway corner of a corner lot, or the corner at any alley-street intersection of a lot, the space being defined by a diagonal line across the corner between the points on the street right-of-way line or street-alley right-of-way line measured from the corner.

110.590. WATER-DEPENDENT USE. A use or activity which can be carried out only, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. [Adopted by Ordinance #219, dated September 22, 1978.]

110.591. WATER-RELATED USE. A use which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with a water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of qualify in the goods of services offered.

Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and mobile home parks are not generally considered dependent on or related to water location needs. [Adopted by Ordinance #219, dated September 22, 1978.]

110.592. WETLANDS. Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions. [Adopted by Ordinance #88-17, dated December 6, 1989.]

110.593. WIND ENERGY SYSTEM. A "wind energy system" consists of equipment that converts energy from the wind into usable forms of energy (such as electricity) and then stores or transfers the energy. This equipment includes any base, blade, foundation, wind generator, nacelle, rotor, wind tower, transformer, vane, wire, inverter, batteries or other component used in the system. A wind energy system may be a grid-connected or a stand-alone system.

110.594. WIND TOWER. A "wind tower" is the monopole, freestanding, or guyed structure that supports a wind generator.

110.595. WINERY DEFINED.

- (A) As used in Sections 136.040 and 178.030, "winery" means a facility that produces wine with a maximum annual production of:
- (1) Less than 50,000 gallons, and that:
 - (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 the grapes from at least 15 acres of a vineyard contiguous to the winery; or
 - (iv) Obtains grapes from any combination of subparagraphs (i), (ii) and (iii) of this paragraph.
 - (2) At least 50,000 gallons but no more than 100,000 gallons, and that:
 - (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 a vineyard contiguous to the winery; or
 - (iv) Obtains grapes from any combination of subparagraphs (i), (ii) and (iii) of this paragraph.
- (B) A "winery", as defined in this section means, a facility that produces wine and, shall allow the sale of:
- (1) Wines produced in conjunction the winery; and
 - (2) Items directly related to wine, the sales of which are incidental to retail sale of wine on site, including those served by a limited service restaurant as defined in ORS 624.010.
- (C) A "winery", as defined in this section, shall allow only the bulk processing and wholesale distribution of wines produced on site. [Amended (added) by Ordinance #89-17, dated December 6, 1989.]

110.595. ["Yard" redesignated Sec. 110.599 by Ord. 89-17, Sec. 30]

110.599. YARD. A space other than a court on the same lot with a building open from the ground upward, except as otherwise provided herein. [Amended by Ordinance #89-17, dated December 6, 1989.]

110.600. YARD, FRONT. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.

110.605. YARD, LANDSCAPED. An open area or areas devoted primarily to the planting and maintaining of trees, grass, shrubs, and plants together with sufficient permanent irrigation installation to properly maintain all vegetation. As complimentary features, such as fountain, pools, screens, decorative lighting, sculpture, and outdoor furnishings may be placed within said area.

- (A) Location or site: The required Landscaped Yard (110.605) areas adjacent to a street shall not be used for parking or loading areas and the yards shall be the same as is required for the main building in the district in which the parking area is to be located and such yard area adjacent to a street shall be landscaped with trees, shrubs, grass or evergreen ground cover and other complementary materials and maintained in a neat and well appearing manner. The side and rear yards, other than those adjacent to a street, may be used for parking and loading areas when such areas have been developed and are maintained as required by this ordinance. [Amended by Ordinance 90-19, dated January 2, 1991.]

110.610. YARD, REAR. A yard extending across the full width of the lot between the most rear main building and the rear lot line, but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the center line of the alley, toward the nearest part of the foundation of the main building.

110.615. YARD, SIDE. A yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard; the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main building. [Amended by Ordinance #219, dated September 22, 1978.]

110.620. APPLICATION OF ZONING REGULATIONS. The regulations set by this ordinance within each zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

110.630. CONFORMANCE AND PERMITS REQUIRED. No building structure, or premise shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, structurally altered, or enlarged unless in conformity with all the regulations herein specified for the zone in which it is located and then only after applying for and securing all permits and licenses required by all laws and ordinances.

110.640. AMENDMENT OF TEXT ONLY. Any amendment of this ordinance which amends, supplements or changes only the text hereof, shall be initiated by the Board of Commissioners or by the Planning Commission by resolution. Whenever an amendment is initiated by the Board of Commissioners, the resolution shall be referred to the Planning Commission for its recommendation.

In every case of a proposed amendment, the director shall fix a date for a public hearing before the Planning Commission and shall cause notice to be given as provided in Chapter 111. After the public hearing, the Planning Commission shall refer its recommendations to the Board of Commissioners. [Section 110.850 repealed by ORD. #88-19, dated Sept. 29, 1988.]

110.650. SAVINGS CLAUSE. If any section, paragraph, subdivision, clause, sentence, or provision of this ordinance shall be adjudicated or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgement or decree shall be rendered, it being the intent of the Board of Commissioners to enact the remainder of this ordinance notwithstanding the parts so declared unconstitutional or invalid; and should any section, paragraph, subdivision, clause, sentence, or provision of this ordinance be declared unreasonable or inapplicable to a particular premises or to a particular use at any particular location, such declaration of judgement shall not affect, impair, invalidate, or nullify such section, paragraph, subdivision, clause, sentence, or provision as to any other premises or use.

110.660. REPEALING CONFLICTING ORDINANCES. The following ordinances passed by the Board of Commissioners and all ordinances amendary thereof, and all other ordinances and parts of ordinances in conflict herewith, hereby are repealed:

Ordinance No. 18 12-22-64

Ordinance No. 24 4-19-66

Ordinance No. 35 5-18-67

Ordinance No. 45 12-29-67

Ordinance No. 52 8-03-68

Ordinance No. 56 9-13-68

Ordinance No. 63 5-23-69
Ordinance No. 82 6-18-71
Ordinance No. 85 8-31-71
Ordinance No. 93 11-09-71
Ordinance No. 94 11-30-71
Ordinance 88-21 11-30-88
Ordinance 89-17 12-06-89

CHAPTER 112

DEVELOPMENT STANDARDS

LOT AREA, YARDS, HEIGHT RESTRICTIONS, AND ACCESS

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- 112.410. Industrial Zone Development Standards
- 112.420. Public Zone Development Standards
- 112.430. Resource Zone Development Standards

112.010. NEW BUILDINGS TO BE ON A LOT. Every building erected shall be located on a lot as herein defined.

112.020. LOTS NOT TO BE REDUCED BELOW MINIMUM. No lot or parcel of land held under separate ownership at the effective date of this ordinance (November 13, 1970) shall be separated in ownership or reduced in size below the minimum lot width or lot areas required by this ordinance, nor shall any lot or parcel of land held under separate ownership at the effective date of this ordinance, which has a width or an area less than required by this ordinance, be further reduced unless approved in accordance with this ordinance, including provisions and standards for the creation of new parcels in the zone. [Amended by Ordinance No. 91-8, dated March 27, 1991.]

112.030. LOT OR YARD AREAS NOT TO BE SEPARATED FROM THE LOT CONTAINING THE BUILDING. No portion of a lot necessary to provide the required area per dwelling unit shall be separated in ownership from the portion of the lot on which the building containing dwelling units is located. No required yard or other open space around an existing building shall be separated in ownership from the portion of the lot upon which the building is located.

112.040. YARD AREAS NOT TO BE REDUCED. No lot area shall be so reduced or diminished that the yards or other open space shall be smaller than prescribed by this ordinance, nor shall the number of dwelling units be increased in any manner except in conformity with the regulations herein established.

112.050. YARDS APPLY ONLY TO ONE BUILDING. No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, or shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected.

112.060. YARDS TO BE UNOBSTRUCTED. Every required front, side and rear yard shall be open and unobstructed by buildings or structures from the ground to the sky, except for those projections and accessory structures permitted by this ordinance.

112.070. NO PARKING IN FRONT YARD, YARDS ADJACENT TO A STREET, OR LANDSCAPED AREAS. No parking shall be allowed exclusive of driveways within the required front yard area. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this ordinance.

The yard areas and driveways adjacent to a street shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats or other similar vehicles.

112.080. AVERAGE YARD SETBACK ADJACENT TO A STREET (FRONT AND EXTERIOR SIDE YARDS). Every building shall set back from the front lot line at least 20 feet, except in the instance where the average depth of the other buildings on the same side of the street are between ten (10) and 20 feet, then the average depth may be used. The average depth is the average of the distance from the closest part of the foundation of the existing buildings to the front property line where the existing buildings are within 200 feet of the center of the proposed building, on the same side of the street, within the same block.

If existing buildings are within ten (10) feet of the property line, then no less than 10 feet shall be used in figuring the average, or if existing buildings are more than 20 feet from the property line then the minimum requirement of 20 feet shall be used in figuring the average.

When, by this ordinance or any other ordinance, a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply.

112.090. STREAM SETBACK. To permit or afford better light, air, vision, stream pollution control, and to preserve the natural scenic amenities and vistas along the streams in all zones, the following setbacks shall apply:

- (A) All septic tank, septic tank drainfield, cesspool and pit privy disposal facilities shall be set back from the highwater line or mark along all streams a minimum of 100 feet measured at right angles to the highwater line or mark. In those cases where practical difficulties preclude the location of these facilities at a distance of 100 feet and the County Environmental Health Department finds that a closer location will not endanger health by pollution of the stream, the Environmental Health Department may permit the location of these facilities closer to the stream, but in no event, may such facility be located closer to the stream than 50 feet.
- (B) All structures, buildings, or similar permanent fixtures shall be set back from the mean highwater line or mark along all streams a minimum of 15 feet measured at right angles to the highwater line or mark excluding decks, patios, fences, and covered porches. Where a stream represents a lot or parcel line the applicable setback shall be either this standard or the applicable setback for the zoning district as described in this chapter, whichever is greater. For waterways identified on the Polk County Significant Resources Map, additional development setback standards pursuant to Chapter 182 of the PCZO are also applicable. Additional setbacks may also be required, as determined by the State Department of Forestry, along riparian management areas subject to the provisions of the Oregon Forest Practices Act.

112.100. FRONT YARD PROJECTIONS. Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels and other ornamental features of not more than 24 inches from main buildings, wind energy systems, uncovered porches, covered but unenclosed porches when not more than one story high and which do not extend more than 10 feet beyond the front walls of the building, but in no case shall such projection come closer than ten (10) feet from the property line and the floor which are not more than four (4) feet above grade, are exempt from the front yard setback provisions and need not be included when determining the average setback.

112.110. SIDE YARD PROJECTIONS.

- (A) Cornices, eaves, gutters, and fire escapes when not prohibited by any other code or ordinance, may project into a required side yard not more than one-third (1/3) of the width of the side yard, nor more than three (3) feet in any case.
- (B) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, wind energy systems, and ornamental features may project not more than one and one-half (1-1/2) feet into a required side yard, provided, however, chimneys and flues shall not exceed six (6) feet in width.
- (C) Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line when they are three (3) feet or less in height from ground level.

112.120. REAR YARD PROJECTIONS.

- (A) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, wind energy systems, and other ornamental features, may project not more than one and one-half (1-1/2) feet into a required rear yard, provided, however, chimneys and flues shall not exceed six (6) feet in width.
- (B) A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than five (5) feet into a required rear yard and set back at least six (6) feet from any property line.

- (C) Planter boxes, steps, uncovered porches, covered but unenclosed porches including covered patios when not more than one (1) story high and the floor, which are not more than four (4) feet above grade and which shall not come closer than 14 feet from the rear lot line, are exempt from the minimum rear yard depth requirement. (See Accessory structures - Section 112.350.)
- (D) No permitted projection into a required rear yard shall extend within ten (10) feet of the centerline of an alley, or of a rear lot line if no alley exists, or within six (6) feet of an accessory building.
- (E) Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the rear yard property line when they are three (3) feet or less in height from ground level.

112.130. HEIGHT AND OTHER EXCEPTIONS.

- (A) Chimneys may exceed the maximum height of the zone in which they are located.
- (B) Communication towers, non-commercial wind energy systems utilizing a tower, and meteorological towers, may exceed the height limits of the zone, but must meet provisions regulating such installation as provided in Section 112.135, and applicable provisions from the zoning district.
- (B) Ham (non-commercial) radio transmitting towers and antennas are not subject to the provisions of Section 112.135 and may exceed the height requirements for structures as required by the zone, and must meet all state and federal provisions regulating such facilities and comply with manufacturers installation requirements.
- (D) Steeples may exceed the maximum height of the zone in which they are located provided:
 - (1) That they do not contain any habitable space
 - (2) That they do not exceed 185 feet in height
 - (3) That the Planning Director permits a greater height, as a conditional use, when they are within 185 feet of or are located within the SR zone. [Amended by Ordinance #89-17, dated December 6, 1989.]
- (E) Replacement of an existing utility pole along or within the right-of-way used for electric, cable, telephone, etc., that is located along a right-of-way is permitted without land use review including the establishment of a pole that is suitable for use for wireless communication. The multi-purpose monopole must not exceed the height of other existing poles along the adjacent utility corridor by more than twenty-five (25) feet.
- (F) Co-location of a communications utility on an existing tower, with the exception of wind and meteorological towers, is not subject to the land use provisions of Section 112.135 below, however, the applicant shall submit engineering documentation that the proposed facility complies with the emission standards for maximum permissible exposure as identified in 47 C.F.R. Section 1.1307(b), or as amended or replaced in Federal Register. The applicant shall obtain any other required local permit (electrical, building, etc.).

[Amended by Ordinance 01-3]

112.135. TOWER STANDARDS. The following standards apply to all new or replacement communication towers and all new or replacement non-commercial wind energy systems utilizing a tower and meteorological towers. The standards of this section are not applicable to roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone. The standards of this section are also not applicable to commercial power generating facilities.

- (A) All new or replacement communication towers shall be reviewed through the administrative review process as a land use determination, unless otherwise provided for in the zoning district for the proposed location. A utility provider shall be the applicant or co-applicant for any communication tower that is proposed in unincorporated Polk County, or a condition of approval shall be that the tower may not be constructed until such time as a utility provider is identified, and all other conditions have been met. Public agencies are also subject to the standards of this section. It is the intent of this section to provide for maximum compatibility between communication towers and the surrounding land uses.
- (B) All new or replacement non-commercial wind energy systems utilizing a tower and meteorological towers are subject to the standards of this section and require a land use application only when required by the zoning district in which the tower would be located and as required in Section 112.135(C).
- (C) All new or replacement communication towers, non-commercial wind energy systems utilizing a tower, and meteorological towers shall comply with the following standards:
- (1) All communication towers shall be less than 180 feet in height. Wind energy systems utilizing a tower and meteorological towers outside of a UGB shall be 150 feet or less in height. Communication towers shall be a monopole type of construction unless otherwise provided. Wind and meteorological towers shall be a monopole, monopole with guy wires, lattice, or lattice with guy wires type of construction. An applicant may request modification of these height limitations or types of construction (e.g. a lattice communication tower) through a Land Use Determination review process. Such height modification or type of construction shall include a demonstration for any modification requested. Such justification shall include documentation showing:
 - (a) Coverage limitations,
 - (b) Type of system (e.g. broadcast, FM radio, television),
 - (c) Technical and engineering feasibility;
 - (d) Public safety; or
 - (e) Other requirements of local, state, and federal agencies.
 - (2) Within an Urban Growth Boundary (UGB) the following standards apply:
 - (a) A communication tower shall be 40-feet or less in height. An applicant may request a modification of this height limitation. Such height modification shall include a demonstration for any modification requested. Such justification shall include documentation showing:
 - 1) Coverage limitations demonstrating that the proposed height of the tower is needed in order to meet the service type and area coverage needs. Propagation maps stamped by a professional engineer that demonstrate service type and area coverage shall be provided for the 40-foot height, and each 20-foot interval to the proposed tower height;
 - 2) Type of system (e.g. broadcast, FM radio, television);
 - 3) Other requirements of local, state, and federal agencies; and
 - 4) The location, size, design and functional characteristics of the tower are reasonably compatible with the existing conditions and vegetation at the proposed site. The tower must be designed and constructed with material to reduce visibility of the tower by:
 - i. A site-specific study of the tower site identifying a proposed stealth (i.e. camouflage) construction type that may include but is not limited to a tree, or flagpole (no external antennas).

- ii. The proposed color and surfacing of the tower and associated fixtures.
- (b) Wind energy systems utilizing a tower and meteorological towers that do not exceed 100 feet in height may be authorized under the procedure for and in accordance with the criteria provided for conditional uses in Chapter 119 of this ordinance.
- (3) No lighting of towers and associated facilities is allowed, except as required by the Federal Aviation Administration or other federal or state agency. In coordination with the applicable federal or state agency, the applicant shall determine the maximum height of the tower that would not require lighting. If a proposed tower would require lighting, the applicant shall demonstrate that a tower height that requires lighting is necessary. Such justification shall include documentation showing:
 - (a) Coverage limitations,
 - (b) Type of system (e.g. broadcast, FM radio, television),
 - (c) Technical and engineering feasibility; and
 - (d) Other requirements of local, state, and federal agencies.

If a tower height that requires lighting is justified, the applicant shall demonstrate how the lighting will be shielded from the ground. Shielding of tower lighting onto nearby properties shall be installed as part of construction of the tower.
- (4) The setbacks for a communication, wind, or meteorological tower shall be the setback otherwise allowed for all other structures in the zone; however, greater setbacks shall be required as follows:
 - (a) A communication tower shall be setback at least the height of the tower from an existing dwelling on adjacent property.
 - (b) A wind tower base shall be setback the height of the wind energy system from all property lines. A meteorological tower base shall be setback the height of the tower from all property lines.
 - (c) A tract (contiguous property under the same ownership) may be considered as a single parcel for purposes of setbacks.
- (5) Equipment areas may be enclosed by a chain link fence or equivalent with or without slats for screening.
- (6) Warning and safety signs, up to three square feet in area, are allowed. All other signs are prohibited.
- (7) If a tower is discontinued from operating as a communication, wind, or meteorological tower for a period of one year, the tower shall be removed. The operator shall be responsible for removal of the tower and equipment facilities within six (6) months; however, equipment facilities accessory to wind energy systems or meteorological towers may be converted to accommodate an approved on-site use within six (6) months. The property owner shall bear the ultimate responsibility for removal of facilities. The property owner is responsible for removal of the tower and shall sign a document that is recorded in the deed history of the subject property with the Polk County Clerk recognizing such responsibility. Nothing in this subsection shall prevent the owner of the property or Polk County from requiring a bond or other security from a communication tower operator or otherwise imposing on a communication tower operator the responsibility for removal and restoration.

- (8) Upon receipt of an application for a tower, the Planning Director shall mail notification to the Independence State Airport and the Oregon Department of Aviation and provide at least ten (10) days to comment on the application.
- (D) Additional Communication Tower Standards
- (1) Whip antennae shall not exceed the height of the tower by more than twenty (20) feet.
 - (2) Directional / parabolic antennae shall not exceed seven (7) feet in diameter or width and a rectangular type antenna shall not exceed seven (7) feet in width and fifteen (15) feet in height when attached to a tower.
 - (3) The applicant shall identify all existing structures, or properties that have obtained approval for a tower or currently contain a communications antenna within two miles of the proposed tower location. The applicant shall provide evidence that co-location at all existing or approved towers and structures within two miles is not feasible, and provide documentation for locating a new tower, based on either of the following:
 - (a) Lack of available co-location space; or
 - (b) Inability to meet service coverage area needs.
 - (4) The tower shall comply with all required State of Oregon and Federal licenses for communication tower facilities. The application shall include a certification that the completed installation will comply with all Federal standards. The applicant shall submit documentation demonstrating compliance with the radio frequency emission standards as set forth by the Federal Communications Commission (FCC). If the calculated radio frequency emission level at any point is calculated at more than one-third the maximum radio frequency emission level permitted by the FCC, then the documentation shall be prepared by an Oregon registered professional engineer qualified to conduct radio frequency analyses.
 - (5) The applicant shall submit a site-specific study of the tower site identifying the proposed color and surfacing of the tower and associated fixtures. Based on the existing conditions and vegetation at the proposed site, the tower must be constructed with material to reduce visibility of the tower by:
 - (a) Use of non-reflective materials that minimize glare and are colored similar to the sky or adjacent background. A light gray shade is appropriate for blending the tower into the sky background. Nothing in this subsection preempts the coloring requirements of the Federal Aviation Administration or the Oregon Department of Aviation.
 - (b) Use of non-reflective materials painted to match the existing or attached structure to blend into the surrounding environment, and
 - (c) Antenna and associated equipment shall be surfaced in a non-reflective material color to match the structure on which it is located.
 - (6) If access is obtained from a private road, the applicant shall be responsible as required by Oregon law for providing for improvements and maintenance to the private road that provides access to the subject property. In general, the applicant is responsible for impacts to the private road as a result of activities conducted by the applicant. The applicant shall maintain all necessary access easements and maintenance agreements for the private road as required by State law.
 - (7) An Oregon registered professional engineer shall certify that the construction of the tower complies with building code structural standards.
 - (8) Prior to submission of an application, the applicant must notify and hold a meeting with area property owners as outlined in (a) and (b) below. The applicant shall

submit evidence of the notification and meeting with the application. The applicant must provide evidence of the following:

- (a) The applicant has mailed notification of the proposed tower to property owners that would otherwise be notified pursuant to Polk County Zoning Ordinance Section 111.350. The notification shall state that the topic has been scheduled for discussion at a community meeting as described in (b) below. The notification shall state the date, time, and location of the meeting.
 - (b) The applicant shall post the subject property as described in Polk County Zoning Ordinance Section 111.360 and hold a meeting with the community to allow for concerns regarding the proposed tower to be addressed. Nothing in this subsection limits the applicant from providing additional opportunity for input from area property owners and residents.
- (9) All new or replacement tower facilities under 100 feet in height shall provide for a minimum of two (2) users (the primary user and one co-location site).
- (10) A Communication tower over 100 feet shall comply with the following:
- (a) All new tower facilities shall provide space for a minimum of three (3) users (the primary user and 2 co-location sites),
 - (b) Prior to issuance of building permits for the tower, the applicant shall submit to the Building Official documentation from the Federal Aviation Administration and local or state agency with jurisdiction that the tower has been reviewed and is not determined to be a hazard if constructed as proposed. [Amended by Ordinances 01-3 and 04-09]
- (E) Additional Wind and Meteorological Tower Standards
- (1) All new or replacement wind towers and meteorological towers shall be grey unless another color is required by state or federal law.
 - (2) All wind energy system components mounted to a wind tower and all meteorological tower components attached to the meteorological tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.

112.137. NON-COMMERCIAL WIND ENERGY SYSTEMS AND METEOROLOGICAL TOWERS.

- (A) Roof-mounted, building-integrated, building-mounted or architectural wind energy systems may extend an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, but may not exceed the height limitation of the zone. Roof-mounted, building-integrated, building-mounted or architectural wind energy systems that exceed these standards may be permitted as allowed in the zone and in accordance with this section and Section 112.135.
- (B) Wind energy systems and meteorological towers shall comply with all applicable state construction and electrical codes, and the National Electrical Code. The applicant shall obtain all necessary building and electrical permits from the Polk County Building Division prior to installation or alteration of the wind energy system.

112.138. NON-COMMERCIAL PHOTOVOLTAIC SYSTEMS. All new or replacement photovoltaic systems, that are not commercial power generating facilities, shall be a permitted use in all zones. A land use application is not required to site a photovoltaic system. All new or replacement photovoltaic systems, that are not commercial power generating facilities, shall be subject to the following standards:

- (A) Photovoltaic systems are subject to the setback requirements of the zone.

- (B) All components of a photovoltaic system shall comply with the height restrictions of the zone. For installations mounted flush with a pitched roof, the height of the panels will not be calculated unless the panels will extend above the highest ridge of the roof.
- (C) Photovoltaic systems may be mounted to an approved on-site structure or established as a free standing structure provided that the other requirements of this section are met.
- (D) Photovoltaic systems shall comply with all applicable state construction and electrical codes, and the National Electrical Code. The applicant shall obtain all necessary building and electrical permits from the Polk County Building Division prior to installation or alteration of the photovoltaic system.

112.140. VISION CLEARANCE AREA. In the SR Zone or any public zone, the vision clearance area for corner lots at street intersections shall have a minimum of 30-foot legs along each street and for alley-street intersections in said zones, the vision clearance area shall have legs of a minimum of ten (10) feet along both alley and street. The vision clearance area shall not contain any plantings, walls, structures, or temporary or permanent obstructions to vision exceeding 30 inches in height above the curb level, or street shoulder where there is no curb, except a supporting pillar or post not greater than 12 inches in diameter or 12 inches on the diagonal of a rectangular pillar or post; and further, excepting those posts or supporting members of street signs, street lights, and traffic control signs installed as directed by the department of public works, or any other sign erected for public safety.

Vision clearance shall not be required at a height of seven (7) feet or more above the curb level, or seven (7) feet, six (6) inches above the shoulder of a street that does not have a curb.

This section shall not be construed as waiving or altering any yard requirements or setback requirements that may be required by this or any other ordinance.

112.150. LOTS ABUTTING A PARTIAL STREET. No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and is located on that side which has not yet been dedicated or condemned, unless the yards provided on such lot include both that portion of the lot lying within the required street and the required yards. This provision shall not be construed as being in lieu of or waiving any subdivision or partitioning requirement of this or any other ordinance.

112.160. DWELLINGS TO BE ACCESSIBLE. Every dwelling shall have access to a public road or to an easement.

- (A) An easement that is designated as a future route of a preferred alternative public road in the Polk County Transportation Systems Plan providing access to a parcel created after July 10, 1998, shall be sixty (60) feet wide, unless an exception to the easement width has been granted pursuant to PCSO 91.800.
- (B) An easement that is not designated as a future route of a preferred alternative public road in the Polk County Transportation Systems Plan that would provide access to two (2) or more parcels or to two (2) or more dwellings on parcels established after May 29, 2002 shall be at least 40 feet wide, unless an exception to the easement width has been granted pursuant to PCSO 91.800. [Amended by Ordinance #02-01 dated May 15, 2002]

112.170. MINIMUM STREET WIDTH. All street rights-of-way shall be not less than as set forth in the most recently adopted version of the Polk County Transportation Systems Plan.

[Amended by Ordinance #09-08 dated December 2, 2009]

112.175. ACCESS ONTO ARTERIALS.

- (A) The number of access points onto arterial roads from any development shall be minimized whenever possible through the use of driveways common to more than

one development, and interior circulation design, including frontage or marginal access roads, which further this requirement. Generally, no private or public road access will be permitted onto the rural portions of State Highways 18, 22, 51, 99W, 221, and 223 unless the standards in Tables 9A-9D below are met:

- (B) Access onto arterials will require the approval, through the permit process, from the Oregon Department of Transportation. The applicant(s) will need to follow ODOT's construction requirements for that portion of the access within state-owned right-of-way.
- (C) Where property, such as a reverse frontage lot, is located abutting a county or public use road, and a state highway, the preferred access will be onto the county or public use road. [Amended by Ordinance #07-06 dated December 5, 2007]

Table 9A
Access Management Spacing Standards for ⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾
Private and Public Approaches on Statewide Highways
(OAR 734-051-0115)

(Measurement is in Feet)*

Posted Speed ⁽⁵⁾	Rural Expressway **	Rural	Urban Expressway ** ***	Urban ***	STA
≥55	5280	1320	2640	1320	
50	5280	1100	2640	1100	
40 & 45	5280	990	2640	990	
30 & 35		770		720	⁽⁶⁾
≤25		550		520	⁽⁶⁾

NOTE: The numbers in superscript ⁽¹⁾ refer to explanatory notes that follow Table 9C.

* Measurement of the approach road spacing is from center to center on the same side of the roadway.

** Spacing for Expressway at-grade intersections only. See the OHP for interchange spacing guidelines.

***These standards also apply to Commercial Centers.

Table 9B
Access Management Spacing Standards for ⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾
Private and Public Approaches on Regional Highways
(OAR 734-051-0115)

(Measurement is in Feet)*

Posted Speed ⁽⁵⁾	Rural Expressway **	Rural	Urban Expressway ** ***	Urban ***	STA
≥55	5280	990	2640	990	
50	5280	830	2640	830	
40 & 45	5280	750	2640	750	
30 & 35		600		425	⁽⁶⁾

≤25		450		350	⁽⁶⁾
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⁽¹⁾

NOTE: The numbers in superscript refer to explanatory notes that follow Table 9C.

* Measurement of the approach road spacing is from center to center on the same side of the roadway.

** Spacing for Expressway at-grade intersections only. See the OHP for interchange spacing guidelines.

***These standards also apply to Commercial Centers.

Table 9C
Access Management Spacing Standards for
Private and Public Approaches on District Highways
(OAR 734-051-0115)

⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾

(Measurement is in Feet)*

Posted Speed ⁽⁵⁾	Rural Expressway **	Rural	Urban Expressway ** ***	Urban ***	STA
≥55	5280	700	2640	700	
50	5280	550	2640	550	
40 & 45	5280	500	2640	500	
30 & 35		400		350	⁽⁶⁾
≤25		400		350	⁽⁶⁾

⁽¹⁾

NOTE: The numbers in superscript refer to explanatory notes that follow Table 9C.

* Measurement of the approach road spacing is from center to center on the same side of the roadway.

** Spacing for Expressway at-grade intersections only. See the OHP for interchange spacing guidelines.

***These standards also apply to Commercial Centers.

Notes on Tables 9A, 9B, and 9C:

⁽¹⁾

These access management spacing standards are for unsignalized approaches only. Signal spacing standards supersede access management spacing standards for approaches.

⁽²⁾

These access management spacing standards do not apply to approaches in existence prior to April 1, 2000 except as provided in OAR 734-051-0115(1)(c) and 734-051-0125(1)(c).

⁽³⁾

For infill and redevelopment, see OAR 734-051-0135(4).

⁽⁴⁾

For deviations to the designated access management spacing standards see OAR 734-051-0135.

⁽⁵⁾

Posted (or Desirable) Speed: Posted speed can only be adjusted (up or down) after a speed study is conducted and that study determines the correct posted speed to be different than the current posted speed. In cases where actual speeds are suspected to be much higher than posted speeds, the Department reserves the right to adjust the access management spacing accordingly. A determination can be made to go to longer access management spacing standards as appropriate for a higher speed. A speed study will need to be conducted to determine the correct speed.

⁽⁶⁾

Minimum access management spacing for public road approaches is the existing city block spacing or the city block spacing as identified in the local comprehensive plan. Public road connections are preferred over private driveways and in STAs driveways are discouraged. However, where driveways are allowed and where land use patterns permit, the minimum access management spacing for driveways is 175 feet (55 meters) or mid-block if the current city block spacing is less than 350 feet (110 meters).

Table 9D
Minimum Spacing Standards Applicable to Non-Freeway Interchanges
with Two-Lane Crossroads
(OAR 734-051-0125)

Category of Mainline	Type of Area	Speed of Mainline	Spacing Dimension				
			B	C	X	Y	Z
Expressways, Statewide, Regional and District Highways	Fully Developed Urban*	45 mph (70 kph)	2640 ft (800 m)	1 mile (1.6 km)	750 feet (230 m)	1320 feet (400 m)	750 feet (230 m)
	Urban	45 mph (70 kph)	2640 ft (800 m)	1 mile (1.6 km)	1320 feet (400 m)	1320 feet (400 m)	990 feet (300 m)
	Rural	55 mph (90 kph)	1 mile (1.6 km)	2 miles (3.2 km)	1320 feet (400 m)	1320 feet (400 m)	1320 feet (400 m)

Notes:

- 1) If the crossroad is a state highway, these distances may be superseded by the Access Management Spacing Standards, providing the distances are greater than the distances listed in the above table.
 - 2) No four-legged intersections may be placed between ramp terminals and the first major intersection.
 - 3) No application shall be accepted where an approach would be aligned opposite a freeway or expressway ramp terminal (OAR 734-051-0070(4)(a)).
 - 4) Use four-lane crossroad standards for urban and suburban locations that are documented to be widened in a Transportation System Plan or corridor plan.
 - 5) No at-grade intersections are allowed between interchanges less than 5 miles apart.
- B = Distance between the start and end of tapers
C = Distance between nearest at-grade and ramp terminal intersections or the end/start of the taper section
X = Distance to the first approach on the right; right in/right out only
Y = Distance to first intersections where left turns are allowed
Z = Distance between the last right in/right out approach road and the start of the taper for the on-ramp
- * Fully Developed Urban Interchange Management Area: Occurs when 85% or more of the parcels along the influence area are developed at urban densities and many have driveways connecting to the crossroad. See the definition in the 1999 Oregon Highway Plan.

Highway Classification for State Highways in Polk County

Classification	Highway	Segment
Statewide Expressways	OR-22 Willamina-Salem Highway	MP 12.72 - 25.96 (Marion/Polk County line)
	OR-18 Salmon River Highway	MP 18.78 - 29.76 (Polk/Yamhill County line)
Statewide Freight Routes	OR-22 Willamina-Salem Highway	MP 0.00 to 12.72
	OR-18--Salmon River Highway--	MP 14.90 to MP 18.78 (Tillamook/Polk County Line)
Freight Route on a Regional or District Highway	OR-99W	Entire segment within Polk County
Regional Highways	OR-22 Three Rivers Highway	Entire segment within Polk

		County
	OR-221 Salem-Dayton Highway	MP 9.26 to 10.98 (Polk/Yamhill County Line)
District Highways	OR-221 Salem-Dayton Highway	MP 0.00 to 9.26
	OR-223 Dallas-Rickreall Highway	Entire segment within Polk County
	OR-223 Kings Valley Highway	Entire segment within Polk County
	OR-51 Independence Highway	Entire segment within Polk County
	OR-194 Monmouth Highway	Entire segment within Polk County
	OR-18B Willamina-Sheridan Highway	Entire segment within Polk County

112.180 ESTABLISHMENT, ALTERATIONS, OR ELIMINATION OF FUTURE RIGHT-OF-WAY LINES. The governing body may establish, vary, modify, alter, or eliminate any future right-of-way line for any reason or purpose by resolution. Polk County will require dedication or reservation for future dedication of right-of-way for transportation improvements, as identified in an adopted Corridor Refinement Plan in the adopted Polk County Transportation Systems Plan.

- (A) The dedication or reservation will be required at the time that a partition or subdivision is proposed on a particular property. The dedication or reservation shall be for the property subject to the development proposal.
- (B) For development activity other than in (a) above, the property owner shall sign a Waiver of Remonstrance document for other development activity. Polk County will require setbacks for new structures or additions to existing structures from the future road right-of-way identified in the adopted Transportation Systems Plan. [Amended by Ordinance #01-10 dated November 14, 2001.]

112.190. SETBACK DISTANCES. An existing building or part thereof that extends into the front yard, side yard, or rear yard, shall be treated as a non-conforming building. [Amended by Ordinance #93, dated November 9, 1971.]

- (A) To permit or afford better light, air and vision on the more heavily traveled streets and roads; to protect the arterial streets and highways and to permit the expansion of street areas for traveling purposes, or eventual widening of streets or roads; every building, or structure, exclusive of signs, floodlight standards, and their supporting members shall set back from the streets or parts of streets or roads hereafter named, the number of feet set forth below, measured at right angles to the property line adjacent to the street or road right-of-way.

PRINCIPAL ARTERIAL (STATE 18,22)	MINOR ARTERIAL (STATE 51,99,221,223)	MAJOR & MINOR COLLECTOR (COUNTY)	LOCAL ROADS (COUNTY)
30 feet from existing R.O.W. for all commercial & industrial	30 feet *(measured from 80 foot R.O.W.)	30 feet *(measured from 60 foot R.O.W.)	See zone listing

30 feet from a 120 foot

R.O.W. for all non-commercial & industrial

* Indicates additional right of way may be required where existing is deficient.

The above setback provisions are minimum requirements, and are to be considered as supplementary and additional to any such requirements contained in any other part of this ordinance; provided, however, should a greater setback line or front yard be required along any portion of any street herein before named by any other section or provision of this ordinance, then such greater setback line or front yard area shall be the minimum permitted by this ordinance.

- (B) Required yard areas adjacent to a street shall be measured from the proposed future right-of-way line as set forth in this section. [Amended by Ordinance 90-14, dated November 28, 1990.]

112.200. AMENDMENT BY RESOLUTION. Future amendments to the road classification map shall be accomplished by resolution of the Board of Commissioners. [Amended by Ordinance 90-14, dated November 28, 1990.]

112.210. NEW AND EXISTING FACILITIES TO PROVIDE PARKING AND LOADING. Off-street automobile parking areas and off-street loading areas as hereinafter set forth shall be provided and maintained.

- (A) For any new building or structure erected.
- (B) For additional seating capacity, floor area, guest rooms, or dwelling units added to any existing building or structure.
- (C) When the use of the building or structure as set forth in Section 112.250 is changed, which changed use would require additional parking areas and off-street loading areas under the provisions of this ordinance.

112.220. DIMINUTION OF PARKING AREA PROHIBITED. Off-street parking and loading areas which existed on the effective date of this ordinance (November 13, 1970) or which subsequent thereto are provided for the purpose of complying with the provisions of this code shall be retained and maintained or the equivalent parking and loading areas provided.

112.230. LOCATION. Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

- (A) In the SR zone, automobile parking areas for dwellings and other uses permitted in that zone may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure or use;
- (B) In any other zone the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site.

112.240. JOINT USE. A parking area may be used for a loading area during those times when the parking area is not needed or used. The automobile parking space provided by churches and schools may be made available as a public or private parking lot when the use thereof is not required by the church or school for which such parking was provided, regardless of the zone wherein located, provided the lot is developed as prescribed in this ordinance.

112.250. OFF-STREET AUTOMOBILE PARKING REQUIREMENTS. Off-street automobile parking shall be provided as required by Section 112.270 and approved by the Planning Director in the amounts not less than those listed below:

<u>USE</u>	<u>AMOUNT REQUIRED</u>
(A) 1, 2 and 3 family dwellings	1 space per dwelling unit
(B) Multi-family dwelling containing 4 or more dwelling units located on the same lot	3 spaces per 2 dwelling units (equal to 1.5 the number of units)
(C) Residential hotel; rooming or boarding house	4 spaces per 5 guest accommodations (equal to 8 percent of the number of guest accommodations, plus 1 additional space for the owner or manager)
(D) Fraternities, sororities, dormitories (off campus)	1 space for every 4 student houses or beds
(E) High rise apartments (3 stories or more)	1 space per unit
(F) Hotel	1 space per guest room or suite
(G) Motel	1 space per guest room or suite, plus 1 additional space for the owner or manager
(H) Club; lodge	Spaces sufficient to meet the combined minimum requirements of the daytime uses being conducted, such as hotel, restaurant, auditorium, etc.
(I) Welfare or correctional	1 space per 5 beds for institution patients or inmates
(J) Convalescent hospital, nursing home, sanitarium, rest home, home for aged, group care facility	1 space per 2 beds for patients or residents
(K) Hospital	3 spaces per 2 beds (equal to 1.5 times the number of beds)
(L) Church	1 space per 4 seats or every 8 feet of bench length in the main auditorium
(M) Library; reading room	1 space per 400 sq. ft. of floor area, plus 1 space per 2 employees
(N) Pre-school nursery; kindergarten	2 spaces per teacher, plus off-street student loading and unloading facility

(O)	Elementary or Junior High School	2 spaces per classroom, plus off-street student loading and unloading facility
(P)	High School	1 space per classroom, plus 1 space per administrative employee, plus 1 space for each 6 students, plus off-street student loading and unloading facility
(Q)	College, commercial school for adults	1 space for each 4 students enrolled in school
(R)	Other auditorium; meeting	1 space per 4 seats or 8 feet room of bench length
(S)	Parks - other than neighborhood parks or playgrounds, where a use is specifically listed herein, then the off-street parking requirements for that use shall apply	1 space per 3 picnic tables, plus 5 spaces sufficient parking for all activities within the park shall be provided when sufficient on-street parking is not available
(T)	Stadium; arena; theater	1 space per 4 seats or 8 feet of bench length
(U)	Bowling alley	5 spaces per alley, plus 1 space per 2 employees
(V)	Dance hall; skating rink	1 space per 100 sq. ft. of gross floor area, plus 1 space per 2 employees
(W)	Golf Course	4 spaces for each tee, plus 1 space per 200 sq. ft. of gross floor area of each building, plus 1 space per every 2 employees
(X)	Retail store, except as provided in paragraph (Y) of this subsection	1 space per 200 sq. ft. of gross floor area, plus 1 space per every 2 employees
(Y)	Service or repair shop store handling exclusively bulky merchandise such as automobiles and furniture	1 space per 600 sq. ft. of gross floor area, plus 1 space per every 2 employees
(Z)	Bank; office buildings (except medical and dental)	1 space per 300 sq. ft. of gross floor area, plus 1 space per 2 employees
(AA)	Medical and dental clinic	1 space per 300 sq. ft. of gross floor area, plus 1 space per 2 employees
(BB)	Eating or drinking establishments	1 space per 200 sq. ft. of gross floor area
(CC)	Mortuaries	1 space per 4 seats or 8 feet of bench length in chapels
(DD)	Storage Warehouse;	<u>0-49,999 sq. ft. of floor area:</u> 1 space per 5,000 sq.

manufacturing establishment; rail or trucking freight terminal ft. or 1 space per employee, whichever is greater

50,000-99,999 sq. ft. of floor area: 1 space per 10,000 sq. ft. or 1 space per employee, whichever is greater

100,000 sq. ft. and over of floor area: 1 space per 15,000 sq. ft. or 1 space per employee, whichever is greater

(EE) Wholesale establishment 1 space per employee or 1,000 sq. ft. of gross floor area, whichever is greater, plus 1 space per 700sq. Ft. of patron-serving area

(FF) Governmental Office Buildings 1 space per 600 sq. ft. of gross floor area, plus 1 space per 2 employees

(GG) When a parking requirement is stated in terms of employees, it means the maximum number of employees who will be at the site at one time, either on a single shift or an overlap of shifts

112.260. OFF-STREET LOADING AREA DEVELOPMENT REQUIREMENTS. Off-street loading space shall be provided in the amounts listed below except that, in appropriate cases, the Hearings Officer or Planning Director may waive the requirements for loading space, after proceedings are had as for a conditional use as provided in Chapter 119, and when the Hearings Officer or Planning Director has determined that the use to which the building is to be put is of a kind not requiring the loading or unloading or delivery of merchandise or other property by commercial trucks or delivery vehicles; provided, however, whenever the use of such building is changed to another use, then such loading space as is required by this ordinance shall be provided.

(A) A minimum loading space size of 12 feet wide, 20 feet long, and 14 feet high shall be required as follows:

- (1) For multi-family dwellings with ten (10) or more dwelling units, 1 space;
- (2) For buildings used entirely for office occupancy, up to 2,000 square feet gross floor area, one (1) space; for each additional 40,000 square feet of gross floor area, or any portion thereof, one (1) space;

(B) A minimum loading space size of 12 feet wide, 30 feet long and 14 feet high shall be required as follows:

- (1) For all buildings except residential and those used entirely for office use: Up to 2,000 square feet gross floor area, one (1) space;
- (2) For each additional 40,000 square feet of floor area or any portion thereof, one (1) space.

112.270. PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS. All parking and loading areas except those for single family dwellings shall be developed and maintained as follows:

- (A) Location or site: The required yard areas adjacent to a street shall not be used for parking or loading areas and the yards shall be the same as is required for the main building in the district in which the parking area is to be located and such yard area adjacent to a street shall be landscaped with trees, shrubs, grass or evergreen ground cover and other complementary materials and maintained in a neat and well appearing manner. The side and rear yards, other than those adjacent to a street, may be used for parking and loading areas when such areas have been developed and are maintained as required by this ordinance.
- (B) Surfacing: Inside an adopted urban growth boundary all driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded and drained as required by the director of public works except where existing. When existing gravel lots inside the UGB are expanded in excess of 50 percent above the existing lot size they shall be paved. Outside of urban growth boundaries, gravel, asphalt or concrete may be used for surfacing based on the standard of: six (6) inches of one (1) inch minus gravel to three (3) inch minus; if three (3) inch minus is used the top two (2) inches shall be one (1) inch minus or an alternative as approved by the Director of Public Works. A paved access apron to any paved access road is required regardless of the parking lot surface. [Subsection (b) amended by Ordinance 90-19, dated January 2, 1991.]
- (C) Bumper guards or wheel barriers: Bumper guards or wheel barriers shall be so installed that no portion of a vehicle will project into a public right-of-way or over adjoining property. The area beyond the wheel barriers or bumper guards shall be paved or covered with evergreen ground cover.
- (D) Size of parking spaces and driveways: The parking area, each parking space and all driveways shall be of sufficient size and all curves and corner of sufficient radius to permit the safe operation of a standard size automobile, to wit:
- (1) Parking space (See Appendix 1);
 - (2) Maximum 12 percent grade for driveways;
 - (3) Directional signs and pavement marking shall be used to control vehicle movement in the parking lot;
 - (4) One-way drives shall have an improved width of at least 12 feet, and the inside radius at the curb shall be 25 feet for any curves or corners and signs shall be erected indicating the one-way direction;
 - (5) Two-way driveways shall have an improved width of at least 20 feet and the inside radius at the curb shall be 25 feet for any curves or corners.
- (E) Access: All parking or loading areas shall be served with either separate ingress and egress driveways or with an adequate turn-around, which is always available and useable. All entrances and exits onto a public right-of-way shall first have the approval of the Director of Public Works or County Engineer.
- (F) Fences, walls and hedges:
- (1) When the parking or loading area is within the SR zone such parking or loading area shall be screened from all obscuring ornamental fence, wall or compact evergreen hedge, except along an alley;
 - (2) When the parking or loading area is adjacent to the SR zone, there shall be a sight obscuring ornamental fence, wall, or compact evergreen hedge between the parking or loading area and the SR zone, except along an alley;
 - (3) The ornamental fence or wall shall be erected and maintained at a height of at least four (4) feet but not more than seven (7) feet; a compact evergreen hedge shall be not less than three (3) feet at planting and capable of reaching a height

of six (6) feet. Fences, walls or hedges shall have the same setback requirements from all streets and the same vision clearance areas as required for a one (1) story building in the zone in which such parking or loading area is located. In yard areas other than those adjacent to a street, the fence wall or hedge may be located on the property line.

- (G) **Lighting:** Any light used to illuminate a parking or loading area shall be so arranged as to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public right-of-way.
- (H) **Landscaping:** In every residential, commercial, and industrial zone other than the SR zone, there shall be provided a landscaped yard as set forth in the appropriate development standards sections of this chapter. In addition to other landscape requirements every newly developed automobile off-street parking area or if any graveled or unimproved lot is paved, such lot shall have at least one (1) percent of the gross parking lot area devoted to landscaping. The gross parking lot area, as used in this instance, is the outer boundaries of the specific area devoted to parking of automobiles exclusive of any buildings and/or other landscaping areas otherwise provided.
- (I) **Plans and Permits:** Plans at a workable scale shall be referred to the Director of Public Works or County Engineer for a recommendation prior to the issuance of a permit by the Building Official.
- (J) **Loading spaces** shall be marked for loading only.

112.280. APPLICATION OF REGULATIONS REGARDING ACCESSORY

STRUCTURES. The regulations regarding accessory structures set forth in this Chapter shall apply to customary residential accessory buildings for private use in the Suburban Residential Zoning District. These regulations do not apply to accessory structures in the Acreage Residential Five Acre (AR-5) and Ten Acre (AR-10) Zones, or Agriculture and Forestry Ten Acre (AF-10) zone.

112.290. LOT COVERAGE BY ALL ACCESSORY STRUCTURES. The lot coverage by all accessory structures shall not be more than 25 percent of rear yard area.

112.300. HEIGHT STANDARDS FOR ACCESSORY STRUCTURES. The maximum height (as defined by Section 110.260) of any accessory structure shall be eight (8) feet when the foundation of the accessory structure is located at the lot line as provided by Section 112.330.

For properties which are not located within adopted urban growth boundaries, the maximum height for an accessory structure may be increased one (1) foot for each one (1) foot of distance from the lot line to a maximum height of 35 feet.

For properties within adopted urban growth boundaries, the maximum height for accessory structures shall be the applicable city standard. No variances to this standard shall be allowed, however the affected city may waive this requirement, in writing, to allow construction of an accessory structure up to 35 feet in height. If a waiver is granted by the affected city, the maximum height for the accessory structure may be increased one (1) foot for each one (1) foot of distance from the lot line to the maximum height of 35 feet.

112.310. FRONT YARDS AND YARDS ADJACENT TO STREETS WITH ACCESSORY STRUCTURES. Any accessory structure, except fences, which has any portion extending above grade shall observe the yard requirements the same as the main building, otherwise all such structures shall be at or below grade.

112.320. SIDE YARDS, INTERIOR WITH ACCESSORY STRUCTURES. Accessory structures not attached to the main building located in an interior side yard shall be set back at least five (5) feet from any lot line.

112.330. REAR YARDS WITH ACCESSORY STRUCTURES. Within interior rear yards and portions of rear yards not abutting a street, an accessory structure may be placed on the property line except along an alley; all structures except fences shall be at least one (1) foot from the alley. Note: The Building Code may require a setback from the property line.

112.340. ACCESSORY STRUCTURES ATTACHED TO THE MAIN BUILDING.

Covered or enclosed accessory buildings which are attached to the main building shall be considered as a portion of the main building and shall observe the same requirements as the main building except for certain projections, as provided in Sections 112.100, 112.110, and 112.120. Accessory structures shall be considered as being attached to the main building when any portion of the accessory structure is located within four (4) feet of the main building.

112.350. FENCES-LOCATION HEIGHT AND DENSITY. In any yard adjacent to a street and within ten (10) feet from the property line adjacent to such street, fences, walls and hedges may be up to 48 inches in height, when that portion of the fence above 24 inches is at least 75 percent open when measured at 90 degrees to the fence. Fences located in a yard area other than above described may be up to seven (7) feet in height.

112.360. MEASUREMENT OF HEIGHT OF FENCES. All fences along a public right-of-way will be measured from and along the sidewalk, or if no sidewalk exists, from and along the curb, or if no curb exists, from and along the finished shoulder grade of the right-of-way. All other fences will be measured from and along the finished grade of the property along the fence.

112.370. FENCES-USE OF HAZARDOUS MATERIALS. Fences shall not be constructed of or contain any material which will do bodily harm, such as barbed wire, electric wire, (other than stock fences), broken glass, spikes, and any other hazardous or dangerous materials.

112.390. RESIDENTIAL ZONE DEVELOPMENT STANDARDS

(A) Suburban Residential Zoning District (SR)

- (1) **LOT AREA COVERAGE AND WIDTH.** The front building line of every lot in an SR Zone shall have a minimum width of 60 feet. Total lot coverage by a dwelling, main building and accessory building in combination shall not exceed 40 percent of the lot area.
- (2) **FRONT YARD.** Every building erected, constructed, or altered in an SR Zone shall set back from the front lot line at least 20 feet, except in the instance where the average depth of the other buildings on the same side of the street are between ten (10) and 20 feet, then the average depth may be used. The average depth is the average of the distance from the closest part of the foundation of the existing buildings to the front property line where the existing buildings are within 200 feet of the center of the proposed building, on the same side of the street, within the same block.

If existing buildings are within ten (10) feet of the property line, then no less than 10 feet shall be used in figuring the average, or if existing building are more than 20 feet from the property line then the minimum requirement of 20 feet shall be used in figuring the average.

When by this ordinance or any other ordinance a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply.

- (3) SIDE YARDS. There shall be a side yard on each side of the main building on every lot in an SR Zone in width not less than five (5) feet for a one-story building; not less than six (6) feet for a two and one-half (2-1/2) story building; provided, however, any side yard adjacent to a street shall conform to the setback set forth in Section 112.080.
- (4) REAR YARDS. There shall be a rear yard on every lot in an SR Zone, which rear yard shall have a minimum depth of 24 feet for a one (1) story building, 30 feet for a two (2) story building and 36 feet for a two and one-half (2-1/2) story building. In the case of a corner lot, the minimum depth shall be 14 feet for a one (1) story building, 20 feet for a two (2) story building adjacent to either interior lot line; provided, however, any rear yard provided adjacent to a street shall conform to the setback set forth in Section 112.080.
- (5) HEIGHT. In the SR Zone, no buildings or structure shall exceed 35 feet or two and one-half (2-1/2) stories in height, except churches and public and semi-public buildings, where permitted, may be built to a height of 70 feet or six (6) stories, provided any such buildings set back from every street and lot line one (1) foot for each foot of height of the building in excess of 35 feet, in addition to other yard and setback requirements herein specified.
- (6) MINIMUM SIZE FOR THE CREATION OF NEW PARCELS OR LOTS. The minimum size for newly created lots or parcels in the Suburban Residential Zone shall be as follows:
 - (a) 1.00 acre within unincorporated communities, or
 - (b) 2.00 acres outside urban growth boundaries and outside unincorporated community boundaries, or
 - (c) Within an urban growth boundary, the minimum size for newly created parcels or lots shall conform to the lot area requirements identified in the urban growth management agreement between Polk County and the affected City.

Note: Nothing in this section provides for an exemption from compliance with Polk County Subdivision Ordinance Section 91.350 which requires that each lot or parcel be of proper size to provide for adequate sub-surface sewage disposal facilities.

(B) Acreage Residential and Agriculture and Forestry Zoning Districts (AR-5, AR-10, and AF-10)

(1) LOT AREA.

- (a) The minimum lot size in the AR-5 Zone shall be five (5) acres.
- (b) The minimum lot size in the AR-10 and AF-10 Zones shall be ten (10) acres.

(2) YARDS.

- (a) There shall be front, side, and rear yards of the following depths for lots in the AR-5, AR-10, and AF-10 Zoning Districts:

All buildings and structures

Front	Side	Rear
30 feet	20 feet	20 feet

- (b) Any side or rear yard adjacent to a street shall meet the yard requirement for a front yard.

- (c) When by this ordinance or any other ordinance, a greater setback or front yard of greater depth is required by this section, the greater setback line or front yard depth shall apply. If a lesser setback or yard is required, the provisions of this ordinance shall apply.
 - (d) All structures are subject to any special setback lines, where specified on designated arterials or collectors, in addition to the above setbacks.
- (3) HEIGHT. In the AR-5, AR-10, and AF-10 Zones, no buildings or structure shall exceed 35 feet or two and one-half (2-1/2) stories in height, except churches and public and semi-public buildings, where permitted, may be built to a height of 70 feet or six (6) stories, provided any such buildings set back from every street and lot line one (1) foot for each foot of height of the building in excess of 35 feet, in addition to other yard and setback requirements herein specified. [Amended by Ordinance #04-01, dated January 21, 2004.]

(C) Residential Multi-Family Zoning District (RM)

- (1) LOT AREA AND WIDTH. In the RM zone the minimum requirements for lot area shall be 6,000 square feet for a single-family dwelling. The minimum lot area requirements for other residential uses shall be 5,000 square feet additional lot area computed as follows:
 - (a) For the 1st through the 5th unit:
 - (i) For each dwelling unit with one (1) or less bedrooms - 750 square feet;
 - (ii) For each dwelling with two (2) bedrooms - 1,000 square feet;
 - (iii) For each dwelling with three (3) or more bedrooms - 1,200 square feet.
 - (b) For the 6th dwelling unit and each succeeding dwelling unit the following additional lot area shall be required:
 - (i) For each dwelling unit with one (1) or less bedrooms:
 - (A) One (1) story - 1,250 square feet
 - (B) Two (2) story - 1,000 square feet
 - (ii) For each dwelling with two (2) bedrooms:
 - (A) One (1) story - 1,675 square feet
 - (B) Two (2) story - 1,300 square feet
 - (iii) For each dwelling with three (3) or more bedrooms:
 - (A) One (1) story - 2,150 square feet
 - (B) Two (2) story - 1,700 square feet
 - (c) No main building or group of buildings shall occupy more than 40 percent of the lot area, and no detached accessory structure may occupy more than 25 percent of any side or rear yard, except that covered or enclosed parking structure limited to one story in height shall be excluded from these coverage provisions;
 - (d) Every lot in the RM zone shall have a minimum width of 50 feet at the front building line. The minimum lot area requirements for buildings other than dwellings shall be of an area not less than the sum of the area occupied by the building or buildings, and the area required for yards herein, or 5,000 square feet, whichever is greater.

- (e) Subdivision or partition proposals for property located within an adopted Urban Growth Boundary shall conform to the lot area requirements of all urban growth management agreements adopted between Polk County and the participating city prior to granting of final approval.
- (2) FRONT YARDS. In the RM zone, there shall be a minimum front yard of 20 feet. No parking shall be allowed in the required minimum front yard.
- (3) SIDE AND REAR YARD.
 - (a) There shall be a side yard and a rear yard on every lot in the RM zone, which yards shall have a minimum depth as follows:
 - (i) One story - six (6) feet
 - (ii) Two story - seven (7) feet
 - (iii) Two and one-half (2 1/2) story - eight (8) feet

There shall be added to these minimum side yard and the rear yard requirements, one (1) foot for each multiple of 15 feet or portion thereof, that the length of the side of the building measures over 30 feet. Notwithstanding Section 110.610, the rear yard in the RM zone shall be measured from the property line.

- (b) In lieu of subsection (a) of this section, side and rear yards may be provided which will allow placement of portions of a main building with offsets and jogs at varying yard depths, provided the said yards shall conform to the following conditions:
 - (i) The minimum yard depth for any continuous wall between offsets and jogs shall be computed and provided as in subsection (a) of this section for that portion of the wall between offsets and jogs, provided the total yard area equals that which would have been otherwise provided in said subsection (a) which area shall be determined by multiplying the length of the yard times the depth of the yard.
 - (ii) The minimum yard depth for any portion of a building shall be six (6) feet for a one (1) story, seven (7) feet for a two (2) story, and eight (8) feet for a two and one-half (2 1/2) story building.

(4) LANDSCAPED YARDS.

- (a) In the RM zone, the following landscaped yard shall be provided for residential uses other than single and two (2) family dwellings:
- (i) For each dwelling unit with one (1) or less bedrooms - 300 square feet;
 - (ii) For each dwelling with two (2) bedrooms - 400 square feet;
 - (iii) For each dwelling with three (3) bedrooms - 500 square feet;
 - (iv) For each dwelling with more than three (3) bedrooms - 500 square feet, plus 100 square feet for each additional bedroom in each unit.
- (b) In the RM zone all required yards adjacent to a street shall be landscaped, save that portion devoted to off-street parking. Such landscaping may be counted in fulfilling the requirements of subsection (a).

- (5) HEIGHT. In the RM zone, no building or structure shall exceed 35 feet or two and one-half (2 1/2) stories in height, except churches and public and semi-public buildings, where permitted, may be built to a height not to exceed 70 feet or six stories, provided any such building sets back from every street and lot line one foot for each foot of height of the building in excess of 35 feet, in addition to other yard and setback requirements herein specified.

(D) Limited Multi-Family Residential Zone (RL)

- (1) LOT AREA AND WIDTH. In the RL zone the minimum requirements for lot area shall be 6,000 square feet for a single-family dwelling. The minimum lot area requirements for other residential uses shall be 5,000 square feet additional lot area computed as follows:
- (a) For the 1st through the 5th unit:
- (i) For each dwelling unit with one (1) or less bedrooms - 750 square feet;
 - (ii) For each dwelling with two (2) bedrooms - 1,000 square feet;
 - (iii) For each dwelling with three (3) or more bedrooms - 1,200 square feet.
- (b) For the 6th dwelling unit and each succeeding dwelling unit the following additional lot area shall be required:
- (i) For each dwelling unit with one (1) or less bedrooms, one (1) story - 1,250 square feet;
 - (ii) For each dwelling unit with two (2) bedrooms, one (1) story - 1,675 square feet;
 - (iii) For each dwelling with three (3) or more bedrooms, one (1) story - 2,150 square feet;
- (c) No main building or group of buildings shall occupy more than 40 percent of the lot area, and no detached accessory structure may occupy more than 25 percent of any side or rear yard; except that covered or enclosed parking structure limited to one story in height shall be excluded from these coverage provisions;
- (d) Every lot in the RL zone shall have a minimum width of 50 feet at the front building line. The minimum lot area requirements for buildings other than dwellings shall be of an area not less than the sum of the area

occupied by the building or buildings, and the area required for yards herein, or 5,000 square feet, whichever is greater.

- (e) Subdivision or partition proposals for property located within an adopted Urban Growth Boundary shall conform to the lot area requirements of all urban growth management agreements adopted between Polk County and the participating city prior to granting of final approval.
- (2) FRONT YARDS. In an RL zone, there shall be a minimum front yard of 20 feet. No parking shall be allowed in the required minimum front yard.
- (3) SIDE AND REAR YARD.
- (a) There shall be a side yard and a rear yard on every lot in the RL zone, which yards shall have a minimum depth of six (6) feet; provided there shall be added to the minimum side yard and rear yard requirements, one (1) foot for each multiple of 15 feet or portion thereof, that the length of the side of the building measures over 30 feet. Notwithstanding Section 110.610, the rear yard in an RL zone shall be measured from the property line.
 - (b) In lieu of subsection (a) above, side and rear yards may be provided which allow placement of portions of a main building with offsets and jogs at varying yard depths, provided the said yards shall conform to the following conditions:
 - (i) The minimum yard depth for any continuous wall between offsets and jogs shall be computed and provided as in (a) above for that portion of the wall between offsets and jogs; provided the total yard area equals that which would have otherwise been provided in (a) above, which area shall be determined by multiplying the length of the yard times the depth of the yard.
 - (ii) The minimum yard depth for any portion of a building shall be 6 feet.
 - (c) Notwithstanding the provisions of subsections (a) and (b) of this section, any side yard or rear yard adjacent to a street shall have a minimum yard depth of 20 feet. No parking shall be allowed within ten (10) feet of the street property line; provided, however, in no case shall parking be allowed in a required rear yard abutting the parallel or approximately parallel street or a through lot. For the purposes of this subsection, through lot shall be defined as a lot having frontage on two (2) parallel or approximately parallel street.
 - (d) The yard depth between two (2) or more main buildings on the same lot shall be equal to that side yard depth measured to an assumed property line drawn between the buildings. The yard depth between the assumed property line and the building shall not be less than as provided in (a) above.
- (4) LANDSCAPED YARDS.
- (a) In the RL zone, the following landscaped yard shall be provided for residential uses other than single and two (2) family dwellings:
 - (i) For each dwelling unit with one (1) or less bedrooms - 300 square feet;
 - (ii) For each dwelling with two (2) bedrooms - 400 square feet;
 - (iii) For each dwelling with three (3) bedrooms - 500 square feet;

- (iv) For each dwelling with more than three (3) bedrooms - 500 square feet, plus 100 square feet for each additional bedroom in each unit.
 - (b) In the RL zone all required yards adjacent to a street shall be landscaped, save that portion devoted to off-street parking. Such landscaping may be counted in fulfilling the requirements of subsection (a) above.
 - (5) HEIGHT. In the RL zone, no building or structure except a single-family dwelling on a separate deeded lot shall exceed one (1) story or 20 feet in height. Single-family dwellings shall not exceed 35 feet or two and one-half (2-1/2) stories. When approved by the Planning Director or Hearings Officer as a conditional use, churches and public and semi-public buildings, where permitted, may be built to a height not to exceed 70 feet or six (6) stories, provided any such building sets back from every street and lot line one (1) foot for each foot of height of the building in excess of 35 feet, in addition to other yard and setback requirements herein specified.
- (E) High Rise Apartment Residential Zone (RH)
- (1) LOT AREA AND WIDTH. Where the building or structure or portion thereof to be erected, altered or enlarged is not to exceed 35 feet or two and one-half (2-1/2) stories, then the requirements for lot area and width in the RM zone set forth in the RM zone (Section 112.380) shall apply. For buildings or structures exceeding 35 feet or two and one-half (2-1/2) stories the lot shall have a minimum lot area of 10,000 square feet.
- Subdivision or partition proposals for property located within an adopted Urban Growth Boundary shall conform to the lot area requirements of all urban growth management agreements adopted between Polk County and the participating city prior to granting of final approval.
- (2) FRONT YARDS. In the RH zone, there shall be a minimum front yard of 20 feet. No parking shall be allowed in the required minimum front yard.
 - (3) SIDE YARDS. When the building or structure or portion thereof to be erected, altered, or enlarged is not to exceed 35 feet or two and one-half (2-1/2) stories, then the requirements for side yards set forth in the RM zone (Section 112.380 (C)(3)) shall apply. For buildings and structures exceeding 35 feet or two and one-half (2-1/2) stories, each main building on each side shall have side yards, the minimum width of each shall be five (5) feet, which width shall be increased by 3 feet for each additional story above the first, but need not exceed 20 feet; provided, however, any side yard provided adjacent to a street shall have a minimum width of 20 feet, and there shall be no parking allowed with ten (10) feet of the street.
 - (4) REAR YARDS. Where the building or structure or portion thereof to be erected, altered, or enlarged is not to exceed 35 feet or two and one-half (2-1/2) stories, then the requirements for rear yards set forth in the RM zone (Section 112.380 (C)(3)) shall apply. For buildings and structures exceeding 35 feet or two and one-half (2-1/2) stories, there shall be a rear yard on every lot in an RH zone, which rear yard shall have a minimum depth of 20 feet for a one (1) story building, plus four (4) for each additional story above the first. Where the rear yard abuts a street no parking shall be allowed in the area within ten (10) of the said street.
 - (5) LANDSCAPED YARDS. Where the building or structure or portion thereof to be erected, altered, or enlarged is not to exceed 35 feet or two and one-half (2-1/2) stories, then the requirements for landscaped yards in the RM zone (Section 112.380 (C)(3)) shall apply. For buildings and structures exceeding 35 feet or two and one-half stories (2-1/2) stories all required yards therefore

adjacent to a street shall be landscaped, save that portion devoted to offstreet parking.

- (6) HEIGHT. There shall be no restrictions on height in an RH zone. [Amended by Ordinance 00-12]

112.400. COMMERCIAL ZONE DEVELOPMENT STANDARDS

- (A) Commercial Office Zoning District (CO) & Unincorporated Community Office Zoning District (UC-CO)

- (1) LOT AREA AND WIDTH. Where the structure or building to be erected, altered or enlarged is to be used for purposes enumerated in the RM Zone, then the restrictions for lot area and width in the RM Zone shall govern (Section 112.380 (C)(1)). All other types of main building or accessory buildings shall occupy no more than 60 percent of the lot area.
- (2) FRONT YARDS. In the CO and UC-CO Zones there shall be a minimum front yard of 20 feet, and no parking shall be allowed.
- (3) SIDE YARDS. Where the structure or building or portion thereof to be erected, altered or enlarged is to be used for purposes enumerated in the RM Zone, then the restrictions for side yards in the RM Zone (Section 112.380 (C)(3)) shall govern. For buildings and structures erected, altered, or enlarged for other than RM Zone purposes, side yards shall be provided as follows:
- (a) Main building:
- (i) One (1) story - five (5) feet
 - (ii) Two (2) story - ten (10) feet
- (b) Between main building on one (1) lot:
- (i) One (1) story - ten (10) feet
 - (ii) Two (2) story - fifteen (15) feet

Provided, however, any side yard provided adjacent to a street shall have a minimum width of 20 feet, and no parking shall be within 10 feet of said street.

In the UC-CO Zone, side yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (4) REAR YARD. Where the structure or building or portion thereof to be erected, altered or enlarged is to be used for purposes enumerated in the RM Zone, then the restrictions for rear yards in the RM Zone (Section 112.380 (C)(3)) shall govern. For buildings and structures erected, altered, or enlarged for other than RM Zone purposes, there shall be a rear yard provided on every lot of a minimum of 10 feet for one (1) story buildings and 14 feet for two (2) story buildings. In case the rear yard provided for is adjacent to a street, the minimum depth shall be 20 feet and no parking shall be allowed within 10 feet of said street. When a lot is used for other than residential purposes, and the rear yard abuts upon or is adjacent to premises used for residential purposes, then the rear yard shall be enclosed with an ornamental fence or wall not less than six (6) feet in height or an ornamental compact evergreen hedge not less than three (3) feet and capable of attaining a height of six (6) feet, but this provision shall not apply to a lot bordered upon an alley.

In the UC-CO Zone, a rear yard adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. In the UC-CO Zone, side yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses

HEIGHT. Where the building or structure or portion thereof to be erected, altered or enlarged is to be used for purposes enumerated in the RM Zone, then the restrictions for height in the RM Zone shall govern. For buildings and structures erected, altered or enlarged for other than said purposes shall not exceed two (2) stories or 35 feet in height.

(B) Commercial Retail Zoning District (CR), Unincorporated Community Commercial Retail Zoning District (UC-CR), Eola Unincorporated Community Commercial Zoning District, and Rickreall Unincorporated Community Commercial Zoning District (Rickreall UC-C).

- (1) LOT AREA AND WIDTH. Buildings or structures hereafter erected, altered, or enlarged and used wholly or partly for residential purposes in the CR, UC-CR, Eola UC-C, & Rickreall UC-C Zones shall comply with the lot area and width requirements of the RM Zone (Section 112.380 (C)(1)), otherwise no other lot area requirements exist.
- (2) FRONT YARD. A landscaped yard three (3) feet in depth shall be provided in the CR, UC-CR, Eola UC-C, and Rickreall UC-C Zones on every lot adjacent to a street, except that building or structures or any portion thereof used for residential purposes shall provide the front yard and landscaped yard as set forth in the RM Zone (Section 112.380 (C)(2)).
- (3) SIDE AND REAR YARDS. In the CR, UC-CR, Eola UC-C, and Rickreall UC-C Zones, no side or rear yard is required except as herein provided, but if one is provided it shall be not less than three (3) feet in depth exclusive only of any alley. A side or rear yard shall be provided in the CR, UC-CR, Eola UC-C, and Rickreall UC-C Zones when:
 - (a) The lot abuts or is adjacent to a premises used or is zoned for residential purposes. The yard shall be not less than three (3) feet in depth.
 - (b) The buildings or structures or portions thereof on a lot are used for residential purposes in which circumstances side and rear yard restrictions in RM Zones shall apply. In the case of subsection (a) of this section, the side and rear yard shall be contained by a wall or fence or ornamental compact evergreen hedge not less than three (3) feet high and capable of attaining a height of six (6) feet.
 - (c) A landscaped yard three (3) feet in depth shall be provided in all side and rear yards adjacent to a street.

In the UC-CR, Eola UC-C, and Rickreall UC-C Zones, side and rear yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (4) **LANDSCAPED YARDS.** All yards shall be landscaped exclusive of through direct driveways, adjacent to every street, on every lot upon which a new non-residential structure is erected, or a graveled or unimproved lot is paved or a lot is newly developed for the outdoor sale or display of merchandise, goods or services.
- (5) **HEIGHT.** Where the building or structure or portion thereof to be erected, altered, or enlarged is to be used for residential purposes in the CR, UC-CR, Eola UC-C, or Rickreall UC-C Zones, the restrictions for height in the RM Zone (Section 112.380 (C)(5)) shall govern. Buildings and structures erected, altered or enlarged for other than residential purposes shall not exceed three (3) stories or 45 feet in height.
- (6) **CONDITIONS IMPOSED WHERE ZONE CHANGES TO CR, UC-CR, Eola UC-C, or Rickreall UC-C ZONE ABUTS RESIDENTIAL ZONE.** In any zone change or reclassification of property to the CR, UC-CR, Eola UC-C, or Rickreall UC-C Zones where the territory proposed to be changed abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed CR, UC-CR, Eola UC-C, and Rickreall UC-C Zones and the residential zone, conditions to preserve neighborhood qualities may be imposed by the Board of Commissioners relating to:
 - (a) Size and location of signs;
 - (b) Size, type and location of outdoor lighting;
 - (c) Landscaped areas;
 - (d) Screening;
 - (e) Building setbacks; and
 - (f) Ingress and egress for commercial uses.

If any of the above conditions are imposed, they shall be placed in the deed records of the County.

- (A) **Commercial General Zoning District (CG) & Unincorporated Community Commercial General Zoning District (UC-CG)**
 - (1) **LOT AREA AND WIDTH.** Buildings or structures hereafter erected, altered or enlarged and used wholly or partly for residential purposes in the CG and UC-CG Zones shall comply with the lot area requirements in the RM Zone (Section 112.380 (C)(1)), otherwise no other lot area requirements exist.
 - (2) **FRONT YARD.** A landscaped yard three (3) feet in depth shall be provided in the CG and UC-CG Zones on every lot adjacent to a street, except that buildings or structures or any portion thereof used for residential purposes shall provide the front yard and landscaped yard as set forth in the RM Zone (Section 112.380 (C)(2)).
 - (3) **SIDE AND REAR YARDS.** In the CG and UC-CG Zones, no side or rear yard is required, except as herein provided, but if one is provided it shall be not less than three (3) feet in depth exclusive of any alley. A side or rear yard shall be provided in the CG and UC-CG Zones when:
 - (a) The lot abuts or is adjacent to a premises used or is zoned for residential purposes. The yard shall be not less than three (3) feet in depth.
 - (b) The buildings or structures or portions thereof on a lot are used for residential purposes, in which circumstances, side and rear yard restrictions in the RM Zone (Section 112.380 (C)(3)) shall apply. In the case of subsection (a) of this section, the side and rear yard shall be contained by a wall or fence or ornamental compact evergreen hedge not

less than three (3) feet high and capable of attaining a height of six (6) feet.

- (c) A landscaped yard three (3) feet in depth shall be provided in all side and rear yards adjacent to a street.

In the UC-CG Zone, side and rear yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (4) LANDSCAPED YARDS. All yards shall be landscaped exclusive of through direct driveways, adjacent to every street, on every lot upon which a new non-residential structure is erected, or a graveled or unimproved lot is paved or a lot is newly developed for the outdoor sale or display of merchandise, goods or services.
- (5) HEIGHT. Where the building or structure or portion thereof to be erected, altered, or enlarged is to be used for residential purposes in the CG and UC-CG Zones, the restrictions for height in the RM Zone (Section 112.380 (C)(5)) shall govern. Buildings and structures erected, altered or enlarged for other than residential purposes shall not exceed six (6) stories or 70 feet in height.
- (6) CONDITIONS IMPOSED WHERE ZONE CHANGE TO CG OR UC-CG ZONE ABUTS RESIDENTIAL ZONE. In any zone change or reclassification of property to the CG and UC-CG Zones where the territory proposed to be changed abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed CG and UC-CG Zones and the residential zone conditions to preserve neighborhood qualities may be imposed by the Board of Commissioners relating to:
 - (a) Size and location of signs;
 - (b) Size, type and location of outdoor lighting;
 - (c) Landscaped areas;
 - (d) Screening;
 - (e) Building setbacks; and
 - (f) Ingress and egress for commercial uses.

If any of the above conditions are imposed they shall be placed in the deed records of the County. [Amended by Ordinance #00-03, dated May 5, 2000]

(D) Rural Commercial Zoning District (R-COM)

- (1) LOT AREA The minimum lot area shall be adequate to provide for an approved on site septic system, a potable water source, parking and other applicable development standards of this Chapter and other general provisions and exceptions set forth by this ordinance.
- (2) LOT WIDTH. The minimum average lot width shall be 100 feet. The minimum lot width at the street shall be 50 feet.
- (3) FRONT YARD. A landscaped yard three (3) feet in depth shall be provided in the R-COM Zone on every lot adjacent to a street. Buildings or structures or any portion thereof used for residential purposes are exempt from these provisions.

- (4) REAR AND SIDE YARDS. No side or rear yard is required except where a lot abuts a residential use or district, there shall be a yard not less than the rear yard required by the abutting residential district.
 - (a) Corner lots shall have no sight obstruction between three (3) feet and ten (10) feet in height measured from street grade within 30 feet in either direction from the street corner, as measured from the property line.
 - (b) The minimum yards shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The right-of-way shall be determined according to the applicable transportation plan.
 - (d) A landscaped yard three (3) feet in depth shall be provided in all side and rear yards adjacent to a street.

112.410. INDUSTRIAL ZONE DEVELOPMENT STANDARDS

- (A) Industrial Commercial Zoning District (IC), Unincorporated Community Industrial Commercial Zoning District (UC-IC), Eola Unincorporated Community Industrial Commercial Zoning District (Eola UC-IC), and Rickreall Unincorporated Community Industrial Commercial Zoning District (Rickreall UC-IC).
 - (1) LOT AREA AND WIDTH. Buildings or structures hereafter erected, altered or enlarged and used wholly or partly for residential purposes in the IC, UC-IC, Eola UC-IC, and Rickreall UC-IC Zones shall comply with the lot area requirements in the RM Zone (Section 112.380 (C)(1) otherwise no other lot area requirements exist.
 - (2) FRONT YARD. A landscaped yard three (3) feet in depth shall be provided in the IC, UC-IC, Eola UC-IC, and Rickreall UC-IC Zones on every lot adjacent to a street, except that buildings or structures or any portion thereof used for residential purposes shall provide the front yard and landscaped yard as set forth in the RM Zone (Section 112.380 (C)(2)).
 - (3) SIDE AND REAR YARDS. In the IC, UC-IC, Eola UC-IC, and Rickreall UC-IC zones, no side or rear yard is required, except as herein provided, but if one is provided it shall be not less than three (3) feet in depth exclusive of any alley. A side or rear yard shall be provided in the IC, UC-IC, Eola UC-IC, and Rickreall UC-IC Zones when:
 - (a) The lot abuts or is adjacent to a premises used or is zoned for residential purposes. The yard shall be not less than three (3) feet in depth.
 - (b) The buildings or structures or portions thereof on a lot are used for residential purposes, in which circumstances, side and rear yard restrictions in the RM Zone (Section 112.380 (C)(3)) shall apply. In the case of subsection (a) of this section, the side and rear yard shall be contained by a wall or fence or ornamental compact evergreen hedge not less than three (3) feet high and capable of attaining a height of six (6) feet.
 - (c) A landscaped yard three (3) feet in depth shall be provided in all side and rear yards adjacent to a street.

In the UC-IC, Eola UC-IC, and Rickreall UC-IC Zones, side and rear yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (4) **LANDSCAPED YARD.** All yards shall be landscaped exclusive of through direct driveways, adjacent to every street, on every lot upon which a new non-residential structure is erected, or a graveled or unimproved lot is paved or a lot is newly developed for the outdoor sale or display of merchandise, goods or services.
- (5) **HEIGHT.** Where the building or structure or portion thereof to be erected, altered, or enlarged is to be used for residential purposes in the IC, UC-IC, Eola UC-IC, and Rickreall UC-IC Zones, the restrictions for height in the RM Zone (Section 112.380 (C)(5)) shall govern. Buildings and structures erected, altered or enlarged for other than residential purposes shall not exceed six (6) stories or 70 feet in height.
- (6) **INDUSTRIAL PERFORMANCE STANDARDS.** The discharge into the air of solids, liquids or gases in such quantities as to be detrimental to the public health, safety and welfare causing injury to human, plant or animal life or to property is prohibited in this industrial zone. In the IC, UC-IC, Eola UC-IC, and Rickreall UC-IC Zones, no land or structure shall be used or occupied unless there is continuing compliance with the following standards:

(a) Heat, glare and light:

- (i) Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building and shall not be discernible at or beyond the property line.
- (ii) Exterior lighting shall be directed away from and shall not reflect on adjacent properties.

(b) Noise:

- (i) The standards for noise emissions from industrial and commercial noise sources are as follows:

Allowable Statistical Noise Levels at Any One Hour

	<u>7:00 a.m. to 10:00 p.m</u>	<u>10:00 p.m. to 7:00 a.m</u>
L ₅₀	55 DbA	50 DbA
L ₁₀	60 DbA	55 DbA
L ₀₁	75 DbA	60 DbA

Notes:

L₅₀ is the level that may be exceeded 50 percent of the time; cumulative 30 minutes/hour

L₁₀ is the level that may be exceeded 10 percent of the time; cumulative 10 minutes/hour

L₀₁ is the level that may be exceeded 1 percent of the time; cumulative 36 seconds/hour

DbA means A-weighted decibels (decibels measured at the frequency where the human ear is most sensitive.

- (ii) If the noise is not smooth and continuous, the following corrections in decibels shall be added to or subtracted from the above items:

- (A) When in each one hour period, the noise source operates less than a total of (use only one factor):

12 minutes add 5 decibels

3 minutes add 10 decibels

20 seconds add 15 decibels

(B) Noise of an impulsive character (such as hammering, etc.) less 5 decibels.

(C) Noise of periodic character (such as humming, screech, etc.) less 5 decibels.

(iii) Noise made by devices which are maintained and utilized solely to serve as warning devices is excluded from these regulations.

(iv) Noise created by highway vehicles, trains, watercraft and aircraft is excluded from these regulations.

(v) Measurements:

(A) Sound levels shall be measured with a sound level meter and octave band analyzer approved by the Department of Environmental Quality.

(B) Measurements shall be made from at least three points along the property line or along a residential, commercial, or public zone boundary when such boundary is closer to the source than the property line.

(C) Measurements for alleged violations shall be made on at least three (3) non-consecutive days.

(c) Sewage:

Adequate provisions shall be provided for the disposal of sewage and waste materials and such provisions shall meet the requirements of the Department of Environmental Quality.

(d) Vibration:

No vibration, other than that caused by highway vehicles and trains, shall be permitted which shall endanger the health, welfare or safety of the public or so as to constitute a public nuisance.

(B) Industrial Park Zoning District (IP) & Unincorporated Community Industrial Park Zoning District (UC-IP)

(1) FRONT YARD. There shall be a front yard on every lot in the IP and UC-IP Zones, which front yard shall have a minimum depth of 20 feet. Any front yard provided adjacent to a street shall not be used for off-street parking or loading areas, except ingress and egress lanes.

(2) REAR AND SIDE YARDS. There shall be a rear and side yard on every lot in the IP and UC-IP Zones, which rear and side yard shall have a minimum depth of 10 feet. The minimum depth shall be increased one (1) foot for each additional foot of building height above 10 feet, except a rear or side yard is not required adjacent to a railroad right-of-way, siding or spur track; provided, however, any rear or side yard provided adjacent to a street shall have a minimum depth of 20 feet.

In the UC-IP Zone, side and rear yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be

granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (3) OPEN STORAGE YARDS.
 - (a) All yard areas, exclusive of those required to be landscaped as provided in Section 112.400 (B)(4), may be used for materials and equipment storage yards or areas and may be used for the purposes permitted in the IP and UC-IP Zones, provided such yard area is enclosed with an ornamental, sight-obscuring fence or wall placed at a height of six (6) feet or a compact evergreen hedge planted at three (3) feet and capable of obtaining a minimum height of six (6) feet. Any fence, wall or hedge shall be located on the property at the required setback line in the same manner as if said fence or wall were a building.
 - (b) If any material or equipment projects above the six (6) feet screen, then a screen plan will be submitted to the Planning Director for approval.
 - (c) The surface of such area shall be paved or graveled and maintained at all times in a dust-free condition; except, that all automobile and truck parking and loading areas shall be paved, as provided in Section 112.220 through 112.280.
 - (d) Any lighting maintained in conjunction with material and equipment storage areas shall be so oriented as to not shine on or reflect into abutting properties or streets.
 - (4) LANDSCAPED YARDS. All required yard areas and all other yards not used for open storage as provided in Section 112.400 (B)(3), or paved parking and loading areas, shall be landscaped.
 - (5) HEIGHT. In the IP and UC-IP Zones, no building or structure shall exceed 45 feet in height.
 - (6) VEHICLE ACCESS. Access points to property from a street shall be located to minimize traffic congestion, and maximum effort shall be made to avoid directing traffic into residential areas. Before a street, other than an arterial, which is a boundary between a residential zone and the IP or UC-IP Zones, or a street which is within a residential zone, is used for any vehicular access to the IP or UC-IP Zone, such use of those streets must first have been approved by the Planning Director as a conditional use. Access roads and access points will be used to the maximum extent possible to serve the greatest number of uses. All access roads and driveways shall be surfaced with asphalt concrete or comparable permanent surfacing.
 - (7) INDUSTRIAL PERFORMANCE STANDARDS. The industrial performance standards for the IP and UC-IP Zones shall be the same as set forth in Section 112.400 (A)(6).
- (C) Light Industrial Zoning District (IL), Unincorporated Community Light Industrial Zoning District (UC-IL), Eola Unincorporated Community Industrial Zoning District (Eola UC-I), and Rickreall Unincorporated Community Industrial Zoning District (Rickreall UC-I).
- (1) LOT AREA. There are no minimum lot area requirements for buildings in the IL, UC-IL, Eola UC-I, or Rickreall UC-I Zones.
 - (2) FRONT YARD. There shall be no front yard required in the IL, UC-IL, Eola UC-I, or Rickreall UC-I Zones.

- (3) **SIDE YARDS.** No side yard shall be required in the IL, UC-IL, Eola UC-I, or Rickreall UC-I Zones, but if one is provided, it shall be at least three (3) feet provided, however, where the side of a lot in the IL, UC-IL, Eola UC-I, or Rickreall UC-I Zone abuts upon or is adjacent to the side of a lot in any residential zone, then there shall be a side yard the same as is required in such abutting residential zone, and said yard shall be contained by a wall or fence not less than six (6) feet in height or compact evergreen hedge not less than three (3) feet and capable of obtaining a height of six (6) feet.

In the UC-IL, Eola UC-I, and Rickreall UC-I Zones, side yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (4) **REAR YARD.** In the IL, UC-IL, Eola UC-I, or Rickreall UC-I Zones, no rear yard is required, except as herein provided, but if one is provided it shall be not less than three (3) feet in depth exclusive of any alley. A rear yard shall be provided in the IL, UC-IL, Eola UC-I, and Rickreall UC-I Zones when:
- (a) The lot abuts or is adjacent to a premises used or is zoned for residential purposes. The yard shall be not less than three (3) feet in depth.
 - (b) The buildings or structures or portions thereof on a lot are used for residential purposes, in which circumstances, side and rear yard restrictions in the RM Zone (Section 112.380 (C)(3)) shall apply. In the case of subsection (a) of this section, the rear yard shall be contained by a wall or fence or ornamental compact evergreen hedge not less than three (3) feet high and capable of attaining a height of six (6) feet.
 - (c) A landscaped yard three (3) feet in depth shall be provided in all side and rear yards adjacent to a street.

In the UC-IL, Eola UC-I, and Rickreall UC-I Zones, a rear yard adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (5) **LANDSCAPED YARD.** All yards shall be landscaped exclusive of through direct driveways, adjacent to every street, on every lot upon which a new non-residential structure is erected, or a graveled or unimproved lot is paved or a lot is newly developed for the outdoor sale or display of merchandise, goods or services.
- (6) **HEIGHT.** In the IL, UC-IL, Eola UC-I, and Rickreall UC-I Zones, no building or structure shall exceed 70 feet or six (6) stories in height.
- (7) **INDUSTRIAL PERFORMANCE STANDARDS.** The discharge into the air of solids, liquids or gases which are detrimental to the public health, safety and welfare by causing injury to human, plant or animal life or to property is prohibited in the IL, UC-IL, Eola UC-I, and Rickreall UC-I Zones. In the IL, UC-IL, Eola UC-I, and Rickreall UC-I Zones no land or structure shall be used or occupied unless there is continuing compliance with the following standards:
- (a) Heat, glare and light:

All operations and facilities producing heat, glare or light, including exterior lighting, shall be so directed or shielded by walls, fences, or evergreen plantings that such heat, glare or light is not reflected or directed onto adjacent properties or streets.

(b) Noise:

No noise or sound in the IL, UC-IL, Eola UC-I, and Rickreall UC-I Zones shall be of a nature which will constitute a nuisance and all uses in the IL, UC-IL, Eola UC-I, and Rickreall UC-I Zones within 150 feet of an IP or UC-IP Zone shall not exceed the limits prescribed for the IP or UC-IP Zone.

(c) Sewage:

Adequate provisions shall be provided for the disposal of sewage and waste materials and such provisions shall meet the requirements of the Department of Environmental Quality.

(d) Vibration:

No vibration, other than that caused by highway vehicles and trains, shall be permitted which is discernible without instruments at or beyond the property line for the use concerned.

(D) Heavy Industrial Zoning District (IH) & Unincorporated Community Heavy Industrial Zoning District (UC-IH)

- (1) LOT AREA. There are no minimum lot area requirements for buildings in the IH or UC-IH Zones.
- (2) FRONT YARD. There shall be no front yard required in the IH or UC-IH Zones.
- (3) SIDE YARDS. No side yard shall be required in the IH or UC-IH Zones, but if one is provided, it shall be at least three (3) feet; provided, however, where the side of a lot in the IH or UC-IH Zone abuts upon or is adjacent to the side of a lot in any residential zone, then there shall be a side yard the same as is required in such abutting residential zone, and said yard shall be contained by a wall or fence not less than six (6) feet in height or compact evergreen hedge not less than three (3) feet and capable of obtaining a height of six (6) feet.

In the UC-IH Zone, side yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (4) REAR YARD. In the IH or UC-IH Zones, no rear yard is required, except as herein provided, but if one is provided it shall be not less than three (3) feet in depth exclusive of any alley. A rear yard shall be provided in the IH and UC-IH Zones when:
 - (a) The lot abuts or is adjacent to a premises used or is zoned for residential purposes. The yard shall be not less than three (3) feet in depth.
 - (b) The buildings or structures or portions thereof on a lot are used for residential purposes, in which circumstances, side and rear yard restrictions in the RM Zone (Section 112.380 (C)(3)) shall apply. In the case of subsection (a) of this section, the rear yard shall be contained by a

wall or fence or ornamental compact evergreen hedge not less than three (3) feet high and capable of attaining a height of six (6) feet.

- (c) A landscaped yard three (3) feet in depth shall be provided in all side and rear yards adjacent to a street.

In the UC-IH Zone, a rear yard adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (5) **LANDSCAPED YARD.** All yards shall be landscaped exclusive of through direct driveways, adjacent to every street, on every lot upon which a new non-residential structure is erected, or a graveled or unimproved lot is paved or a lot is newly developed for the outdoor sale or display of merchandise, goods or services.
- (6) **HEIGHT.** In the IH and UC-IH Zones, no building or structure shall exceed 70 feet or six (6) stories in height.
- (7) **INDUSTRIAL PERFORMANCE STANDARDS.** The discharge into the air of solids, liquids or gases which are detrimental to the public health, safety and welfare causing injury to human, plant or animal life or to property is prohibited in this industrial zone. In the IH and UC-IH Zones, no land or structure shall be used or occupied unless their in continuing compliance with the following standards:
 - (a) **Heat, glare and light:**

All operations and facilities producing heat, glare or light, including exterior lighting, shall be so directed or shielded by walls, fences, evergreen plantings, that such heat, glare or light is not reflected or directed onto adjacent properties or streets.
 - (b) **Noise:**

No noise or sound in the IH and UC-IH Zones shall be of a nature which will constitute a nuisance and all uses in the IH and UC-IH Zones within 150 feet of an IP or UC-IP Zone shall not exceed the limits prescribed for the IP or UC-IP Zone.
 - (c) **Sewage:**

Adequate provisions shall be provided for the disposal of sewage and waste materials and such provisions shall meet the requirements of the Department of Environmental Quality.
 - (d) **Vibration:**

No vibration other than that caused by highway vehicles and trains shall be permitted which is discernible without instruments at or beyond the property line for the use concerned.

(E) Rural Industrial Zoning District (R-IND)

- (1) **LOT AREA.** The minimum lot area shall be adequate to provide for an approved on site septic system, a potable water source, parking and other applicable development standards of this Chapter and other general provisions and exceptions set forth by this ordinance.

- (2) LOT WIDTH. The minimum average lot width shall be 100 feet. The minimum average lot width at the street shall be 50 feet.
- (3) LOT DEPTH. The minimum average lot depth shall be 100 feet.
- (4) FRONT YARD. The minimum front yard shall be twenty (20) feet for all structures. A ten (10) foot wide landscaped area parallel to the front yard setback, excluding access/egress shall be established within the required front yard setback. Vehicle maneuvering is permitted within the balance of the front yard setback, however, required off-street parking is expressly prohibited.
- (5) REAR AND SIDE YARDS. No side or rear yard shall be required, except where a lot abuts a residential use or district, there shall be a yard not less than the rear yard required by the abutting residential district.

Corner lots shall have no sight obstruction between three (3) feet and ten (10) feet in height measured from street grade within 30 feet in either direction from the street corner, as measured from the property line.

The minimum yards shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The right-of-way shall be determined according to the applicable transportation plan.

The side or rear yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.

- (6) HEIGHT. No building or structure shall exceed seventy (70) feet in height unless authorized through a Variance.
- (7) LOT COVERAGE. No lot shall be covered with structures in excess of sixty (60) percent of the total lot area.
- (8) ACCESS. To facilitate access and egress, all lots in this District shall abut or be within 250 feet of a public street, road or highway; or be located on a private road constructed to applicable private road standards.
- (9) OPEN STORAGE YARDS.
 - (a) All yard areas, exclusive of those required to be landscaped may be used for materials and equipment storage yards or areas and may be used for the purposes permitted in the R-IND Zone, provided such yard area is enclosed with an ornamental, sight-obscuring fence or wall placed at a height of six (6) feet or a compact evergreen hedge planted at three (3) feet and capable of obtaining a minimum height of six (6) feet. Any fence, wall or hedge shall be located on the property at the required setback line in the same manner as if said fence or wall were a building.
 - (b) No material or equipment shall project above the six (6) feet screen, unless authorized by a variance.
 - (c) The surface of such area shall be paved or graveled and maintained at all times in a dust-free condition; except, that all automobile and truck parking and loading areas shall be paved, as provided in Section 112.220 through 112.280.
 - (d) Any lighting maintained in conjunction with material and equipment storage areas shall be so oriented as to not shine on or reflect into abutting properties or streets.
- (10) INDUSTRIAL PERFORMANCE STANDARDS. The discharge into the air of solids, liquids or gases which are detrimental to the public health, safety and welfare causing injury to human, plant or animal life or to property is

prohibited in this industrial zone. In the R-IND Zone, no land or structure shall be used or occupied unless their in continuing compliance with the following standards:

(a) Heat, glare and light:

All operations and facilities producing heat, glare or light, including exterior lighting, shall be so directed or shielded by walls, fences, evergreen plantings, that such heat, glare or light is not reflected or directed onto adjacent properties or streets.

(b) Noise:

No noise or sound in the R-IND Zone shall be of a nature which will constitute a nuisance and all uses in the R-IND Zone within 150 feet of a residential Zone shall not exceed the limits prescribed for the IP Zone.

(c) Sewage:

Adequate provisions shall be provided for the disposal of sewage and waste materials and such provisions shall meet the requirements of the Department of Environmental Quality.

(d) Vibration:

No vibration other than that caused by highway vehicles and trains shall be permitted which is discernible without instruments at or beyond the property line for the use concerned. [Amended by Ordinance #00-03, dated May 5, 2000]

112.420. PUBLIC ZONE DEVELOPMENT STANDARDS

- (A) LOT AREA. The minimum requirements in PC, PE and PP Zones for dwellings shall be the same lot area prescribed for dwellings in the RM Zone, and in PA, PH and PS Zones, the same lot area prescribed for dwellings in the PH Zone. No main building, including dwellings, shall occupy more than 30 percent of the lot area in the PC, PE and PP Zones.
- (B) FRONT YARD. There shall be a front yard on every lot in all Public Zones, which front yard shall have a minimum depth of 20 feet. No parking shall be permitted within the minimum front yard area.
- (C) SIDE YARDS. Where the side of a lot in any Public Zone abuts upon the side of a lot in the SR, AR-5, AR-10, or AF-10 Zones, there shall be a minimum side yard of five (5) feet. There shall be added to these minimum requirements, one (1) foot for each multiple of 15 feet or portion thereof, that the length of that side of the building measures over 30 feet; in addition, any side yard adjacent to a street shall be a minimum of 20 feet and no parking shall be permitted within 10 feet of the street property line. [Amended by Ordinance #04-01, dated January 21, 2004.]
- (D) REAR YARD. In any Public Zone, there shall be a rear yard which shall have a minimum depth of 20 feet, which depth shall be increased by four (4) feet for each additional story above the first.
- (E) HEIGHT. No building or structure in a PC Zone shall exceed two and one-half stories or 35 feet. No building or structure in all other Public Zones shall exceed six (6) stories or seventy feet, provided that in PE and PP Zones the buildings or structures shall set back from every street and lot line one (1) foot for each foot of height of the building in excess of 35 feet in addition to all other yard and setback requirements herein specified.

112.430. RESOURCE ZONE DEVELOPMENT STANDARDS

(A) Exclusive Farm Use Zoning District (EFU)

(1) YARDS

- (a) There shall be front, side and rear yards of the following depths for lots in the Exclusive Farm Use Zoning District:

All buildings and structures

Front	Side	Rear
30 feet	20 feet	20 feet

- (b) Any side or rear yard adjacent to a street shall meet the yard requirement for a front yard.
- (c) When by this ordinance or any other ordinance, a greater setback or front yard of greater depth is required than is required by this section, the greater setback line or front yard depth shall apply. If a lesser setback or yard is required, the provisions of this ordinance shall apply.
- (d) All structures are subject to any special setback lines, where specified on designated arterials or collectors, in addition to the above setbacks.
- (2) HEIGHT. There shall be a height limitation of 100 feet in the Exclusive Farm Use Zoning District, except for those lands subject to the Airport Overlay zone or any structure which has received a conditional approval which limits the height of said structure.

(B) Farm Forest Zoning District (FF)

(1) YARDS

- (a) There shall be front, side and rear yards of the following depths for lots in the Farm Forest Zoning District:

All buildings and structures

Front	Side	Rear
30 feet	20 feet	20 feet

- (b) Any side or rear yard adjacent to a street shall meet the yard requirement for a front yard.
- (c) When by this ordinance or any other ordinance, a greater setback or front yard of greater depth is required than is required by this section, the greater setback line or front yard depth shall apply. If a lesser setback or yard is required, the provisions of this ordinance shall apply.
- (d) All structures are subject to any special setback lines, where specified on designated arterials or collectors, in addition to the above setbacks.
- (2) HEIGHT. There shall be a height limitation of 100 feet in the F/F zone, except for those lands subject to the Airport Overlay zone or any structure which has received a conditional use approval which limits the height of said structure.

(C) Timber Conservation Zoning District (TC)

(1) SETBACK REQUIREMENTS.

- (a) No structure or use shall be established in a manner likely to cause contamination of a stream, lake or other body of water.
- (b) Front Yard. Every building shall have a setback from the front property line or any lot line adjacent to a street or road, of at least 30 feet.

- (c) Side Yard. The minimum side yard requirements in the TC Zoning District shall be 80 feet.
- (d) Rear Yard. The minimum rear yard requirements in the TC Zoning District shall be 80 feet.

Note: When land divisions create parcels of less than 40 acres for conditional uses listed in Sections 177.030 (H) and (L) and 177.040 (A) through (P), provided that those uses have been approved pursuant to Section 177.050 of this Ordinance, required building setbacks for these parcels will be determined on a case-by-case basis through the conditional use process and may vary from those required under Section 177.050 based upon the specific use authorized by the Conditional Use Permit.

(D) Mineral Extraction Zone (ME)

- (1) FRONT YARD. The minimum front yard setback for all structures in an ME Zone shall be 20 feet, unless by this ordinance or some other ordinance a greater setback is required.
- (2) SIDE YARD. The minimum side yard requirement in an ME Zone shall be ten (10) feet.
- (3) REAR YARD. The minimum rear yard required for any structure in the ME Zone shall be 24 feet.

Table No. 31-A – Number of Accessible Parking Spaces (Handicap)

Minimum Required Number of Total Parking Spaces	Accessible Space
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-999	2% of total spaces
over 1,000	20 spaces plus 1 for every 100 spaces or fraction thereof, over 1000

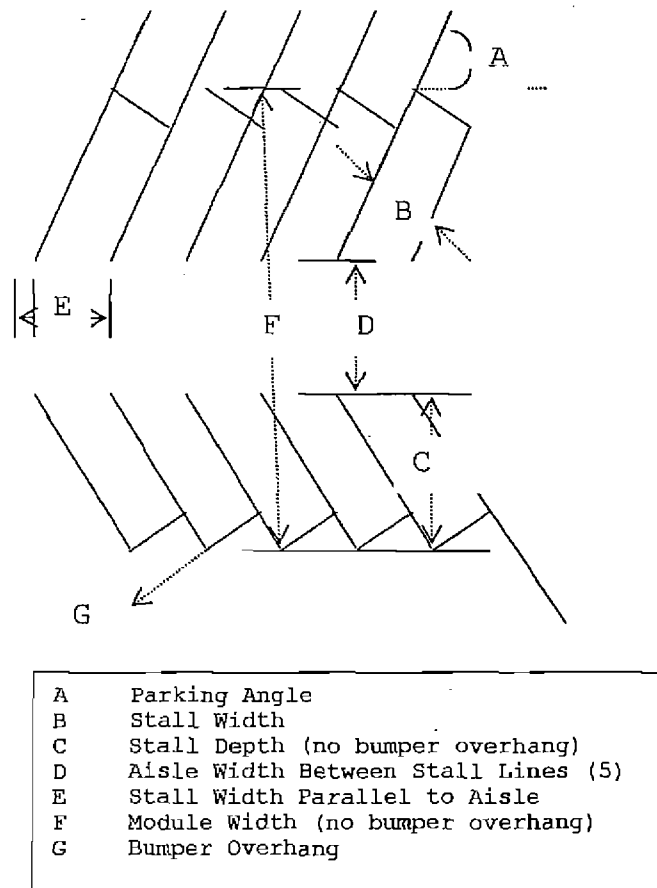
One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated van accessible. The vertical clearance at such van spaces shall be 98 inches. All such spaces may be grouped on one level of a parking structure.

Table No. 31-B – Wheelchair Spaces Required in Assembly Areas

Capacity of Seating in Assembly Area	Number of Required Wheelchair Spaces
4 to 25	1
26 to 50	2
51 to 300	4
301 to 500	6
over 500	6, plus 1 for each 100 over 500

Appendix 1.

A	B	C	D	E	F	G
45	8.5	17.5	13.0	12.0	48.0	2.0
	9.0	17.5	12.0	12.7	47.2	2.0
	9.5	17.5	11.0	13.4	46.0	2.0
	10.0	17.5	11.0	14.1	46.0	2.0
60	8.5	19.0	18.0	9.8	56.0	2.5
	9.0	19.0	16.0	10.4	54.0	2.5
	9.5	19.0	15.0	11.0	53.0	2.5
	10.0	19.0	14.0	11.6	52.0	2.5
75	8.5	19.5	25.5	8.8	64.0	2.5
	9.0	19.5	23.0	9.3	62.0	2.5
	9.5	19.5	22.0	9.8	61.0	2.5
	10.0	19.5	21.0	10.3	60.0	2.5
90	8.5	18.5	28.0	8.5	65.0	3.0
	9.0	18.5	26.0	9.0	63.0	3.0
	9.5	18.5	25.0	9.5	62.0	3.0
	10.0	18.5	24.0	10.0	61.0	3.0



NOTE:

A.

- 1) For one (1) row of stalls use "C" plus "D" as minimum bay width.
- 2) Public alley width may be included as part of dimension "D", but all parking stalls must be on private property, off the public right-of-way.
- 3) For estimating available parking area, use 350 sq. ft. per vehicle for stall, aisle and access areas.
- 4) The stall width for self-parking of long duration is 8.6'; for higher turnover self-parking is 9.0'; and for supermarkets and similar facilities (shoppers with packages) is 9.5 - 10.0'.
- 5) The minimum aisle width for two-way traffic and for emergency vehicle operations area is 24'. The minimum aisle width for emergency vehicle access (one way traffic) is 20'.
- 6) Where appropriate bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth.
- 7) Dimensions of required recreational vehicle spaces are 10' x 25'.

B. Areas used for required parking or maneuvering of vehicles shall have a durable, hard surface. In all residential areas, a minimum of 2 ½ inches asphalt over 4 inches of aggregate base will be provided or 4 inches of Portland cement concrete. In commercial and industrial areas, either 3 inches asphalt over 4 inches aggregate base or a single pavement of 5 inches of Portland cement concrete is required. All required parking spaces shall be striped.

CHAPTER 127

SUBURBAN RESIDENTIAL (SR) ZONING DISTRICT

- 127.010. Purpose
- 127.020. Use
- 127.030. Transitional Use
- 127.035. Uses Permitted Subject to Review and Approval
- 127.040. Conditional Uses

127.010. PURPOSE. The purpose and intent of the Suburban Residential Zone is to provide a transition between urban and rural living within an officially designated sewered area, or an area which may be served with sewers during the next 10 years, or within an unincorporated community where water is available and methods for sewage disposal are available. [Amended by Ordinance #00-03, dated May 5, 2000]

127.020. USE. Within any SR, Suburban Residential Zone, no building, structure or premises shall be used, arranged or designed to be used, erected, structurally altered or enlarged, except for one or more of the following uses:

- (A) Single-family dwelling;
- (B) Manufactured home if located outside of an adopted urban growth boundary of a city;
- (C) Public and semi-public uses, buildings and structures;
 - (1) playgrounds, parks;
 - (2) hospitals, providing a 50-foot building setback is maintained from abutting, privately owned property;
 - (3) public buildings and structures such as libraries, fire stations.
- (D) Other main uses:
 - (1) Gardens, orchards, and crop cultivation, which include the processing and sale of produce that is raised only on the premises;
 - (2) Raising of livestock is permitted with a minimum of one (1) acre for the first animal unit, or fraction thereof, and one-half (1/2) acre for each animal unit thereafter. Cattle, horses, burros, donkeys, and other animals of comparable size each constitutes one (1) animal unit. Five (5) animals the size of sheep or goats constitute one (1) animal unit. All animals and fowl shall not be allowed to run at large off the property of the owner. Swine shall not be allowed on tracts of less than ten (10) acres. All animal unit ratios shall not apply on tracts of 20 acres or more. The keeping of livestock, fowl and fur-bearing animals and animal waste therefrom shall be done in such a reasonable manner as not to constitute a nuisance, especially by reason of odor, water pollution, or the attraction of rodents or flies and other insects,
 - (3) Temporary use of manufactured home during construction (see Limited Uses, Section 125.010),
 - (4) Temporary use of a pre-cutting and assembly facility within a new subdivision or planned development (see Limited Uses, Section 125.020),
 - (5) Subdivision or planned development sales office or development office (see Limited Uses, Section 125.030).
- (E) Right-of-way for public utilities for convenience and necessity;
- (F) Public utilities, structures directly related to the operation of (E) above, not to include storage, maintenance or related activities, when they comply with all yard and setback requirements;
- (G) Accessory uses and structures:
 - (1) Customary residential accessory buildings for private use, such as pergola, greenhouse, hot house, hobby shop or hobby house, summer house, patios - enclosed or covered patios, woodshed, quarters for domestic animals maintained as pets;
 - (2) Fallout shelter;

- (3) Fences;
 - (4) Garages and parking areas for the storage and protection of the automobiles of the residents of the dwelling, including a private garage for not more than three (3) motor vehicles for each single-family dwelling on the same lot with or within the dwelling to which it is accessory and in which no garage, business or industry is conducted;
 - (5) Storage for a commercial vehicle, maximum of one (1) per dwelling;
 - (6) Sleeping quarters and guest quarters not in the main building are permitted if such quarters are, and remain dependent upon the main building for either or both kitchen and bathroom facilities and the guest facilities are not used for residential purposes;
 - (7) Swimming pools for private use (requires a building permit);
 - (8) Private stables and barns;
- (H) Home occupations, as defined in Section 116.020.
- (I) The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two (2) in a single-family dwelling, nor more than four (4) in any legally established two-family dwelling.
- (J) Residential homes, as defined in Section 110.477. [Amended by Ordinance #89-17, dated December 6, 1989.] [Amended by Ordinance #00-03m, dated May 5, 2000]
- (K) Transportation Improvements [Amended by Ordinance #01-01, dated November 14, 2001.]
- (L) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

127.030. TRANSITIONAL USES. Transitional uses shall be permitted in an SR Zone where the side of a lot abuts upon any commercial (C) Zone or Industrial (I) Zone, provided that such transitional use does not extend across a street or alley and in no case more than 165 feet from the boundary of the less restricted zone which it adjoins, as follows:

- (A) Dwellings:
 - (1) Two-family dwellings (duplexes) if located within an urban growth boundary or within an unincorporated community;
- (B) Public and semi-public uses, buildings, and structures;
 - (1) Churches, if set back from all side and rear property lines at least 20 feet;
 - (2) Community or neighborhood club buildings, including swimming pools and other allied facilities, when erected by a non-profit community club for the improvement of the zone or social recreation of the members;
- (C) Other main uses:
 - (1) Public automobile parking area when located and developed as prescribed in

Chapter 112;

- (2) Outdoor plant nursery with no retail sales;
- (3) Privately operated kindergartens or day nurseries, provided the residential character of the building is unchanged. [Amended by Ordinance 00-12]

127.035. USES PERMITTED SUBJECT TO REVIEW AND APPROVAL.

- (A) A manufactured dwelling unit within an adopted urban growth boundary subject to the following conditions:
 - (1) A manufactured dwelling placement permit shall be obtained from the Polk County Community Development prior to the moving in and locating of a manufactured dwelling on any lot. Building permits are required for any on-site construction.
 - (2) The manufactured dwelling and accessory structures shall comply with the development standards of this zoning district.
 - (3) The accessory structures attached to the manufactured dwelling shall be considered as a portion of the manufactured dwelling and shall observe the same yard requirements as a manufactured dwelling.
 - (4) The manufactured dwelling shall be situated upon a foundation system having an approved manufactured dwelling placement permit. Continuous skirting shall be applied around the base of the unit to completely screen with a sight-obscuring material all of the underside of the unit.
 - (5) The manufactured dwelling shall comply with the applicable manufactured dwelling placement requirements of that city based upon adopted intergovernmental agreements.
- (B) Hardship Temporary Manufactured Dwelling.

One manufactured dwelling unit in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or a relative of the resident, provided that:

 - (1) The medical hardship is certified by a licensed physician;
 - (2) The manufactured home is connected to the existing sewage disposal system; except when the County Sanitarian finds the existing system to be inadequate and that it cannot be repaired or is not physically available; If the manufactured home will use a public sanitary system, such condition will not be required.
 - (3) The applicant agrees to renew the permit every two years and will remove the manufactured home when the hardship condition ceases.
 - (4) Notice of Determination. Upon issuance of a temporary hardship determination by the Planning Director, determinations shall be mailed to the applicant and to interested parties based upon the provisions of Section 111.270 of the Polk County Zoning Ordinance. An appeal of the Planning Director's decision shall be processed pursuant to Section 111.280 of the Polk County Zoning Ordinance. [Subsection 127.035 added by Ord. 95-12.] [Amended by Ordinance #00-03, dated May 5, 2000]
- (C) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

127.040. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in Chapter 119 of this ordinance, the following uses will be permitted in an SR Zone:

- (A) Public and semi-public uses, buildings and structures;
 - (1) Churches, if set back from all side and rear property lines at least 20';
 - (2) Community or neighborhood club buildings, including swimming pools and other allied facilities, when erected by a non-profit community club for the improvement of the zone or social recreation of the members;
 - (3) Communications tower not exceeding 40-feet in height, as provided in Section 112.135 and the following:
 - a) The location, size, design and functional characteristics of the tower are reasonably compatible with the existing conditions and vegetation at the proposed site, the tower must be designed and constructed with material to reduce visibility of the tower by:
 - i) A site-specific study of the tower site identifying a proposed stealth (i.e. camouflage) construction type that may include but is not limited to a tree, or flagpole (no external antennas). The proposed color and surfacing of the tower and associated fixtures. [Amended by Ordinance 04-09]
 - (4) Communications tower over 40-feet in height but not exceeding 100-feet in height, as provided in Section 112.135 and the following:
 - a) Coverage limitations showing the proposed height of the tower is needed in order to meet the service type and area coverage needs. Propagation maps stamped by a professional engineer that demonstrate service type and area coverage shall be provided for the 40-foot height, and each 20-foot interval to the proposed tower height; or
 - b) Type of system (e.g. broadcast, FM radio, television); or
 - c) Other requirements of local, state, and federal agencies; and
 - d) The location, size, design and functional characteristics of the tower are reasonably compatible with the existing conditions and vegetation at the proposed site. The tower must be designed and constructed with material to reduce visibility of the tower by:
 - i) A site-specific study of the tower site identifying a proposed stealth (i.e. camouflage) construction type that may include but is not limited to a tree, or flagpole (no external antennas).
 - ii) The proposed color and surfacing of the tower and associated fixtures. [Amended by Ordinance 04-09]
 - (5) Riding clubs and stables, rodeo grounds and similar uses;
 - (6) Schools (elementary, junior high, and high school).
- (B) Miscellaneous uses;
 - (1) Privately operated kindergartens or day nurseries provided the residential character of the building is unchanged;
 - (2) Beauty shops, where no assistants are employed;
 - (3) Use of an accessory building for conducting a home occupation;
- (C) Dwellings;
 - (1) Two-family dwelling (duplexes) on a corner lot (See Specific Conditional Uses

Section 119.150 (B)) if located within an urban growth boundary or within an unincorporated community.

- (2) [Subsection (C) (2) deleted by Ord. 95-12, Sec. 5]
- (D) Boat, camper and trailer storage area or lot (see Specific Conditional Uses, Section 119.150 (C)).
- (E) [Subsection (E) deleted by Ord. 95-12, Sec. 5]
- (F) Planned Development;
- (G) Solid Waste Disposal Site (see Section 120.310 to 120.380);
- (H) Sand and Gravel Resource Site (see Section 120.410 to 120.460);
- (I) Conditional Home-Occupation (see Section 116.030).
- (J) [Subsection (J) repealed by Ord. 89-17, Sec. 23] [Amended by Ordinance 00-12]
- (K) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

CHAPTER 128.500

ACREAGE RESIDENTIAL-FIVE ACRE (AR-5) ZONING DISTRICT

- 128.510. Purpose
- 128.520. Use
- 128.530. Uses Permitted Subject to Review and Approval
- 128.540. Conditional Uses

128.510. PURPOSE. It is the purpose and function of the Acreage Residential - 5 acre (AR-5) zone to:

- (A) Provide for the best use of the land based on the location, inherent limitations and ability to serve the functional needs of the area.
- (B) Provide larger acreage homesites which will be a buffer area between farm zones and higher density urban and urbanizing areas, thus reducing the conflicts between residential use and usual and normal farming practices.
- (C) Provide for the orderly growth of the urban areas so that as urbanization occurs, the supporting community will be able to afford the increased capital investments required for services to and within the new urban area and the costs of maintenance of utility facilities, rebuilding of arterial streets, protective services and desired social services.
- (D) To provide for the efficient, redivision of acreage subdivisions which may occur in the area.
- (E) To promote the pre-planning of future important streets in the area.
- (F) To meet the needs of a segment of the population for non-urban, non-farm acreage homesites.
- (G) To provide for the above, yet not adversely affect fish and wildlife resources and habitat areas, natural areas, and scenic areas. [Amended by ordinance #256, dated September 19, 1979.]

128.520. USE. Within any AR-5, Acreage Residential 5-acre zone, no building, structure or premises shall be used or arranged, designed, erected, or maintained to be used except for the following purposes:

- (A) Single-family dwelling including single-family mobile home;
- (B) Farm Use (as defined in Section 110.223);
- (C) Public parks, playgrounds;
- (D) Public buildings such as libraries and fire stations;
- (E) Churches;
- (F) Accessory uses and structures:
 - (1) Customary residential accessory building for private use, such as pergola, greenhouse, hothouse, hobby house, summer house, patios, enclosed or covered patios, woodshed, quarters for domestic animals maintained as pets;
 - (2) Fallout shelters;
 - (3) Fences;
 - (4) Garages and parking areas for the storage and protection of the automobiles of the residents of the dwelling, including a private garage for not more than three motor vehicles for each single-family dwelling on the same lot with or within the dwelling to which it is an accessory and in which no business or industry is conducted;
 - (5) Storage for a commercial vehicle, maximum of one per dwelling;
 - (6) Sleeping quarters in a garage for domestic employees of the main building to which the garage is attached;
 - (7) Guest houses and guest quarters not in the main building are permitted if such

quarters are, and remain, dependent upon the main building for either or both kitchen and bathroom facilities and the guest facilities are not used for residential purposes;

- (8) Swimming pools for private use (requires building permit);
- (G) Home occupation as defined in Section 116.020;
- (H) The taking of boarders or leasing of rooms by a resident family providing the total number of boarders and roomers does not exceed two in a single-family dwelling nor more than four (4) in any legally established two-family dwelling.
- (I) The use of a manufactured home during construction (see Limited Uses, Section 125.010).
- (J) Schools (elementary, junior high and high);
- (K) Privately operated kindergartens or day nurseries, providing the residential character of the building is maintained.
- (L) Residential homes, as defined in Section 110.477. [Subsection (L) added by Ordinance # 89-17, dated December 6, 1989.]
- (M) Transportation Improvements [Amended by Ordinance #01-01, dated November 14, 2001.]
- (N) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

128.530. USES PERMITTED SUBJECT TO REVIEW AND APPROVAL.

- (A) **HARDSHIP TEMPORARY MANUFACTURED DWELLING.** One manufactured dwelling unit in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or a relative of the resident, provided that:
 - (1) The medical hardship is certified by a licensed physician;
 - (2) The manufactured home is connected to the existing sewage disposal system; except when the County Sanitarian finds the existing system to be inadequate and that it cannot be repaired or is not physically available; If the manufactured home will use a public sanitary system, such condition will not be required.
 - (3) The applicant agrees to renew the permit every two years and will remove the manufactured home when the hardship condition ceases.
 - (4) **Notice of Determination.** Upon issuance of a temporary hardship determination by the Planning Director, determinations shall be mailed to the applicant and to interested parties based upon the provisions of Section 111.270 of the Polk County Zoning Ordinance. An appeal of the Planning Director's decision shall be processed pursuant to Section 111.280 of the Polk County Zoning Ordinance. [Subsection 128.525 added by Ordinance, 95-12 SEC. 6]

- (B) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

128.540. CONDITIONAL USE.

- (A) The following allied farm commercial processing and similar activities may be permitted as a separate business or enterprise, not operated in conjunction with a farm.
 - (1) hop, nut and fruit driers;
 - (2) feed mixing and storage facilities;
 - (3) hullers;
 - (4) rendering plants;
 - (5) mint distilleries;
 - (6) seed processing, packing, shipping and storage facilities;
 - (7) slaughter houses;
 - (8) agricultural produce storage, i.e., onion warehouses, grain elevators and similar facilities;
 - (9) feed lots;
 - (10) vegetable oil processing and refining;
 - (11) any other similar processing and allied farm commercial activities (includes farm equipment repair shop).
- (B) Planned recreational developments.
- (C) Sand and gravel excavation and processing facilities as provided for by Chapter 120.400;
- (D) Solid waste disposal sites as provided for in Chapter 120.300;
- (E) Kennels;
- (F) Community or neighborhood club buildings, including swimming pools, and other allied facilities, when erected by a non-profit community club for the improvements of the community or social recreation of the members;
- (G) Private airfield;
- (H) Motor race track;
- (I) A two (2) family dwelling (duplex) on a corner lot (see Specific Conditional Uses, Section 119.150 (B));
- (J) Boat, camper and trailer storage area or lot (see Specific Conditional Uses, Section 119.150 (C));
- (K) [Subsection (K) deleted by Ord. 95-12.]
- (L) Church conference and campground (see Specific Conditional Uses, Section 119.150 (F));
- (M) Planned development;
- (N) Radio and TV transmitters and antennas as provided in Section 112.135; [Amended by Ordinance 01-3]

- (O) Riding clubs and stables, rodeo grounds and similar uses;
- (P) Beauty shops, where no assistants are employed;
- (Q) Use of an accessory building for conducting a home occupation;
- (R) Conditional home-occupation (see Section 116.030).
- (S) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale, as provided in Section 112.135.
[Amended by Ordinance 91-15, dated July 24, 1991.]
- (T) Cottage Industry Home Occupations (see Section 116.040).
- (U) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

CHAPTER 128.700

ACREAGE RESIDENTIAL-TEN ACRE (AR-10) ZONING DISTRICT

- 128.710. Purpose
- 128.720. Use
- 128.730. Uses Permitted Subject to Review and Approval
- 128.740. Conditional Uses
- 128.750. Non-Remonstrance Deed Restriction

128.710. PURPOSE. It is the purpose and function of the Acreage Residential – 10 acre (AR-10) zone to:

- (A) Allow the designation of new Rural Lands consistent with OAR 660-004-0040, without requiring an exception to Oregon Statewide Planning Goal 14.
- (B) Provide for the best use of the land based on the location, inherent limitations and ability to serve the functional needs of the area.
- (C) Provide larger acreage homesites which will be a buffer area between farm zones and higher density urban and urbanizing areas, thus reducing the conflicts between residential use and usual and normal farming practices.
- (D) Provide for the orderly growth of the rural areas so that as development occurs, the supporting community will be able to afford the increased capital investments required for services to and within the new rural area and the costs of maintenance of utility facilities, roads, protective services, and desired social services.
- (E) To provide for the efficient, redivision of acreage subdivisions which may occur in the area.
- (F) To promote the planning of future important roads in the area.
- (G) To meet the needs of a segment of the population for non-urban, non-farm acreage homesites.
- (H) To provide for the above, yet not adversely affect fish and wildlife resources and habitat areas, natural areas, and scenic areas.

128.720. USE. Within any AR-10, Acreage Residential 10-acre zone, no building, structure or premises shall be used or arranged, designed, erected, or maintained to be used except for the following purposes:

- (A) Single-family dwelling including single-family manufactured dwelling;
- (B) Farm Use (as defined in Section 110.223, excluding confined animal feeding operations (CAFO));
- (C) Propagation or harvesting of a forest product as permitted by the Forest Practices Act;
- (D) Public parks, playgrounds;
- (E) Public buildings such as libraries and fire stations;
- (F) Churches;
- (G) Accessory uses and structures:
 - (1) Customary residential accessory building for private use, such as pergola, greenhouse, hothouse, hobby house, summer house, patios, enclosed or covered patios, woodshed, quarters for domestic animals maintained as pets;
 - (2) Fallout shelters;
 - (3) Fences;
 - (4) Garages and parking areas for the storage and protection of the automobiles of the residents of the dwelling, including a private garage for not more than three motor vehicles for each single-family dwelling on the same lot with or within the dwelling to which it is an accessory and in which no business or industry is conducted;

- (5) Storage for a commercial vehicle, maximum of one per dwelling;
- (6) Sleeping quarters in a garage for domestic employees of the main building to which the garage is attached;
- (7) Guest houses and guest quarters not in the main building are permitted if such quarters are, and remain, dependent upon the main building for either or both kitchen and bathroom facilities and the guest facilities are not used for residential purposes; and
- (8) Swimming pools for private use (requires building permit);
- (H) Home occupation as defined in Section 116.020;
- (I) The taking of boarders or leasing of rooms by a resident family providing the total number of boarders and roomers does not exceed two in a single-family dwelling nor more than four (4) in any legally established two-family dwelling.
- (J) The use of a manufactured home during construction (see Limited Uses, Section 125.010);
- (K) Schools (elementary, junior high and high);
- (L) Privately operated kindergartens or day nurseries, providing the residential character of the building is maintained.
- (M) Residential homes, as defined in Section 110.477; and
- (N) Transportation Improvements.
- (O) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

128.730. USES PERMITTED SUBJECT TO REVIEW AND APPROVAL.

- (A) **HARDSHIP TEMPORARY MANUFACTURED DWELLING.** One manufactured dwelling unit, recreational vehicle, or the temporary residential use of an existing building in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or a relative of the resident, provided that:
 - (1) The medical hardship is certified by a licensed physician;
 - (2) The hardship dwelling or recreational vehicle is connected to the existing sewage disposal system; except when the County Sanitarian finds the existing system to be inadequate and that it cannot be repaired or is not physically available; If the hardship dwelling will use a public sanitary system, such condition will not be required.
 - (3) The applicant agrees to renew the permit every two years.
 - (4) Within 3 months of the end of the hardship the manufactured dwelling,

recreational vehicle, or building converted to a temporary residential use, shall be removed, demolished, or converted to an approved nonresidential use.

(5) Notice of Determination. Upon issuance of a temporary hardship determination by the Planning Director, determinations shall be mailed to the applicant and to interested parties based upon the provisions of Section 111.270 of the Polk County Zoning Ordinance. An appeal of the Planning Director's decision shall be processed pursuant to Section 111.280 of the Polk County Zoning Ordinance.

(B) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

128.740. CONDITIONAL USE. All uses permitted as conditional uses shall be subject to the general provisions of Chapter 119 of this Ordinance, "Conditional Uses".

- (A) Private parks;
- (B) Community or neighborhood club buildings, including swimming pools, and other allied facilities, when erected by a non-profit community club for the improvements of the community or social recreation of the members;
- (C) Private airfield;
- (D) Church conference and campground (see Specific Conditional Uses, Section 119.150 (F));
- (E) Communications tower as provided in Section 112.135;
- (F) Use of an accessory building for conducting a home occupation;
- (G) Conditional home-occupation (see Section 116.030);
- (H) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale, as provided in Section 112.135; and
- (I) Cottage Industry Home Occupations (see Section 116.040).
- (J) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

128.750. NON-REMONSTRANCE DEED RESTRICTION. For any conditional use approved under section 127.730, the landowner for the conditional use shall be required to sign and record a deed restriction binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from accepted farming or forest practices listed under ORS 30.936 to 30.937.

CHAPTER 128.800

AGRICULTURE AND FORESTRY-TEN ACRE (AF-10) ZONING DISTRICT

- 128.810. Purpose
- 128.820. Use
- 128.830. Uses Permitted Subject to Review and Approval
- 128.840. Conditional Uses
- 128.850. Non-Remonstrance Deed Restriction

128.810. PURPOSE. It is the purpose and function of the Agriculture and Forestry – 10-acre minimum (AF-10) zone to:

- (A) Allow the designation of new Rural Lands consistent with Oregon Administrative Rule (OAR) 660-004-0040, without requiring an exception to Oregon Statewide Planning Goal 14;
- (B) Provide larger acreage homesites while at the same time providing the maximum opportunity for agriculture and forestry related operations that could result in rural employment for the residents of Polk County;
- (C) Provide for the establishment of uses consistent with the location, inherent limitations and the functional needs of the area;
- (D) Provide for the orderly growth of the rural areas so that as development occurs, the supporting community will be able to afford the increased capital investments required for services to and within the new rural area and the costs of maintenance of utility facilities, roads, protective services, and desired social services;
- (E) To promote the planning of future roads in the area; and
- (F) To provide for the above, yet not adversely affect fish and wildlife resources and habitat areas, natural areas, and scenic areas.

128.820. USE. Within any Agriculture and Forestry 10-acre minimum (AF-10) zone, no building, structure or premises shall be used or arranged, designed, erected, or maintained to be used except for the following purposes:

- (A) Single-family dwelling including single-family manufactured dwelling;
- (B) Farm Use (as defined in Section 110.223);
- (C) Propagation or harvesting of a forest product as permitted by the Forest Practices Act;
- (D) Public parks, playgrounds;
- (E) Public buildings such as libraries, fire stations and fire service facilities providing rural fire protection services;
- (F) Churches;
- (G) Accessory uses and structures:
 - (1) Customary residential accessory building for private use, such as pergola, greenhouse, hothouse, hobby house, summer house, patios, enclosed or covered patios, woodshed, quarters for domestic animals maintained as pets;
 - (2) Fallout shelters;
 - (3) Fences;
 - (4) Garages and parking areas for the storage and protection of the automobiles of the residents of the dwelling, including a private garage for not more than three motor vehicles for each single-family dwelling on the same lot with or within the dwelling to which it is an accessory and in which no business or industry is conducted;
 - (5) Storage for a commercial vehicle, maximum of one per dwelling;
 - (6) Sleeping quarters in a garage for domestic employees of the main building to which the garage is attached;

- (7) Guest houses and guest quarters not in the main building are permitted if such quarters are, and remain, dependent upon the main building for either or both kitchen and bathroom facilities and the guest facilities are not used for residential purposes; and/or
- (8) Swimming pools for private use (requires building permit);
- (H) Home occupation as defined in Section 116.020;
- (I) The use of a manufactured home during construction (see Limited Uses, Section 125.010);
- (J) Schools (elementary, junior high and high);
- (K) Privately operated kindergartens or day nurseries, providing the residential character of the building is maintained.
- (L) Residential homes, as defined in Section 110.477; and
- (M) Transportation improvements.
- (N) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
- (O) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
- (P) Uses and activities to conserve soil, air and water quality and to provide for and manage wildlife and fisheries resources.
- (Q) Temporary portable facility for the primary processing of forest products (the facility shall be removed at the conclusion of the forest operation requiring its use).
- (R) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head as defined in ORS Chapters 517 and 520.
- (S) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
- (T) Towers and fire stations for forest fire protection.
- (U) Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- (V) Temporary forest labor camps, without any permanent structures, limited to the duration of the forest operation requiring the use.
- (W) Uninhabitable structures accessory to fish and wildlife enhancement.
- (X) Private fee hunting or fee fishing operations without any accommodations.
- (Y) Breeding, kenneling, and training of greyhounds for racing;
- (Z) Utility facility service lines, and facilities or structures that end at a 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; or
 - (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.

- (AA) Irrigation canals, delivery lines and those structures and accessory operation facilities associated with a district as defined in ORS 540.505.
- (BB) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

128.830. USES PERMITTED SUBJECT TO REVIEW AND APPROVAL.

- (A) **HARDSHIP TEMPORARY MANUFACTURED DWELLING.** One manufactured dwelling unit, recreational vehicle, or the temporary residential use of an existing building in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or a relative of the resident, provided that:
 - (1) The medical hardship is certified by a licensed physician;
 - (2) The hardship dwelling or recreational vehicle is connected to the existing sewage disposal system; except when the County Sanitarian finds the existing system to be inadequate and that it cannot be repaired or is not physically available; If the hardship dwelling will use a public sanitary system, such condition will not be required.
 - (3) The applicant agrees to renew the permit every two years.
 - (4) Within 3 months of the end of the hardship the manufactured dwelling, recreational vehicle, or building converted to a temporary residential use, shall be removed, demolished, or converted to an approved nonresidential use.
 - (5) Notice of Determination. Upon issuance of a temporary hardship determination by the Planning Director, determinations shall be mailed to the applicant and to interested parties based upon the provisions of Section 111.270 of the Polk County Zoning Ordinance. An appeal of the Planning Director's decision shall be processed pursuant to Section 111.280 of the Polk County Zoning Ordinance.
- (B) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

128.840. CONDITIONAL USE. All uses permitted as conditional uses shall be subject to the general provisions of Chapter 119 of this Ordinance, "Conditional Uses".

- (A) The following allied farm and forest commercial processing uses and similar activities that require close proximity to natural resources may be permitted as a separate business or enterprise.

- (1) Confined animal feeding operations (CAFO);
 - (2) Permanent facility for the processing, manufacturing or storage of farm or forest products;
 - (3) Permanent logging equipment repair and storage;
 - (4) Log scaling and weigh stations;
 - (5) Farm or forest implement and equipment sales;
 - (6) Farm or forest related equipment, machinery or truck repair, including associated service parts facilities;
 - (7) Farm and forest supply; and
 - (8) Sand and gravel excavation and processing facilities as provided for by Chapter 120.400;
 - (9) Cement, clay, glass and stone products manufacturing facilities.
 - (10) Any other similar processing and allied farm or forest commercial activities that require close proximity to natural resources.
- (B) Private parks;
- (C) Solid waste disposal sites as provided for in Chapter 120.300;
- (D) Kennels;
- (E) Community or neighborhood club buildings, including swimming pools, and other allied facilities, when erected by a non-profit community club for the improvements of the community or social recreation of the members;
- (F) Private airfield and helipads, including associated hangar, maintenance and service facilities. 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 waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Aeronautics Division;
- (G) Model airplane takeoff and landing sites;
- (H) Rural outdoor motor race track;
- (I) Golf courses;
- (J) Boat, camper and trailer storage area or lot (see Specific Conditional Uses, Section 119.150 (C));
- (K) Church conference and campground (see Specific Conditional Uses, Section 119.150 (F));
- (L) Communications tower as provided in Section 112.135;
- (M) Riding clubs and stables, rural outdoor rodeo grounds and similar uses;
- (N) Beauty shops, where no assistants are employed;
- (O) Use of an accessory building for conducting a home occupation;
- (P) Conditional home-occupation (see Section 116.030);

- (Q) Utility facilities necessary for public service, including wetland waste treatment systems;
- (R) Commercial power generating facilities;
- (S) Cottage Industry Home Occupations (see Section 116.040);
- (T) Winery, may be permitted subject to findings that:
 - (1) The winery use will not result in substantial conflicts with farm or forest practices on adjacent lands; and
 - (2) Standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming and forest practices on adjacent lands:
 - (a) Establishment of a setback, not to exceed 100 feet, from all property lines for the winery and all public gathering places; and
 - (b) Provision of direct local road access, internal circulation, and parking.
- (U) Composting facilities. Buildings and facilities used in conjunction with the composting operation shall only be those required for operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle;
- (V) Aquaculture, including the propagation, cultivation, maintenance and harvesting of aquatic species;
- (W) Insect breeding, including the propagation, cultivation, maintenance and harvesting of insect species, subject to compliance with the following criteria:
 - (1) Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
 - (2) Notice of the application shall be provided to the State Department of Agriculture at least 20 calendar days prior to any administrative action or initial public hearing on the application.
- (X) Operations for the Extraction and Bottling of Water;
- (Y) Firearms training facility;
- (Z) Armed Forces Reserve Center. For purposes of this paragraph, "armed forces reserve center" includes an armory or National Guard support facility;
- (AA) Private seasonal accommodations for fee hunting operations, subject to 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) Other conditions, as deemed appropriate.
- (BB) Private accommodations for fishing occupied on a temporary basis, subject to 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 Type F waters; and
 - (5) A governing body may impose other appropriate conditions.
- (CC) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations;
 - (DD) Permanent forest labor housing structures to house laborers on a temporary basis for the duration of the forest operation;
 - (EE) Laboratory-seed and soil testing, research facilities;
 - (FF) Farm or forest products stand, designed and used for the sale of farm crops, special forest products, and livestock grown on farms or forests in the local agricultural and forestry area, including the retail sale of incidental items accounting for no more than 25 percent of the total sales of the farm or forest stand. Farm or forest products stands do not include structures designed for residential occupancy or to accommodate activities other than the sale of farm crops, special forest products, and livestock, such as structures for banquets, public gatherings or entertainment;
 - (GG) Living History Museum, designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events. A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located with authentic buildings of the depicted historic period or the museum administration building. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65; and
 - (HH) Commercial activities in conjunction with farm or forest use including activities related to the processing, distribution, and retail marketing of farm or forest products a portion of which is grown on-site.
 - (II) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

128.850. NON-REMONSTRANCE DEED RESTRICTION. For any conditional use approved under section 127.830, the landowner for the conditional use shall be required to sign and record a deed restriction binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from accepted farming or forest practices listed under ORS 30.936 to 30.937.

CHAPTER 130

GR/LDR, GRAND RONDE: LOW DENSITY RESIDENTIAL ZONE

- 130.010 Permitted Uses
- 130.020 Uses Subject to Administrative Review
- 130.030 Conditional Uses
- 130.035 General Development Standards
- 130.040 Future Right-of-Way Lines
- 130.050 Off-Street Parking and Loading
- 130.060 Accessory Structures
- 130.070 Fences
- 130.080 Lot Area and Width
- 130.090 Front Yards
- 130.100 Side and Rear Yards
- 130.110 Height
- 130.120 Access
- 130.130 Occupancy of Recreational Vehicles

130.010. PERMITTED USES. Within any GR/LDR, Grand Ronde: Low Density Residential Zone, no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for one or more of the following uses:

- A. Dwelling, Single Family;
- B. Dwelling, Two Family (Duplex) [See, Section 119.150 (B)];
- C. Residential Home as defined by ORS 197.660;
- D. Subdivisions, subject to the requirements set forth in Subdivision Ordinance Chapter 91;
- E. Home Occupations subject to Section 116.020;
- F. Accessory Uses and Buildings.
 - (1) Customary residential accessory buildings for private use, such as a pergola, green house, hot house, hobby shop, patio, enclosed or covered patio, woodshed, quarters for domestic animals maintained as pets;
 - (2) Swimming pools;
 - (3) Garage private, for not more than 3 motor vehicles for each single-family dwelling on the same lot with or within the dwelling to which it is accessory;
 - (4) Storage of a commercial vehicle with a maximum of one commercial vehicle per dwelling; and,
- G. Raising of Livestock is permitted with a minimum of one (1) acre for the first animal unit and one-half (1/2) acre for each animal unit thereafter. Cattle, horses, burros, donkeys, and other animals of comparable size each constitute one (1) animal unit. Five (5) animals the size of sheep or goats constitute one (1) animal unit. Fifty (50) animals the size of fowl, rabbits, or other animals of comparable size each constitutes one (1) animal unit. All animals and fowl shall not be allowed to run at large off the property of the owner. Swine shall not be allowed on tracts of less than ten (10) acres. The keeping of livestock and fowl animals and animal waste therefrom shall be done in such a reasonable manner as not to constitute a nuisance, especially by reason of odor, waste pollution, or attraction of rodents, flies, or other insects.
- H. Transportation Improvements [Amended by Ordinance #01-01, dated November 14, 2001.]
- I. Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

130.020. USES SUBJECT TO ADMINISTRATIVE REVIEW.

- A. Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the

height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

130.030. CONDITIONAL USES.

- A. Dwelling, Three or four Family (Triplex or Quadplex) [See, Section 119.150 (B)];
- B. Home Occupations, subject to the provisions of Sections 116.030 and 116.040;
- C. Bed and Breakfast facility;
- D. Kindergartens and Day nurseries; and,
- E. Beauty or barber shop, where no assistants are employed.
- F. Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

130.035. GENERAL DEVELOPMENT STANDARDS. The general development standards in Sections 112.010 through 112.120 and 112.140 through 112.175 shall apply.

130.040. FUTURE RIGHT-OF-WAY LINES. Sections 112.180 through shall apply.

130.050. OFF-STREET PARKING AND LOADING. The off-street parking and loading requirements found in sections 112.210 through 112.270 shall apply.

130.060. ACCESSORY STRUCTURES. Accessory structures shall conform to the requirements found in Sections 112.280 through 112.340.

130.070. FENCES. Fences shall conform to the requirements found in sections 112.350 through 112.370.

130.080. LOT AREA AND WIDTH. In the GR/LDR zone, the minimum requirements for lot area shall be 9,000 square feet for a single-family dwelling. The minimum lot area requirements for a Dwelling, Two-three or four family, shall be 10,000 square feet. The front building line shall have a minimum width of 60 feet. The maximum depth to width ratio for newly created parcels shall be 3:1.

130.090. FRONT YARDS. Every building erected, constructed, or altered shall set back from the front lot line at least thirty (30) feet, except in the instance where the average depths of the other buildings on the same side of the street are between ten (10) and thirty (30) feet, then the average depth may be used. The minimum set back for all yards for signs shall be five (5) feet.

130.100. SIDE AND REAR YARDS. There shall be side and rear yards on every lot, which side and rear yards shall have a minimum depth of ten (10) feet except as provided for accessory uses in Subsections 112.280 through 112.340.

130.110. HEIGHT. The maximum building height for any structure shall be twenty-five (25) feet.

130.120. ACCESS. In addition to the requirements of Section 112.175, before a dwelling may be established on any parcel, the parcel shall have a legal, safe and passable means of access. A parcel shall abut by at least twenty (20) feet either directly upon a public road, or by a private easement which is thirty (30) feet in width for its entire length and which also abuts upon a public road for at least thirty (30) feet.

130.130. 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 the recreational vehicle be the principal dwelling or be rented.

CHAPTER 131

SINGLE FAMILY RESIDENTIAL (RS) ZONING DISTRICT

- 131.010. Use
- 131.020. Transitional Uses
- 131.030. Uses Subject to Administrative Review
- 131.040. Conditional Uses

131.010. USE. Within an RS Single Family Residential zone no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for 1 or more of the following uses:

- (A) Single-family dwelling;
- (B) Playgrounds, parks;
- (C) Public buildings and structures, such as libraries, fire stations;
- (D) Gardens, orchards and crop cultivation, provided no stable or barn, cattle or other livestock, or poultry is maintained in connection therewith, and provided no sales area or retail business is operated in connection therewith, and provided further, that all other applicable ordinances are complied with;
- (E) Right-of-way for:
 - (1) Electric service lines;
 - (2) Gas mains;
 - (3) Communications lines;
 - (4) Water lines; and
 - (5) Sewer lines.
 - (6) Transportation Improvements [Amended by Ordinance #01-01, dated November 14, 2001.]
- (F) Public utility structures and buildings such as pump stations and reservoirs, electric substations, when they comply with all yard and setback requirements;
- (G) Accessory uses and structures:
 - (1) Customary residential accessory buildings for private use, such as a pergola, greenhouse, hot house, hobby shop, or hobby house, summer house, patio, enclosed or covered patio, woodshed, quarters for domestic animals maintained as pets of the residents;
 - (2) Fallout shelters;
 - (3) Fences;
 - (4) A private garage for not more than 3 motor vehicles for each single-family dwelling on the same lot with or within the dwelling to which it is accessory and in which no garage, business or industry is conducted;
 - (5) Storage for a commercial vehicle with a maximum of 1 commercial vehicle per dwelling;
 - (6) Sleeping quarters in a garage for domestic employees of the resident of the main building to which the garage is accessory;
 - (7) Guest houses and guest quarters not in the main building provided such houses and quarters are and remain dependent upon the main building for either or both the kitchen and bathroom facilities and the guest facilities are not used for residential purposes;
 - (8) Swimming pools for private use (requires a building permit);
- (H) Home occupations, as defined in Section 110.270;
- (I) The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed 2 in any single-family dwelling, nor more than 4 in any legally established 2-family dwelling;

- (J) Subdivision or planned development pre-cutting and assembly facility (see Limited Use, Section 125.020);
- (K) Subdivision or planned development sales office or development office (see Limited Use, Section 125.030).
- (L) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

131.020. TRANSITIONAL USES. Transitional uses shall be permitted in an RS zone where the side of a lot abuts upon any business zone or industrial district, provided that such transitional use does not extend across a street or alley and in no case more than 165' from the boundary of the less restricted zone which it adjoins, as follows:

- (A) Two-family dwelling (duplexes) on a lot of 7,000 square feet or more;
- (B) Public and semi-public uses, buildings and structures;
 - (1) Churches;
 - (2) Community or neighborhood club buildings, including swimming pools and other allied facilities, when erected by a non-profit community club for the improvement of the zone or social recreation of the members;
- (C) Other main uses:
 - (1) Public automobile parking areas when located and developed as prescribed in Chapter 118;
 - (2) Outdoor plant nursery;
 - (3) Privately operated kindergartens or day nurseries, provided the residential character of the building is unchanged.

131.030. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

131.040. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in an RS zone:

- (A) Public and semi-public uses, buildings and structures;
 - (1) Churches;

- (2) Community or neighborhood club buildings, swimming pools and other allied facilities, when erected by a non-profit community club for the improvement of the zone or social recreation of the members;
- (3) Communications tower not exceeding 40-feet in height, as provided in Section 112.135 and the following:
 - a) The location, size, design and functional characteristics of the tower are reasonably compatible with the existing conditions and vegetation at the proposed site, the tower must be designed and constructed with material to reduce visibility of the tower by:
 - i) A site-specific study of the tower site identifying a proposed stealth (i.e. camouflage) construction type that may include but is not limited to a tree, or flagpole (no external antennas). The proposed color and surfacing of the tower and associated fixtures. [Amended by Ordinance 04-09]
- (4) Communications tower over 40-feet in height but not exceeding 100-feet in height, as provided in Section 112.135 and the following:
 - a) Coverage limitations showing the proposed height of the tower is needed in order to meet the service type and area coverage needs. Propagation maps stamped by a professional engineer that demonstrate service type and area coverage shall be provided for the 40-foot height, and each 20-foot interval to the proposed tower height; or
 - b) Type of system (e.g. broadcast, FM radio, television); or
 - c) Other requirements of local, state, and federal agencies; and
 - d) The location, size, design and functional characteristics of the tower are reasonably compatible with the existing conditions and vegetation at the proposed site. The tower must be designed and constructed with material to reduce visibility of the tower by:
 - i) A site-specific study of the tower site identifying a proposed stealth (i.e. camouflage) construction type that may include but is not limited to a tree, or flagpole (no external antennas).
 - ii) The proposed color and surfacing of the tower and associated fixtures. [Amended by Ordinance 04-09]
- (5) Schools (elementary, junior high, and high school);
- (B) Dwellings:
 - (1) Two-family dwellings (duplexes) on a corner lot of 7,000 square feet or more (see Specific Conditional Uses, Section 120.020);
- (C) Miscellaneous uses:
 - (1) Privately-operated kindergartens or day nurseries, provided the residential character of the building is unchanged;
 - (2) Beauty shop, where no assistants are employed;
 - (3) Use of an accessory building for conducting a home occupation;
- (D) Planned development;
- (E) Boat, camper and trailer storage area or lot (see Specific Conditional Uses, Section 120.030);
- (F) Temporary use of mobile homes during certain hardship conditions (see Specific Conditional Uses, Section 120.040).

- (G) Solid Waste Disposal Sites (see Specific Conditional Uses, Section 120.310 - 120.380);
- (H) Sand and Gravel Resource Sites (see Specific Conditional Uses, Section 120.410 - 120.460);
- (I) Conditional Home-Occupation (Other than those home occupations listed in Section 110.270)(See Specific Conditional Uses, Section 120.075).
- (J) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

CHAPTER 132

DUPLEX RESIDENTIAL (RD) ZONING DISTRICT

- 132.010. Use
- 132.020. Transitional Uses
- 132.030. Uses Subject to Administrative Review
- 132.040. Conditional Uses

132.010. USE. Within any RD Duplex Residential zone, no building, structure or premises shall be used, arranged or designed to be used, erected, structurally altered or enlarged except for one or more of the following uses:

- (A) Any use permitted in RS zone;
- (B) Two (2) family dwelling unit in a single structure;
- (C) A private garage or parking area for not more than 3 motor vehicles for each dwelling unit on the same lot with or within the dwelling to which it is accessory and in which garage no business or industry is conducted.
- (D) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

132.020. TRANSITIONAL USES. The regulations concerning transitional uses in an RD zone shall be the same as in an RS zone.

132.030. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

132.040. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in a RD zone:

- (A) Public and semi-public uses, buildings and structures:
 - (1) Churches;
 - (2) Community or neighborhood club buildings, swimming pools and other allied facilities, when erected by a non-profit community club for the improvement of the zone or social recreation of the members;
 - (3) Communications tower, as provided in Section 112.135; [Amended by Ordinance 04-09]
 - (4) Schools (elementary, junior high and high school);
- (B) Dwellings:
 - (1) Three (3) family dwellings in 1 building on a corner lot of 8,000 square feet or more;
- (C) Miscellaneous uses:

- (1) Privately-operated kindergartens or day nurseries, provided the residential character of the building is unchanged;
- (2) Beauty shop, where no assistants are employed;
- (3) Use of an accessory building for conducting a home occupation;
- (D) Planned development;
- (E) Boat, camper and trailer storage area or lot (see Specific Conditional Uses, Section 120.030);
- (F) Temporary use of mobile homes during certain hardship conditions (see Specific Conditional Uses, Section 120.040);
- (G) Solid Waste Disposal Sites (see Specific Conditional Uses, Section 120.310 - 120.380);
- (H) Sand and Gravel Resource Sites (see Specific Conditional Uses, Section 120.410 - 120.460)
- (I) Conditional Home-Occupation (Other than those home occupations listed in Section 110.270)(See Specific Conditional Uses, Section 120.075)
- (J) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

CHAPTER 133

LIMITED MULTI-FAMILY RESIDENTIAL (RL) ZONING DISTRICT

- 133.010. Use
- 133.020. Transitional Uses
- 133.030. Uses Subject to Administrative Review
- 133.040. Conditional Uses

133.010. USE. Within any RL Limited Multi-Family Residential zone, no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered or enlarged, except for one or more of the following uses:

- (A) Any use permitted in an RD zone;
- (B) Unlimited number of dwelling units including:
 - (1) Apartment houses;
 - (2) Court apartments;
 - (3) Churches;
 - (4) Community or neighborhood clubs;
 - (5) Kindergarten or day nursery.
- (C) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

133.020. TRANSITIONAL USES. Transitional uses shall be permitted in an RL zone where the side of a lot abuts upon any business zone or industrial zone, provided that such transitional use does not extend across a street or alley and in no case more than 165' from the boundary of the less restricted zone which it adjoins, as follows:

- (A) Public parking areas when developed as prescribed in Chapter 118;
- (B) Outdoor plant nursery.

133.030. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

133.040. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in an RL zone:

- (A) Planned development;
- (B) Dormitories;
- (C) Sorority and fraternity houses;
- (D) Student homes;
- (E) Boarding houses (also see accessory uses);
- (F) Rooming houses;
- (G) Homes for the aged;

- (H) Retirement homes;
- (I) Rest homes;
- (J) Mobile home parks;
- (K) Nursing homes;
- (L) Sanitariums;
- (M) Boat, camper and trailer storage area or lot (see Specific Conditional Uses, Section 120.030);
- (N) Schools, (elementary, junior high, and high schools);
- (O) Group care home;
- (P) Temporary use of mobile home during certain hardship conditions (see Specific Conditional Uses, Section 120.040);
- (Q) Solid Waste Disposal Sites (see Specific Conditional Uses, Section 120.310 to 120.380);
- (R) Sand and Gravel Resource Sites (see Specific Conditional Uses, Section 120.410 to 120.460);
- (S) Conditional Home-Occupation (Other than those home occupations listed in Section 110.270) (see Specific Conditional Uses, Section 120.075).
- (T) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

CHAPTER 134

MULTI-FAMILY RESIDENTIAL (RM) ZONING DISTRICT

- 134.010. Use
- 134.020. Transitional Uses
- 134.030. Uses Subject to Administrative Review
- 134.040. Conditional Uses

134.010. USE. Within any RM Multi-Family Residential zone no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged, except for one or more of the following uses:

- (A) Any use permitted in an RL zone;
- (B) Unlimited number of dwelling units including:
 - (1) Dormitories;
 - (2) Sorority and fraternity houses;
 - (3) Student homes;
 - (4) Boarding houses (also see accessory uses);
 - (5) Rooming houses;
 - (6) Homes for the aged;
 - (7) Retirement homes;
 - (8) Rest homes;
 - (9) Nursing homes;
 - (10) Sanitariums;
 - (11) Apartment houses;
 - (12) Court apartments;
 - (13) Churches;
 - (14) Community or neighborhood clubs;
 - (15) Kindergartens or day nurseries;
 - (16) Group Care Home.
- (C) Optional businesses:
 - (1) any apartment or boarding house housing more than 25 families may have therein a newsstand, barber shop, beauty parlor, food shop, and dining rooms when conducted and entered only from within the building.
- (D) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

134.020. TRANSITIONAL USES. Transitional uses shall be permitted in an RM zone where the side of a lot abuts upon any business zone or industrial zone, provided that such transitional use does not extend across a street or alley and in no case more than 165' from the boundary of the less restricted zone which it adjoins as follows:

- (A) Public parking areas when developed as prescribed in Chapter 118;

- (B) Outdoor plant nursery.

134.030. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

134.040. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in an RM zone:

- (A) Planned development;
- (B) Mobile home park;
- (C) Boat, camper and trailer storage area or lot (see Specific Conditional Uses, Section 120.030);
- (D) Schools (elementary, junior high, and high school);
- (E) Fraternal or lodge buildings;
- (F) Temporary use of mobile home during certain hardship conditions (see Specific Conditional Uses, Section 120.040);
- (G) Solid Waste Disposal Sites (see Specific Conditional Uses, Section 120.310 to 120.380);
- (H) Sand and Gravel Resource Sites (see Specific Conditional Uses, Section 120.410 to 120.460);
- (I) Conditional Home-Occupation (Other than those home occupations listed in Section 110.270) (see Specific Conditional Uses, Section 120.075).
- (J) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

CHAPTER 135

HIGH RISE APARTMENT RESIDENTIAL (RH) ZONING DISTRICT

- 135.010. Use
- 135.020. Transitional Uses
- 135.030. Uses Subject to Administrative Review
- 135.040. Conditional Uses

135.010. USE. Within any RH High Rise Apartment Residential zone no building, structure or premises shall be used, arranged, or designed to be used, erected, structurally altered, or enlarged, except for one or more of the following uses:

(A) Any use permitted in RM zones (see Section 134.010).

135.020. TRANSITIONAL USES. The regulations concerning transitional uses in an RH zone shall be the same as in an RM zone (see Section 134.020).

135.030. USES SUBJECT TO ADMINISTRATIVE REVIEW. The regulations concerning uses subject to administrative review in an RH zone shall be the same as in an RM zone (see Section 134.030).

135.040. CONDITIONAL USES. The regulations concerning conditional uses in an RH zone shall be the same as in an RM zone except that hospitals shall be permitted as a conditional use (see Section 134.040).

CHAPTER 136

EXCLUSIVE FARM USE (EFU) ZONING DISTRICT

- 136.010. Purpose
- 136.015. Definitions
- 136.020. Authorized Uses and Development
- 136.030. Uses Permitted by Right
- 136.040. Uses Subject to Administrative Review
- 136.050. Conditional Uses [OAR 660-33-130]
- 136.060. General Review Standards [OAR 660-33-130 (5)]
- 136.070. Land Partition Standards [ORS 215.780 (C)]
- 136.100. Nonconforming Uses
- 136.120. Non-Remonstrance Deed Restriction
- 136.140. Prohibited Uses
- 136.150. Development Standards
- 136.160. Period of Validity for Administrative Review Uses
- 136.170. Period of Validity for Non-farm, Lot-of-Record, and Replacement Dwellings

136.010. PURPOSE. The purpose and intent of the Exclusive Farm Use (EFU) Zoning District is to conserve agricultural lands, consistent with the Goals and Policies of the Polk County Comprehensive Plan. This objective is achieved by establishing clear standards for the use and development of designated agricultural lands.

The Exclusive Farm Use Zoning District will be applied to lands defined as "agricultural lands" by Oregon Administrative Rule (OAR) 660-33-020(1). Within the Exclusive Farm Use Zoning District, the use and development of land is subject to review and authorization as provided by Polk County's land use regulations and as may further be indicated in State and federal laws.

136.015. DEFINITIONS. Terms related to farm land and land use found in this chapter are defined in the Oregon Revised Statutes (ORS), Chapter 215 and in the Oregon Administrative Rules (OAR), Division 33. A handout defining these terms is available from the Polk County Community Development Department.

136.020. AUTHORIZED USES AND DEVELOPMENT. The following uses, activities and development are authorized in the Exclusive Farm Use Zoning District, subject to review and approval under applicable regulatory standards:

Key

- HV High-Value Farm Land, defined by OAR 660-33-020 (8)
- Other Other lands, not defined as High-Value
- P Permitted outright
- AR Subject to administrative review and approval
- CUP Subject to review and approval as a conditional use
- NP Use not permitted
- NA Not applicable
- PCZO *Polk County Zoning Ordinance Chapter 136 subsection*

RESOURCE USES	HV	OTHER	PCZO
Farm Use as defined in ORS 215.203	P	P	030(A)
Facility for the Processing of Farm Crops	AR	AR	040(R)
Use and Management of Forest Lands	P	P	030(B)
Farm and Forest Accessory Structures	P	P	030(C)
Forest Product Primary Processing Facility	CUP	CUP	050(A)
Wetland Creation/Restoration and Enhancement	P	P	030(D)
Wildlife Habitat Conservation and Management Plan	P	P	030(L)
Aquaculture	CUP	CUP	050(B)
Insect Breeding	CUP	CUP	050(C)
Operations for the Extraction and Bottling of Water	CUP	CUP	050(D)

RESIDENTIAL	HV	OTHER	PCZO
Farm Dwelling	AR	AR	040(A,D,E,F)
Accessory Farm Dwelling	AR	AR	040(K)
Family Farm Help Dwelling	AR	AR	040(H)
Lot of Record Dwelling - Not High Value	NA	AR	040(G)
Lot of Record Dwelling - High-Value	AR	NA	040(C)
Dwelling in Conjunction With a Commercial Dairy	AR	AR	040(N)
Relocated Farm Operation Dwelling	AR	AR	040(O)
Small-Tract Dwelling - High-Value	AR	NA	040(B)
Nonfarm Dwelling	NP	CUP	050(E)
Nonfarm Dwelling on Nonfarm Parcel	NP	CUP	050(F)
Replacement Dwelling	AR	AR	040(I)
Replacement of Historic Dwelling	AR	AR	040(J)
Temporary Hardship Dwelling	AR	AR	040(L)
Seasonal Farm Worker Housing (ORS 197.675)	AR	AR	040(M)
Residential Home or Facility (ORS 197.660)	CUP	CUP	050(G)
Room and Board Arrangements	CUP	CUP	050(H)

COMMERCIAL	HV	OTHER	PCZO
Activity In Conjunction with Farm Use	CUP	CUP	050(I)
Home Occupations	CUP	CUP	050(J)
Breeding, Kenneling, and Training of Greyhounds for Racing	NP	P	030(K)
Dog Kennels	NP	CUP	050(K)
Training and Stabling Horses for Profit	P	P	030(A)
Winery, as described in ORS 215.452	AR	AR	040(P)
On-site Filming and Accessory Activities for 45 days or less	P	P	030(M)
On-site Filming and Accessory Activities for more than 45 days	CUP	CUP	050(L)
Farm Stands	AR	AR	040(Q)
Parking of not more than seven log trucks	AR	AR	040(S)
Destination Resort	NP	CUP	050(M)

MINERAL AND AGGREGATE	HV	OTHER	PCZO
Exploration and Production of Geothermal, (ORS 522.005) Oil and Gas (ORS 520.005)	P	P	030(E)
Mineral Exploration (ORS 517.750)	P	P	030(F)
Mining and Processing of Geothermal, (ORS 522.005) Oil and Gas (ORS 520.005)	CUP	CUP	050(N)

Mining and Processing of Mineral and Aggregate Materials	CUP	CUP	050(N)
Processing of Aggregate into Asphalt or Portland Cement (ORS 517.750)	CUP	CUP	050(N)
Processing of Other Mineral Resources	CUP	CUP	050(N)

TRANSPORTATION	HV	OTHER	PCZO
Personal Use Airports and Helipads	CUP	CUP	050(O)
Climbing and Passing Lanes within Right-of Way existing on July 1, 1987	P	P	030(G)
Construction of Passing and Travel lanes, requiring acquisition of right-of-way, but not resulting in the creation of new land parcels	CUP	CUP	050(P)
Reconstruction or Modification of Public Roads, not including addition of travel lanes or removal of buildings, but not resulting in the creation of new land parcels	P	P	030(H)
Reconstruction or Modification of Public Roads, involving the removal of buildings, but not resulting in the creation of new land parcels	CUP	CUP	050(Q)
Temporary Public Road Detours	P	P	030(I)
Minor Improvements to Existing Road and Highway Related Facilities within right-of-way existing on July 1, 1987	P	P	030(J)
Improvements to Existing Road and Highway Related Facilities where additional property or right-of-way is required, but not resulting in the creation of new land parcels	CUP	CUP	050(R)
Other Roads, Highways and Transportation Facilities not listed	CUP and Exception	CUP and Exception	
Transportation Improvements on Rural Lands allowed by OAR 660-012-0065	CUP	CUP	050(S)

UTILITIES & SOLID WASTE DISPOSAL FACILITIES	HV	OTHER	PCZO
Utility Facilities Necessary for Public Service, including wetland waste treatment systems but not including commercial power generating facilities or transmission towers over 200 feet in height	AR	AR	040(T)
Transmission Towers over 200 feet in height	CUP	CUP	050(T)
Solid Waste Disposal Site under ORS 459.049	NP	AR	040(V)
Solid Waste Disposal Site under ORS 459.245	NP	CUP	050(U)
Composting Facilities	NP	CUP	050(V)
Commercial Power Generating Facilities	CUP	CUP	050(W)
Fire service facilities providing rural fire protection services	P	P	030(N)

Irrigation canals, delivery lines and those structures and accessory operation facilities associated with a district as defined in ORS 540.505	P	P	030(O)
Utility facility service lines	P	P	030(P)
Non-commercial wind energy systems, meteorological towers and photovoltaic systems	P	P	030(Q)
Non-commercial wind energy systems and meteorological towers needing a height or type of construction modification	AR	AR	040(U)
Non-commercial wind energy systems and meteorological towers in a UGB	CUP	CUP	050(X)

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES	HV	OTHER	PCZO
Schools, public or private	NP	AR	040(X)
Churches and Associated Cemeteries	NP	AR	040(Y)
Parks, private, including playgrounds, hunting/fishing preserves and campgrounds	NP	CUP	050(Z)
Parks and playgrounds. A public park may be established consistent with the provisions of ORS 195.120	CUP	CUP	050(Y)
Model Aircraft Takeoff and Landing Sites	AR	AR	040(W)
Expansion of Existing County Fairgrounds	CUP	CUP	050(AA)
Golf Courses	NP	CUP	050(BB)
Community centers owned by a governmental agency or a nonprofit organization	CUP	CUP	050(CC)
Firearms training facility as provided in ORS 197.770	AR	AR	040(Z)
Living history museum	CUP	CUP	050(DD)

136.030. USES PERMITTED BY RIGHT. The following uses are permitted, subject to applicable standards set forth in the Polk County Zoning Ordinance and as may otherwise be indicated by federal, state and local permits or regulations:

- (A) Farm use, as defined in ORS 215.203.
- (B) Propagation or Harvesting of a Forest Product.
- (C) Accessory Buildings and Structures related to the use and management of farm and forest lands.
- (D) Creation, Restoration and Enhancement of Wetlands.
- (E) Exploration for and Production of Geothermal, Oil and Gas, as defined under ORS 522.005 and ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
- (F) Mineral Exploration, as defined in ORS 517.750.

- (G) Climbing and Passing Lanes within the right-of-way existing as of July 1, 1987.
- (H) Reconstruction or Modification of Public Roads and Highways, not including the addition of travel lanes, removal or displacement of buildings or creation of new parcels.
- (I) Temporary Public Road or Highway Detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- (J) Minor Betterment of Existing Public Road 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 public-owned property utilized to support the operation and maintenance of public roads and highways.
- (K) Breeding, Kenneling, and Training of Greyhounds for Racing.
- (L) Wildlife Habitat Conservation and Management Plan pursuant to ORS 215.800 to 215.808.
- (M) On-site Filming and Activities Accessory to On-site Filming, for 45 days or less as provided for in ORS 215.306.
- (N) Fire service facilities providing rural fire protection services.
- (O) Irrigation canals, delivery lines and those structures and accessory operation facilities associated with a district as defined in ORS 540.505.
- (P) Utility facility service lines, and facilities or structures that end at a 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; or
 - (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. [OAR 660-033-0130(32)]
- (Q) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138

136.040. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

SINGLE-FAMILY RESIDENCES

- (A) Dwelling for the Farm Operator on High-Value Farmland [OAR 660-033-0135(7) and (9)]. A Farm Dwelling may be authorized on a tract of land classified as high-value, where the tract meets the following criteria:
 - (1) The subject tract is currently in farm use and has produced at least \$80,000 gross annual income from the sale of farm products, each of the last 2 years or

3 out of the past 5 years. (Note: Only gross income from land owned, not leased or rented shall be counted. When determining gross annual income for livestock operations, the cost of purchased livestock must be deducted from the total gross income attributed to the farm or ranch operation as defined in OAR 660-033-0135(11)(b). Noncontiguous lots or parcels designated for exclusive farm use in Polk County or a contiguous county may be used to meet the gross income requirements. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used unless both dwellings are subsequently authorized by provision of law.) [OAR 660-033-0135(7)(d)];

- (2) The tract is currently vacant (no dwellings, excepting lawfully established seasonal farm worker housing on lands designated for exclusive farm owned by the farm operator or on the farm operation); and
 - (3) The dwelling will be occupied by a person or persons who produced the commodities which provided the income under subsection 1 above.
 - (4) At the time of application for a dwelling that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross income requirements, the property owner shall provide a title report, for those lots or parcels located within a contiguous county, that was generated within 30 days of date the application is submitted.
 - (5) Prior to issuance of construction permits for a dwelling that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross income requirements, the property owner shall provide for the recording of a deed restriction with the Polk County Clerk consistent with that required by OAR 660-033-0135(9) for the properties subject to the application that precludes:
 - (a) All future rights to the establishment of a dwelling, except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215;
 - (b) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
- (B) Small Tract Dwelling on High-Value Farmland [OAR 660-033-0130 (3)(d)]. A dwelling may be authorized on a tract of land classified as high-value, where the tract meets the following requirements:
- (1) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner since prior to January 1, 1985 (Note: Present owner may also qualify, if the property was inherited by devise or intestate secession from a person that acquired and had owned continuously the lawfully created parcel since prior to January 1, 1985);
 - (2) The tract is currently vacant (no dwellings, excepting lawfully established seasonal farm worker housing);
 - (3) If the lot or parcel on which the dwelling will be sited was part of a tract existing on November 4, 1993 and no dwelling exists on another lot or parcel that was part of that tract;
 - (4) The dwelling meets all other requirements of the Comprehensive Plan and land use regulations, including but not limited to regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian or big game habitat; and

- (5) Any adjacent lot(s) or parcel(s) owned by the applicant shall be combined with the subject parcel to form a single lot or parcel;
- (6) The tract where the dwelling would be sited is:
 - (a) Not composed predominately of prime, unique Natural Resource Conservation Service (NRCS) Class I or II soils identified in OAR 660-033-0020(8)(a) or (b);
 - (b) Composed predominately of high-value (NRCS) Class III and IV soils identified in OAR 660-033-0020(8)(c) or (d); or
 - (c) Composed predominantly of a combination of high-value NRCS Class III and IV soils identified in OAR 660-33-020(8)(c) or (d) and prime, unique, NRCS Class I or II soils identified in OAR 660-033-0020(8)(a) or (b);
 - (d) Twenty-one (21) acres or less in size; and
 - (e) Bordered on at least 67% of its perimeter by tracts less than 21 acres in size and at least 2 such tracts had dwellings on them on Jan. 1, 1993; or,
 - (f) The tract is not a flag lot and is bordered on at least 25% of its perimeter by tracts less than 21 acres in size and at least four dwellings existed on Jan. 1, 1993, within one-quarter mile of the center of the subject tract. Where the tract abuts an urban growth boundary, up to 2 of the 4 dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or
 - (g) The tract is a flag lot 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 ¼ mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. Where the tract abuts an urban growth boundary, up to 2 of the 4 dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary. The center of the tract shall be the point where half of the acreage is north, south, east, and west of the point, unless requested by the applicant to use the "geographic center of the flag lot". The geographic center of the flag lot means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flag lot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flag lot. Regardless of the method of determining the center, the center of the subject tract shall be located on the subject tract. [OAR 660-033-0130(3)(d)(D)]

- Notes:
- (1) As used in this subsection, "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, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or a business entity owned by any one or a combination of these family members.
 - (2) Upon approval, the Planning Director shall notify the County Assessor that the governing body intends to allow the dwelling. [660-033-0130(3)(h)]
 - (3) An authorization to establish a dwelling pursuant to this subsection is valid for the duration specified in PCZO 136.160 for the applicant that qualified for the dwelling and for any other person that the qualified

applicant transferred the property to after the date of the land use decision. [660-033-0130(3)(i)]

(C) Lot-of-Record Dwelling on High-Value Farmland [OAR 660-033-0130 (3)(c)]. A dwelling may be authorized on a tract of land classified as high-value, where the tract meets the following criteria:

- (1) The Polk County Hearings Officer shall determine whether the subject parcel is a lot-of-record, based on the following criteria:
 - (a) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner since prior to January 1, 1985 (Note: Present owner may also qualify, if the property was inherited by devise or intestate secession from a person that acquired and had owned continuously the lawfully created parcel prior to January 1, 1985);
 - (b) The tract on which the dwelling will be sited is currently vacant (no dwellings, excepting lawfully established seasonal farm worker housing);
 - (c) If the lot or parcel on which the dwelling will be sited was part of a tract existing on November 4, 1993 no dwelling exists on another lot or parcel that was part of that tract;
 - (d) The dwelling meets all other land use regulations, including but not limited to regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian or big game habitat; and
 - (e) Any adjacent lot(s) or parcel(s) owned by the applicant shall be combined with the subject lot to form a single lot or parcel.
- (2) The Hearings Officer shall determine that:
 - (a) The 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. This criterion requires evidence that the subject lot or parcel cannot be physically used for 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 not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use;
 - (c) The dwelling will not significantly increase the cost of farm or forest practices on surrounding lands devoted to farm and forest use; and

- (d) The applicant shall demonstrate that the proposed lot-of-record dwelling will not materially alter the stability of the overall land use pattern in the area.
- (3) Notice of the public hearing shall be provided to the State Department of Agriculture at least 20 calendar days prior to the public hearing before the hearings officer. Upon approval, the Planning Director shall notify the County Assessor that the governing body intends to allow the dwelling. [660-033-0130(3)(h)]
- (4) Authorization of a single-family dwelling under the provisions of this subsection may be transferred by a person who has qualified under this subsection to any other person after the effective date of the land use decision. An authorization to establish a dwelling pursuant to this subsection is valid for the duration specified in PCZO 136.160 for the applicant that qualified for the dwelling and for any other person that the qualified applicant transferred the property to after the date of the land use decision. [660-033-0130(3)(i)]

Note: As used in this subsection, "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, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or a business entity owned by any one or a combination of these family members.

(D) *Dwelling for the Farm Operator on Other Farmland - Acreage Standard [OAR 660-033-0135(1)]*. A farm dwelling may be authorized on a tract of land not classified as high value, subject to the following standards:

- (1) The parcel on which the dwelling is to be located is at least 160 acres in size;
- (2) The subject tract is currently in farm use;
- (3) 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; and
- (4) The subject tract is currently vacant (no dwellings, excepting lawfully established seasonal farm worker housing).

(E) *Dwelling for the Farm Operator on Other Farmland - Income Standard [OAR 660-033-0135(5) and (9)]*. A farm dwelling may be authorized on a tract of land, not classified as high value, subject to the following standards:

- (1) The subject tract is currently employed for farm use and has produced at least \$40,000 in gross annual income from the sale of farm products during each of the past two (2) years or three (3) of the past five (5) years (Note: Only gross income from land owned, not leased or rented shall be counted. When determining gross annual income for livestock operations, the cost of purchased livestock must be deducted from the total gross income attributed to the farm or ranch operation. Noncontiguous lots or parcels designated for exclusive farm use in Polk County or a contiguous county may be used to meet the gross income requirements. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used unless both dwellings are subsequently authorized by provision of law.) [OAR 660-033-0135(7)(d)]; or
- (2) The subject tract is currently employed for farm use and has produced gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture during each of the past two (2)

years or three (3) of the past five (5) years (Note: When determining gross annual income for livestock operations, the cost of purchased livestock must be deducted from the total gross income);

- (3) The subject tract, and all parcels subject to the application are currently vacant (no dwellings, excepting lawfully established seasonal farm worker housing); and
 - (4) The dwelling will be occupied by a person or persons who produced the commodities during each of the past two (2) years or three (3) of the past five (5) years.
 - (5) At the time of application for a dwelling that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross income requirements, the property owner shall provide a title report, for those lots or parcels located within a contiguous county, that was generated within 30 days of date the application is submitted.
 - (6) Prior to issuance of construction permits for a dwelling that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross income requirements, the property owner shall provide for the recording of a deed restriction with the Polk County Clerk consistent with that required by OAR 660-033-0135(9) for the subject properties that precludes:
 - (a) All future rights to the establishment of a dwelling, except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215;
 - (b) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling;
- (F) *Dwelling for the Farm Operator on Other Farmland - Sales Capability Test* [OAR 660-033-0135(2)]. A farm dwelling may be authorized on a tract of land, not classified as high-value that is:
- (1) At least as large as the median size of those commercial farm and ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract;
 - (2) The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size under subsection 1 above;
 - (3) Currently employed for farm use at a level capable of producing the gross annual sales requirement under subsection 2 above. (Note: If no farm use has been established at the time of application, land use approval shall be subject to full establishment of the farm use, as described under subsection 2 above, prior to issuance of a building permit for the dwelling);
 - (4) 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;
 - (5) At least 10 acres in size; and
 - (6) Currently vacant (no dwellings, excepting lawfully established seasonal farm worker housing).

(G) *Lot-of-Record Dwelling Not High-Value Farmland* [(OAR 660-033-0130(3)(a))]. A dwelling may be authorized on a lot-of-record on land not classified as high-value farmland. To qualify as a lot-of-record, the parcel must meet the following criteria:

- (1) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner since prior to January 1, 1985 (Note: The owner may also qualify if the property was inherited by devise or intestate succession from a person that acquired and had owned continuously the lawfully created parcel since prior to January 1, 1985);
- (2) The tract on which the dwelling will be sited does not include a dwelling (excepting lawfully established seasonal farm worker housing);
- (3) The lot or parcel on which the dwelling will be sited was part of a tract existing on November 4, 1993 and no dwelling exists on another lot or parcel that was part of that tract;
- (4) The dwelling meets all other land use regulations, including but not limited to regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian or big game habitat; and
- (5) Any adjacent lot(s) or parcel(s) owned by the applicant shall be combined with the subject lot or parcel to form a single lot or parcel.
- (6) An authorization to establish a dwelling pursuant to this subsection is valid for the duration specified in PCZO 136.160 for the applicant that qualified for the dwelling and for any other person that the qualified applicant transferred the property to after the date of the land use decision. [660-033-0130(3)(i)]
- (7) Upon approval, the Planning Director shall notify the County Assessor that the governing body intends to allow the dwelling. [660-033-0130(3)(h)]

- Notes:
- (1) As used in this subsection, "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, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or a business entity owned by any one or a combination of these family members.
 - (2) Soil classes, soil ratings or other soil designations used in or made pursuant to this section are those of the Soil Conservation Service in its most recent publication for that class, rating or designation before November 4, 1993. For purposes of approving a land use application under PCZO 136.040(G), the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:
 - (a) Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or
 - (c) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
 - (d) Submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph (A) of this paragraph and

finds the analysis in the report to be soundly and scientifically based. [ORS 215.710(5)]

- (H) *Dwelling for Family Farm Help [OAR 660-033-0130(9)]*. A dwelling for family farm help may be authorized, on the same lot or parcel as the dwelling of the farm operator, where the dwelling *will be occupied by a relative of the farm operator whose assistance in the management and farm use of the existing commercial farm operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.* "Relative" means the farm operator or farm operators' spouses grandparent, step-grandparent, grandchild, parent, step-parent, child, brother, sister, sibling, step-sibling, niece, nephew, or first cousin of either of the farm operator, or the farm operator's spouse, *whose assistance in the management of the farm use is or will be required by the farm operator.*
- (I) *Replacement Dwelling [ORS 215.283 (1)(t) and OAR 660-033-0130(8)(a) and (b)]*. A replacement dwelling may be authorized, where the lawfully established single-family dwelling being replaced has:
- (1) Intact exterior walls and roof structure;
 - (2) Interior plumbing, including kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (3) Interior wiring for interior lights;
 - (4) A heating system; and
 - (5) The dwelling to be replaced must be removed, demolished or converted to an approved nonresidential use, within 3 months of the completion of the replacement dwelling.
 - (6) The replacement dwelling may be placed on any part of the same lot or parcel as the existing dwelling and shall comply with all applicable siting standards. These standards shall not be applied in such a manner as to prohibit the siting of the replacement dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use and the replacement dwelling would be located on the portion of the lot or parcel zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record a deed restriction prohibiting siting of a dwelling on the portion of the lot or parcel not zoned for exclusive farm use. This deed restriction shall be irrevocable unless a statement of release is recorded in the County deed records. The release shall be signed by a representative of the County and shall state that the provisions of this section have been changed to allow the siting of another dwelling. The Planning Director shall maintain a record of the lots or parcels that do not qualify for the siting of a new dwelling under the provisions of this section, including a copy of the deed restrictions and release statements filed under this section.
- Note: Executing and recording such a deed restriction may affect substantial future property rights. Please consult with Planning Division staff prior to submitting an application.
- (J) *Replacement of Historic Dwelling [ORS 215.283 (1)(o)]*. A dwelling listed on the Polk County Historic Inventory and on the National Register of Historic Places which has been partitioned from the farm tract as provided by ORS 215.263 (9)(b), may be replaced on a portion of the farm tract.

- (K) Accessory Farm Dwelling [OAR 660-033-0130 (24)]. Each accessory dwelling customarily provided in conjunction with farm use is authorized, subject to review and approval under the following criteria:
- (1) Each dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose 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. (Note: The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates the farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing);
 - (2) The accessory 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 parcel in the tract; or
 - (c) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-authorized under these rules; or
 - (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. All accessory farm dwellings approved under this subparagraph shall be removed, demolished, or converted to an authorized non-residential 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 under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(5) or (7), whichever is applicable, and
 - (3) There is no other dwelling on lands zoned for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and
 - (4) The primary farm dwelling, to which the proposed dwelling would be accessory, meets one of the following:
 - (a) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use and produced in each of the last two years or three of the last five years, the lower of the following:
 - (i) At least \$40,000 (1994 dollars) in gross annual income from the sale of farm products (Note: In determining the gross income, the

cost of purchased livestock shall be deducted from the total gross income attributed to the tract); or

- (ii) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. (Note: In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract); or
- (b) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use and has 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 (Note: In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract);
- (c) On land defined as a commercial dairy pursuant to OAR 660-033-0135(11) and the following:
 - (i) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and
 - (ii) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230; and
 - (iii) The Oregon Department of Agriculture has approved a permit for a Producer License for the sale of dairy products under ORS 621.072.
- (5) A partition shall not be approved that separates the accessory farm dwelling from the primary farm dwelling, unless a subsequent land use application determines that the accessory farm dwelling and the primary farm dwelling both qualify pursuant to the applicable provisions contained in Sections 136.040(A), (D), (E), or (F). A parcel may be created consistent with the minimum parcel size for the zone.
- (6) An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use.

Note: "Accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.

(L) Temporary Hardship Dwelling [OAR 660-33-130 (10)]. One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or a relative of the resident, provided that:

- (1) The hardship is certified by a licensed physician;
- (2) The manufactured home or existing building converted to residential use is connected to the existing sewage disposal system; except when the County Sanitarian finds the existing system to be inadequate and that it cannot be repaired or is not physically available; If the manufactured home will use a public sanitary system, such condition will not be required.

- (3) The applicant agrees to renew the permit every two years.
 - (4) Within 3 months of the end of the hardship, the manufactured dwelling, recreational vehicle, or building converted to a temporary residential use, shall be removed, demolished, or converted to an approved nonresidential use.
 - (5) The dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
 - (6) The dwelling will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.
 - (7) As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.
 - (8) A temporary residence approved under this section is not eligible for replacement under Section 136.040 (I).
- (M) Seasonal Farm Worker Housing [ORS 197.675], subject to review and approval under the following standards:
- (1) The housing shall meet the requirements of ORS 197.685;
 - (2) The housing is limited to occupancy by seasonal farm workers, as defined by ORS 197.675(1)(1994 Edition) and their immediate families, no more than nine months (273 days) within any calendar year.
- (N) Dwelling in conjunction with a commercial dairy [OAR 660-033-0135(10)]. A dwelling may be considered customarily provided in conjunction with a dairy farm as defined in OAR 660-033-0135(11) if:
- (1) The subject tract will be employed as a commercial dairy that owns a sufficient number of producing dairy animals capable of earning the gross annual income from the sale of fluid milk required by:
 - (a) PCZO Section 136.040(A) if located on high-value farmland; or
 - (b) PCZO Section 136.040(E) if located on non-high-value farmland, whichever is applicable; and
 - (2) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy; and
 - (3) The subject tract is vacant (no dwellings, excepting lawfully established seasonal farm worker housing,);
 - (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.
- (O) Relocated farm operation dwelling [OAR 660-033-0135(12)]. A dwelling may be considered customarily provided in conjunction with farm use if:

- (1) Within the last two years, the applicant owned and operated a farm or ranch operation that earned the gross farm income in the last five years or four of the last seven years as required by PCZO 136.040(A) or (E), whichever is applicable;
- (2) The subject lot or parcel on which the dwelling will be located is:
 - (a) Currently employed for the farm use, as defined in PCZO 110.223, that produced in the last two years or three of the last five years the gross farm income required by PCZO 136.040(A) or (E), whichever is applicable; and
 - (b) At least the size of the applicable minimum parcel size; and
- (3) The subject tract is vacant (no dwellings, excepting lawfully established seasonal farm worker housing); and
- (4) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in paragraph (1) of this subsection;
- (5) In determining the gross income required by subsections (1) and (2)(a), of this subsection:
 - (a) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
 - (b) Only gross income from land owned, not leased or rented, shall be counted.

COMMERCIAL USES

- (P) Winery [OAR 660-033-0120]. A winery, as described in Section 110.595, may be permitted subject to findings that:
- (1) The related vineyards, as described in Section 110.595, have been planted or that the contract has been executed, as applicable;
 - (2) The winery use will not result in substantial conflicts with farm or forest practices on adjacent lands; and
 - (3) The winery use complies with Comprehensive Plan Goal and Policies and other applicable criteria in the Polk County Zoning Ordinance.
 - (4) Pursuant to ORS 215.452, standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming and forest practices on adjacent lands:
 - (a) Establishment of a setback, not to exceed 100 feet, from all property lines for the winery and all public gathering places; and
 - (b) Provision of direct local road access, internal circulation, and parking.
- (Q) Farm Stand [OAR 660-033-0130(23)], designed and used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the retail sale of 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% of the total annual sales of the farm stand. Farm stands do not include structures designed for residential occupancy or to

- (1) Within the last two years, the applicant owned and operated a farm or ranch operation that earned the gross farm income in the last five years or four of the last seven years as required by PCZO 136.040(A) or (E), whichever is applicable;
- (2) The subject lot or parcel on which the dwelling will be located is:
 - (a) Currently employed for the farm use, as defined in PCZO 110.223, that produced in the last two years or three of the last five years the gross farm income required by PCZO 136.040(A) or (E), whichever is applicable; and
 - (b) At least the size of the applicable minimum parcel size; and
- (3) The subject tract is vacant (no dwellings, excepting lawfully established seasonal farm worker housing); and
- (4) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in paragraph (1) of this subsection;
- (5) In determining the gross income required by subsections (1) and (2)(a), of this subsection:
 - (a) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
 - (b) Only gross income from land owned, not leased or rented, shall be counted.

COMMERCIAL USES

- (P) Winery [OAR 660-033-0120]. A winery, as described in Section 110.595, may be permitted subject to findings that:
- (1) The related vineyards, as described in Section 110.595, have been planted or that the contract has been executed, as applicable;
 - (2) The winery use will not result in substantial conflicts with farm or forest practices on adjacent lands; and
 - (3) The winery use complies with Comprehensive Plan Goal and Policies and other applicable criteria in the Polk County Zoning Ordinance.
 - (4) Pursuant to ORS 215.452, standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming and forest practices on adjacent lands:
 - (a) Establishment of a setback, not to exceed 100 feet, from all property lines for the winery and all public gathering places; and
 - (b) Provision of direct local road access, internal circulation, and parking.
- (Q) Farm Stand [OAR 660-033-0130(23)], designed and used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the retail sale of 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% of the total annual sales of the farm stand. Farm stands do not include structures designed for residential occupancy or to

accommodate activities other than the sale of farm crops and livestock, such as structures for banquets, public gatherings or entertainment.

- (R) Processing Facility for Farm Crops [(OAR 660-033-0130(28))], located on a farm operation that provides at least one-fourth of all 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. A processing facility shall comply with all applicable siting standards, but the standards shall not be applied in a manner that prohibits the siting of the processing facility. Note: A land division that separates the processing facility from the farm operation is not allowed.
- (S) Parking of Log Trucks [ORS 215.311], not more than seven log trucks may be parked on a tract when the applicant:
- (1) Describes the surrounding land uses and farm and forest practices on the surrounding properties wholly or partially located within at least 750-feet of the outside perimeter of the subject property.
 - (2) Demonstrates that the proposed use would not force a significant change or increase the cost of accepted farm or forest practices on surrounding land devoted to farm or forest use.

UTILITIES AND SOLID WASTE DISPOSAL FACILITIES

- (T) Utility Facilities Necessary for Public Service [OAR 660-033-0130(16)], including wetland waste treatment systems, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
- (1) A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an Exclusive Farm Use zone due to one or more of the following factors:
 - (a) Technical and engineering feasibility;
 - (b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (c) Lack of available urban and nonresource lands;
 - (d) Availability of existing rights of way;
 - (e) Public health and safety; and
 - (f) Other requirements of state and federal agencies.
 - (2) Costs associated with any of the factors listed in subsection (R)(1) of this section may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
 - (3) The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agriculture land and associated improvements that are damaged or otherwise disturbed by the

siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

- (4) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility siting to migrate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
 - (5) In addition to the provisions of subsections (R)(1) to (4) of this rule, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.
 - (6) The provisions of subsections R (1) to (4) of this rule do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulations by the Federal Energy Regulatory Commission.
- (U) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.
- (V) Solid Waste Disposal Site [ORS 215.283(2)(k)], that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities, or buildings necessary for its operation. (Note: A disposal site under this authorization is not allowed on lands classified as high-value. Existing sites on all farmlands may be maintained, enhanced, or expanded on the same tract.)

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

- (W) Model Airplane Takeoff and Landing Sites [OAR 660-033-0130(26)], including such buildings or facilities as may reasonably be necessary. Buildings or utilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use as a model airplane site. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use as a model airplane site.

As used in this paragraph:

- (1) "Model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible, or balloon that is used or is intended to be used for flight and is controlled by radio, lines, or design by a person on the ground.
- (X) Schools [ORS 215.283(1)(a)], public or private, including all buildings essential to the operation of a school. (Note: New schools are not authorized on lands classified as high-value. Existing facilities on all farmlands may be maintained, enhanced, or expanded on the same tract. An exception to the applicable Statewide Planning Goals is required when the school would be located within three miles of an urban growth boundary.)
- (Y) Churches and Associated Cemeteries [ORS 215.283(1)(b)]. (Note: New churches and associated cemeteries are not authorized on lands classified as high-value. Existing facilities on all farmlands may be maintained, enhanced, or expanded on the same tract. An exception to the applicable Statewide Planning Goals is required

when the church or cemetery would be located within three miles of an urban growth boundary.)

- (Z) Firearms training facility as provided in ORS 197.770.

136.050. CONDITIONAL USES [OAR 660-33-130]. The following uses may be approved, subject to compliance with the procedures and criteria under Chapter 119, applicable state and federal regulations, and other specific criteria as may be indicated:

RESOURCE-RELATED USES

- (A) Facility for the Primary Processing of Forest Products [OAR 660-033-0130(6)]. A facility for the primary processing of forest products is authorized, subject to compliance with Section 136.060, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203 (2). Such a facility may be approved for a one-year period which is renewable. These facilities are 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 production order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or tract where the primary processing facility is located.
- (B) Aquaculture [ORS 215.283(2)(p) and OAR 660-033-0130(27)], including the propagation, cultivation, maintenance and harvesting of aquatic species, subject to compliance with Section 136.060.
- (1) Notice of the application shall be provided to the State Department of Agriculture at least 20 calendar days prior to any administrative action or initial public hearing on the application.
- (C) Insect Breeding [OAR 660-033-0130(27)], including the propagation, cultivation, maintenance and harvesting of insect species, subject to compliance with Section 136.060 and the following criteria:
- (1) Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
- (2) Notice of the application shall be provided to the State Department of Agriculture at least 20 calendar days prior to any administrative action or initial public hearing on the application.
- (D) Operations for the Extraction and Bottling of Water [ORS 215.283(2)(v)], subject to compliance with Section 136.060.

SINGLE FAMILY RESIDENCES

- (E) Nonfarm Dwelling - Not High-Value Farmland, (except as noted) [OAR 660-033-0130(4)(a)]. A nonfarm dwelling may be authorized on a parcel, not classified as high-value farmland, except as noted, subject to the following criteria:
- (1) The dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use;
- (2) The dwelling will not significantly increase the cost of farm or forest practices on surrounding lands devoted to farm and forest use;
- (3) The dwelling will be placed on a lot or parcel created before January 1, 1993;
- (4) The dwelling will be located on a parcel that is predominately composed of NRCS Class IV through VIII soils that, when irrigated, would not be classified

as prime or unique, Class I or II soils (Note: This includes those Class IV soils defined as high-value farmland in OAR 660-33-020 (c));

- (5) The applicant shall demonstrate that the proposed nonfarm dwelling will not materially alter the stability of the overall land use pattern of the area. To address this standard, the applicant shall prepare a cumulative impact study that:
 - (a) Includes at least 2,000 acres or a smaller area not less than 1,000 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 parcels and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall be identified but not be included in the study area;
 - (b) The cumulative impacts study shall identify 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 under PCZO subsections 136.040(B and G) and 136.050(E) The study shall identify the 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 PCZO 136.050 (F) and Section 136.070 (C). 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) Describes whether the proposed dwelling in conjunction with the dwellings identified in (b) above 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. Determine whether approval of the proposed nonfarm dwelling together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. (Note: The stability of the land use pattern will be materially altered if the cumulative effect of 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).
- (6) The county shall consider the cumulative impact of possible new nonfarm and lot-of-record dwellings together with existing nonfarm dwellings on other lots or parcels in the area when determining whether the proposed nonfarm dwelling will alter the stability of the land use pattern in the area.
- (7) The dwelling complies with other applicable conditions.

Note: The parcel qualifying for a dwelling under this section shall be disqualified for Farm Use Assessment pursuant to ORS 215.236.

- (F) *Nonfarm Dwelling on a Nonfarm Parcel - Not High-Value Farmland [OAR 660-033-0130(4)(b)]*. A nonfarm dwelling may be authorized on a nonfarm parcel created under Section 136.070 (C), subject to the following criteria:
- (1) The dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use;
 - (2) The dwelling will not significantly increase the cost of farm or forest practices on surrounding lands devoted to farm and forest use;
 - (3) The applicant shall demonstrate that the proposed nonfarm dwelling will not materially alter the stability of the overall land use pattern of the area. To address this standard, the applicant shall prepare a cumulative impact study that:
 - (a) Includes at least 2,000 acres or a smaller area not less than 1,000 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 parcels and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall be identified, but not included in the study area;
 - (b) The cumulative impacts study shall identify 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 under PCZO subsections 136.040(B and G) and 136.050(E). The study shall identify the 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 PCZO 136.050 (F) and Section 136.070 (C). 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) Describes whether the proposed dwelling in conjunction with the dwellings identified in (b) above 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. Determine whether approval of the proposed nonfarm dwelling together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. (Note: The stability of the land use pattern will be materially altered if the cumulative effect of 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).
 - (4) The county shall consider the cumulative impact of possible new nonfarm and lot-of-record dwellings together with existing nonfarm dwellings on other lots

or parcels in the area when determining whether the proposed nonfarm dwelling will alter the stability of the land use pattern in the area.

- (5) The dwelling complies with other applicable conditions.

Note: The parcel qualifying for a dwelling under this section shall be disqualified for Farm Use Assessment pursuant to ORS 215.236.

OTHER RESIDENTIAL USES

- (G) Residential Home or Facility [ORS 215.283(2)(o)], as defined in ORS 197.660, in existing dwellings subject to compliance with Section 136.060.
- (H) Room and Board Arrangements [ORS 215.283(2)(u)], for a maximum of five unrelated persons in existing residences subject to compliance with Section 136.060.

COMMERCIAL ACTIVITIES

- (I) Commercial Activity In Conjunction with Farm Use [ORS 215.283(2)(a)], including activities related to the processing, distribution and marketing of farm products, a portion of which are produced by the subject farming operation, but not including the processing of farm crops as described in Section 136.040 (P), subject to compliance with Section 136.060.
- (J) Home Occupations [OAR 660-033-0130(14)], subject to the general review standards under Section 136.060 and the following standards and conditions from ORS 215.448:
- (1) The home occupation is operated by a resident of the property on which the business is located;
 - (2) No more than five full or part-time persons are employed by the business;
 - (3) The business is conducted within the dwelling or other building(s) normally associated with uses permitted within this zone; and
 - (4) The business will not interfere with existing uses on nearby land or with other permitted uses.
- (K) Dog kennels [ORS 215.283(2)(n)], as defined by Section 110.301, may be authorized on land not classified as high-value farmland, subject to compliance with Section 136.060. (Note: Existing facilities on high-value farmland may be maintained, enhanced, or expanded on the same tract subject to other requirements of law.)
- (L) On-site Filming and Activities Accessory to On-site Filming, for more than 45 days as provided for in ORS 215.306, subject to compliance with Section 136.060.
- (M) Destination Resort [ORS 215.283(2)(t)], subject to compliance with the requirements of Oregon Statewide Planning Goal 8. (Note: destination resorts are not authorized on lands classified as high-value.)

MINERAL AND AGGREGATE OPERATIONS

- (N) The following operations are permitted subject to compliance with ORS 215.298, which describes mining activities in exclusive farm use zones, and with Section 136.060:
- (1) 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 under the Polk County Zoning Ordinance; [ORS 215.283(2)(b)(A)]
 - (2) Mining of aggregate and other mineral and subsurface resources which are included in the County inventory of mineral and aggregate resources when the

quantity of material proposed to be mined from the site is estimated to be 2,000,000 tons of aggregate material or more, subject to PCZO Chapters 115 and 174; [ORS 215.283(2)(b)(B)]

- (3) Mining of aggregate and other mineral and subsurface resources which are included in the County inventory of mineral and aggregate resources when the quantity of material proposed to be mined from the site is estimated to be 2,000,000 tons of aggregate material or less, subject to PCZO Chapter 115 and the following:
 - (a) Not more than 35 percent of the proposed mining area consists of soil:
 - (i) Classified as Class I on Natural Resource and Conservation Service (NRCS) maps available on June 11, 2004; or
 - (ii) Classified as Class II or of a combination of Class II and Class I or Unique soil, on NRCS maps on June 11, 2004, unless average thickness of the aggregate layer within the mining area exceeds 25 feet in depth; or
 - (b) A local land use permit that allows mining on the site was issued prior to April 3, 2003, and the permit is in effect at the time of the significance determination; and
 - (c) The applicant shall propose and Polk County shall determine the post-mining use and provide this use in the Comprehensive Plan and land use regulations.
 - (i) For significant aggregate sites on NRCS Class I, II and Unique farmland, post-mining use shall be limited to farm uses permitted in PCZO Chapter 136.030 and 136.040 (H)-(J), (P)-(X), and fish and wildlife habitat uses, including wetland mitigation banking. Post-mining uses shall be coordinated with the Oregon Department of Geology and Mineral Industries (DOGAMI) regarding the regulation and reclamation of mineral and aggregate sites. [OAR 660-023-0180(4) and (6)]
- (4) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement more than two miles from a planted vineyard, at least 40 acres in size, planted as of the date the application for batching and blending is filed; and [ORS 215.283(2)(b)(C)]
- (5) Processing of other mineral resources and other subsurface resources. [ORS 215.283(2)(b)(D)]

TRANSPORTATION

- (O) *Personal Use Airports and Helipads* [OAR 660-033-0130(7)], including associated hangar, maintenance and service facilities, subject to compliance with Section 136.060. 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 waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation.

- (P) Construction of Additional Passing and Travel Lanes [ORS 215.283(2)(q)], requiring the acquisition of right-of-way, but not resulting in the creation of new parcels, subject to compliance with Section 136.060.
- (Q) Reconstruction or Modification of Public Roads [ORS 215.283(2)(r)], involving the removal or displacement of buildings, but not resulting in the creation of new parcels, subject to compliance with Section 136.060.
- (R) Improvements to Existing Public Road and Highway Related Facilities [ORS 215.283(2)(s)], 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 parcels, subject to compliance with Section 136.060.
- (S) Transportation Facilities [ORS 215.283(3)(b)]. The following transportation facilities may be established:
 - (1) Accessory transportation improvements for an authorized land use to provide safe and efficient access to the use. Such accessory transportation improvements are subject to the same requirements applicable to the land use to which they are accessory;
 - (2) Channelization;
 - (3) Realignment of roads;
 - (4) Replacement of an intersection with an interchange;
 - (5) Continuous median turn lane;
 - (6) New access roads or collectors consistent with OAR 660-012-0065(3)(g) (i.e., where the function of the road is to reduce local access to or local traffic on a state highway). These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or provide adequate emergency access.
 - (7) Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road;
 - (8) Park and ride lots;
 - (9) Railroad mainlines and branchlines;
 - (10) Pipelines;
 - (11) Navigation channels;
 - (12) Replacement of docks and other facilities without significantly increasing the capacity of those facilities;
 - (13) Expansions or alterations of public use airports that do not permit service to a larger class of airplanes; and
 - (14) Transportation facilities, services and improvements other than those listed in this section that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the acknowledged comprehensive plan or to provide adequate emergency access. [Amended by Ordinance #01-10, dated November 14, 2001.]

UTILITIES AND SOLID WASTE DISPOSAL FACILITIES

- (T) Communication and Broadcast Towers over 200 feet in Height [ORS 215.283(2)(m)], subject to compliance with Section 136.060, Section 112.135, and the following criteria:

- (1) The location, size, design and functional characteristics of the tower are reasonably compatible with and have a minimum impact on the livability and development of other properties in the area;
 - (2) The tower shall be located so as to not interfere with air traffic; and
 - (3) The tower will not have a significant adverse effect on identified sensitive fish or wildlife habitat, natural areas, or scenic areas designated on the comprehensive plan;
- (U) Solid Waste Disposal Site under ORS 459.245 [ORS 215.283(2)(k)], subject to compliance with Section 136.060. (Note: New solid waste disposal sites are not authorized on lands classified as high-value.)
- (V) Composting facilities [OAR 660-033-0130(29)], on land not classified as high-value farmland, as defined by OAR 340-096-0024(1), (2), or (3), subject to compliance with Section 136.060. Buildings and facilities used in conjunction with the composting operation shall only be those required for operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle. (Note: New composting facilities are not authorized on lands classified as high-value. Existing facilities on high-value farmland may be maintained, enhanced, or expanded on the same tract). Composting facilities are a conditional use when:
- (1) The primary purpose of obtaining a profit in money from the farm use of the land is from composting, or
 - (2) The product or by-products are raised on lands other than farm land used for the primary purpose of obtaining a profit in money from farm use.
- (W) Commercial Power Generating Facilities [OAR 660-033-0130(17)], subject to compliance with Section 136.060. (Note: On high-value farmland, an exception to the statewide Agricultural Lands Planning Goal is required where development of the power generating facility removes more than 12 acres from commercial agricultural production. On farmland not classified as high-value, an exception to the statewide Agricultural Lands Planning Goal is required where development of the power generating facility removes more than 20 acres from commercial agricultural production).
- (X) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

- (Y) Parks, Public or Nonprofit, including Playgrounds [OAR 660-033-0130(31)], with public parks to include only the uses specified under OAR 660-034-0035, or OAR 660-034-0040 which ever is applicable, subject to compliance with Section 136.060. A public park may be established consistent with the provisions of ORS 195.120.
- (Z) Private Parks, Playgrounds, Hunting and Fishing Preserves and Campgrounds [OAR 660-033-0130(19)], subject to compliance with Section 136.060. (Note: New facilities are not allowed on lands classified as high-value. Existing facilities on high-value farmland may be maintained, enhanced, or expanded on the same tract. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three (3) miles of an urban growth boundary unless an exception to Statewide Planning Goal 3, 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 that 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 designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. A camping site may be occupied by a tent, travel trailer or recreation vehicle. Separate sewer, water, or electric hook-ups shall not be provided to individual camp sites. Campgrounds authorized under this provision 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 six (6) month period. A private campground may provide yurts for overnight camping, however, no more than one-third or a maximum of ten (10) campsites, whichever is smaller, may include a yurt.

As used in this paragraph:

- (1) "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.
- (AA) Expansion of Existing County Fairgrounds [ORS 215.283(2)(w)], and activities directly related to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.
- (BB) Golf Courses and accessory uses [OAR 660-033-0130(20)]. A new golf course and accessory uses may be approved on a tract of land not classified as high-value, consistent with Section 136.060. An existing golf course on all farmlands may be maintained, enhanced, or expanded, up to 36 holes on the same tract, consistent with Section 136.060 and OAR 660-33-130 (18).

As used in this paragraph:

- (1) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or 18 regulation golf course holes, or a combination 9 and 18 holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards, consistent with the following:
 - (a) 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.
 - (b) 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.
 - (c) 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:
 - (i) 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, a practice or beginners course as part of an 18 hole or larger golf course, or golf tournament.
 - (ii) 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.

- (iii) 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.
- (iv) Commercial activities such as a pro shop are accessory to a golf course when located in the clubhouse.
- (v) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Accessory food and beverage service facilities shall not be designated for or include structures for banquets, public gatherings or public entertainment.

(CC) Community Centers [ORS 215.283(2)(e)], owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.

(DD) Living History Museum [OAR 660-033-0130(21)], related to resource based activities owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located with authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary.

As used in this paragraph:

- (1) "Living history museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.
- (2) "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65.

136.060. GENERAL REVIEW STANDARDS [OAR 660-33-130 (5)]. To ensure compatibility with farming and forestry activities, the Planning Director or hearings body shall determine that a use authorized by Section 136.050 (A) through (D), (G) through (P), and (R) through (W) meet the following requirements:

- (A) The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (B) The proposed use will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

136.070. LAND PARTITION STANDARDS [ORS 215.780 (C)]. No land(s) located within the Exclusive Farm Use Zoning District shall be partitioned without the expressed approval of Polk County under the provisions of Chapter 136 and the Polk County Subdivision and Partition Ordinance. A plat shall be prepared by a registered surveyor to document the land partition. Upon final approval of the plat, the survey shall be recorded by the Polk County Clerk. Parcels resulting from a foreclosure action are exempted from the partitioning process under ORS 92.010(7)(a). A deed or instrument conveying land in lieu of foreclosure shall not constitute a foreclosure action.

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

- (A) Except as provided in Section 136.070 (B), (C), (D), (E) and (F), the minimum parcel size is 80 acres.
- (B) *Nonfarm, Nonresidential Parcels* [OAR 660-33-100 (10)]. A parcel which is less than 80 acres may be created for nonfarm, nonresidential uses authorized by this Ordinance, subject to compliance with the procedural and technical requirements of ORS Chapter 92, the Polk County Subdivision and Partitioning Ordinance and the following criteria:
- (1) A preliminary site plan shall be submitted that depicts the proposed lot boundaries and the location of all existing and proposed buildings, structures and related facilities, to include the on-site septic system and repair areas, water facilities, utility easements, vehicular access, circulation, parking and loading areas;
 - (2) The proposed parcel shall be sized to meet, but shall not exceed, the requirements of the nonfarm use and development as depicted on the preliminary site plan;
 - (3) Each parcel shall be provided legal access to a public road by frontage or easement;
 - (4) Prior to filing the partition plat, each parcel shall be evaluated for on-site septic use, or a waiver submitted from a party that has agreed to purchase the parcel, subject to approval of the land partition (Note: The owner may also waive the evaluation, subject to the filing of a restriction on the deed which precludes the placement of a dwelling on the parcel);
 - (5) A partition plat shall be filed within two years from the effective date of preliminary approval for each parcel (Note: One year extensions may be requested prior to expiration of the approval).
- (C) *Parcel for a Nonfarm Single-Family Residence - Not High-Value* [OAR 660-33-100 (11)]. A parcel for nonfarm residential use may be created, subject to compliance with the requirements of the Polk County Subdivision and Partitioning Ordinance and the following criteria:
- (1) The proposed nonfarm parcel is intended for the siting of a nonfarm dwelling authorized by this Ordinance;
 - (2) The originating parcel is equal to or larger than the applicable minimum parcel size and the proposed parcel is not less than 20 acres in size;
 - (3) The parent parcel is not stocked to the requirements of ORS 527.610 to 527.770;
 - (4) The parent parcel is composed of at least 95 percent NRCS Class VI through VIII soils;
 - (5) The parcel is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber; and
 - (6) The proposed nonfarm parcel is disqualified from special farm use tax assessment, as required under ORS 215.236.
 - (7) A partition plat shall be filed within two years from the effective date of preliminary approval for each parcel (Note: One year extensions may be requested prior to expiration of the approval).
 - (8) A subdivision or series partition, to create non-farm, residential parcels is prohibited. "Series partition" is defined as a series of partitions of land which results in the creation of four or more parcels over a period of more than one calendar year.

- (D) *Nonfarm Parcel for Public Parks or Open Space [ORS 215.263(10)]*. A parcel for public parks or open space may be created when the land partition 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 subject to the following criteria:
- (1) A parcel created by the land partition that contains a dwelling is large enough to support continued residential use of the parcel.
 - (2) A parcel created pursuant to this subsection that does not contain a dwelling:
 - (a) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - (b) May not be considered in approving or denying an application for siting any other dwelling;
 - (c) May not be considered in approving a redesignation or rezoning of forestlands or farmlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - (3) A parcel created pursuant to this subsection may not be smaller than 25 acres unless the purpose of the land partition is:
 - (a) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
 - (b) 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.
 - (4) A partition plat shall be filed within two years from the effective date of preliminary approval for each parcel (Note: One year extensions may be requested prior to expiration of the approval).
- (E) *Nonfarm Parcel for Historic Property [ORS 215.263(9)(b)]*. A parcel for historic property may be created if the historic property would contain a dwelling listed on the Polk County Historic Inventory and on the National Register of Historic Places.
- (1) A partition plat shall be filed within two years from the effective date of preliminary approval for each parcel (Note: One year extensions may be requested prior to expiration of the approval).
- (F) *Nonfarm Parcel for a Residential Home [ORS 215.263(9)(a)]*. A parcel for a residential home as defined in ORS 197.660(2) may be created for a residential home approved under PCZO 136.050(J) if the dwelling has been approved under PCZO 136.050(E), or PCZO 136.050(F).
- (1) A partition plat shall be filed within two years from the effective date of preliminary approval for each parcel (Note: One year extensions may be requested prior to expiration of the approval).
- (G) *Nonfarm Parcel for a Church [ORS 215.263(11)]*. A parcel may be created to establish a church including cemeteries in conjunction with the church if they meet the following requirements:
- (1) The church has been approved under PCZO 136.040(X);
 - (2) The newly created parcel is not larger than five acres; and
 - (3) The remaining parcel, not including the church, meets the minimum parcel size described in PCZO 136.070(A) either by itself or after it is consolidated with another parcel or lot.

- (4) A partition plat shall be filed within two years from the effective date of preliminary approval for each parcel. (Note: One year extensions may be requested prior to expiration of the approval.)

136.100. NONCONFORMING USES. The lawful use of any building, structure or land at the time of the enactment of this ordinance may be continued. Alteration of any such use shall be permitted when necessary to comply with local, state or federal regulations pertaining to the use and development of land and the buildings and structures thereon. A nonconforming use is transferable, however, any significant change in, or replacement of, the nonconforming use may require permits under current building and land development codes. Restoration or replacement shall be commenced within one year from the occurrence of any fire, casualty, or natural disaster.

136.120. NON-REMONSTRANCE DEED RESTRICTION. Pursuant to OAR 660-033-0130(30), for any dwelling or residential facility approved under sections 136.040 and 136.050, the landowner for the dwelling shall be required to sign and record a deed restriction binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937.

136.140. PROHIBITED USES. It is unlawful to erect, alter or establish in the Exclusive Farm Use Zoning District any building, structure or use not authorized and approved under the standards and procedures in this Ordinance.

136.150. DEVELOPMENT STANDARDS. All uses that occur in this zone are subject to development standards adopted by Polk County.

136.160. PERIOD OF VALIDITY FOR ADMINISTRATIVE REVIEW USES [OAR 660-033-0140(1-4)].

- (A) A land use application authorizing a use pursuant to the provisions of Polk County Zoning Ordinance Section 136.040 shall be valid two (2) years from the effective date of the land use decision, except as provided in Section 136.170. An extension shall extend the validity period for one (1) additional year, if:
- (1) The applicant makes a written request for an extension of the development approval validity period;
 - (2) The written request is submitted to the Polk County Planning Division, on the form provided by the Planning Division, prior to the expiration of the approval period;
 - (3) The applicant states the reasons that prevented the applicant from beginning or continuing development with the approval period;
 - (4) The applicant states the reasons that prevented the applicant from beginning or continuing development during the approval period for reasons for which the applicant was not responsible.
- (B) The Planning Director may authorize additional one-year extensions where the applicable criteria for the decision have not changed. Approval of an extension granted under this section is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.

136.170. PERIOD OF VALIDITY FOR NON-FARM, LOT-OF-RECORD, AND REPLACEMENT DWELLING USES [OAR 660-033-0140(5)].

- (A) A land use application authorizing a dwelling pursuant to the provisions of Polk County Zoning Ordinance Sections 136.040(B), (C), (G), (I) and 136.050(E) and (F) shall be valid for four (4) years from the effective date of the land use decision.
- (B) A one time two (2) year extension of the validity period shall be granted upon submission of a written request for an extension prior to the expiration of the approval period. Authorization of an extension granted under this section is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.

CHAPTER 138

FARM/FOREST (FF) ZONING DISTRICT

138.010	Purpose
138.015	Definitions
138.020	Farm/Forest Overlay Zone
138.030	Authorized Uses and Development
138.040	Uses Permitted by Right
138.050	Uses Subject to Administrative Review
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138.100	General Review Standards
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138.130	Land Division Requirements
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138.150	Nonconforming Uses
138.160	Prohibited Uses
138.170	Development Standards

138.010 PURPOSE The Farm/Forest (F/F) Zone is designed to provide for the full range of agricultural and forest uses for such lands, while providing for the maximum property tax benefits available (e.g. farm use assessment, timber tax treatment, open space deferral, wildlife habitat, etc.) and conformity with the Farm/Forest objectives and policies of the Polk County Comprehensive Plan.

Upon periodic revision of the Polk County Comprehensive Plan, the lands within the F/F designation shall be reviewed by the County Commissioners as to their continued appropriateness in such a designation or, alternatively rezoning to a more appropriate category.

As with other natural resource zones, there are isolated lands within the F/F Zone which have no actual or potential use for agricultural or forest purposes. In those cases, other non-natural resource uses may be permitted only as provided in this Chapter and in the Polk County Comprehensive Plan. Such uses must not be adverse to accepted agricultural or forest practices. Further, consistent with the diverse character of this zone and recognizing that the actual and potential land use conditions vary from intensive to extensive cultivation and use, the Board of County Commissioners has adopted this zone to deal with myriad potential uses, while recognizing the primary orientation of this zone towards farm and forest uses.

138.015 DEFINITIONS

For the purposes of this Chapter, the following definitions shall apply:

- (A) Auxiliary: As used in Section 138.040, "auxiliary" means 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) Definitions contained in ORS 197.015 and the Statewide Planning Goals.
- (C) Cubic Foot Per Acre Per Year means the average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS). Where NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- (D) Cubic Foot Per Tract Per Year means the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service. Where NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- (E) Date of Creation and Existence: When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.
- (F) Forest Operation means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- (G) Relative means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin as defined in ORS 215.283(1)(e)(A).
- (H) Tract means one or more contiguous lots or parcels in the same ownership.

138.020 FARM/FOREST OVERLAY ZONE The uses allowed for a tract subject to the Farm/Forest Overlay Zone shall be the same uses as those permitted in the Farm/Forest Zoning District.

Land division standards for a tract subject to the Farm/Forest Overlay Zone are those described in Section 138.130 of the Polk County Zoning Ordinance.

138.030 AUTHORIZED USES AND DEVELOPMENT The following uses, activities and development are authorized in the Farm/Forest Zoning District, subject to review and approval under applicable regulatory standards:

KEY

- HV High-Value Farm Land, defined by OAR 660-33-020(8)
- Other Other lands, not defined as High-Value
- P Permitted outright
- AR Subject to administrative review and approval
- CUP Subject to review and approval as a conditional use
- NP Use not permitted
- NA Not applicable
- ** Use requires a determination of soil classes

RESOURCE USES	AUTHORIZATION	PCZO
Farm Use as defined in ORS 215.203	P	040(A)
Use and Management of Forest Lands	P	040(B)
Farm and Forest Accessory Structures	P	040(C)
Temporary Portable Facilities for Primary Processing of Forest Products	P	040(D)
Temporary on-site structures auxiliary to a particular forest operation; including forest labor camps – no permanent structures.	P	040(E)
Fire Service facilities providing rural fire protection services including Fire Towers and Fire Stations	P	040(F)
Creation, Restoration, and Enhancement of wetlands, fisheries and wildlife habitat	P	040(G)
Soil, Air and Water Conservation Activities	P	040(H)
Irrigation canals, delivery lines and those structures and accessory operation facilities associated with a district as defined in ORS 540.505	P	040(I)
Physical Alterations to the Land Auxiliary to Forest Practices	P	040(J)
Wildlife Habitat Conservation and Management Plan	P	040(K)
Processing Facility for Farm Crops	AR	050(A)

Permanent Facility for Primary Processing of Forest Products	CUP	060(A)
Permanent Logging Equipment Repair and Storage Facility	CUP	060(B)
Log Scaling and Weigh Stations	CUP	060(C)
Forest Management Research and Experimentation Facilities	CUP	060(D)
Aquaculture	CUP	060(E)
Insect Breeding	CUP	060(F)
Operations for the Extraction and Bottling of Water	CUP	060(G)

COMMERCIAL	AUTHORIZATION	PCZO
On-site Filming and Accessory Activities for 45-days or less (ORS 215.306).	P	040(L)
Breeding, Kenneling, and Training of Greyhounds for Racing**	P	040(M)
Winery, as described in ORS 215.452	AR	050(B)
Farm Stands	AR	050(C)
Commercial Activity In Conjunction with Farm Use	CUP	060(H)
Home Occupations	CUP	060(I)
On-site Filming and Accessory Activities for more than 45-days (ORS 215.306).	CUP	060(J)
Dog Kennels**	CUP	060(K)

MINERAL AND AGGREGATE OPERATIONS	AUTHORIZATION	PCZO
Exploration and Production of Geothermal, gas, oil, and other associated hydrocarbons, (ORS 517.750)	P	040(N)
Exploration for Mineral and Aggregate as defined by ORS 517.750	P	040(O)
Mining and Processing of Geothermal, (ORS 522.005) Oil and Gas (ORS 520.005) including Mineral and Aggregate Materials, Processing of Aggregate into Asphalt or Portland Cement (ORS 517.750) and Processing of Other Mineral Resources	CUP	060(L)

TRANSPORTATION	AUTHORIZATION	PCZO
Reconstruction or Modification of Public Roads, not including addition of travel lanes, removal of buildings or creation of new parcels.	P	040(P)
Climbing and Passing Lanes within Right-of Way existing on July 1, 1987.	P	040(Q)

Temporary Public Road Detours	P	040(R)
Minor Betterment to Existing Road and Highway Related Facilities, including climbing and passing lanes within right-of-way existing on July 1, 1987.	P	040(S)
Widening of Roads within existing right-of-way	P	040(T)
Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.	CUP	060(M)
Expansion of Existing Airport.	CUP	060(N)
Construction of Additional Passing and Travel lanes requiring acquisition of right-of-way, but not resulting in the creation of new parcels.	CUP	060(O)
Personal Use Airports and Helipads	CUP	060(P)
Reconstruction or Modification of Public Roads, involving the removal of buildings, but not the creation of new parcels.	CUP	060(Q)
Improvements to Existing Road and Highway Related Facilities where additional property right-of-way is required.	CUP	060(R)
Transportation Facilities: Roads and Highways; including aids to Navigation and Aviation	CUP	060(S)

UTILITIES AND SOLID WASTE DISPOSAL FACILITIES	AUTHORIZATION	PCZO
Utility Facility Service Lines	P	040(U)
Mandated Solid Waste Disposal Site under ORS 459.049	P	040(V)
Utility Facilities Necessary for Public Service, excepting commercial power generating facilities, transmission towers over 200 feet in height, and a communications tower over 200 feet in height	AR	050(D)
Solid Waste Disposal Site under ORS 459.245	CUP	060(T)
Composting Facilities	CUP	060(U)
Communication and Broadcast Towers over 200 feet in height	CUP	060(V)
Commercial Power Generating Facilities	CUP	060(W)
New Electric Transmission Lines with right of way widths of up to 100 feet as specified in ORS 772.210 and Distribution Lines with right-of-way widths of up to 50 feet.	CUP	060(X)
Drinking Water Facilities (Intake, Treatment, pumping stations, etc.)	CUP	060(Y)
Reservoirs and Water Impoundments	CUP	060(Z)
Non-Commercial Wind Energy Systems, Meteorological Towers and Photovoltaic Systems	P	040(W)

Non-Commercial Wind Energy Systems and Meteorological Towers that Require a Height or Type of Construction Modification	AR	050(E)
Non-Commercial Wind Energy Systems and Meteorological Towers in a UGB	CUP	060(AA)

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES	AUTHORIZATION	PCZO
Uninhabitable Structures Accessory to Fish and Wildlife Enhancement	P	040(X)
Private Fee Hunting Operations without any accommodations.	P	040(Y)
Caretaker Residence for Parks and Hatcheries	P	040(Z)
Firearms Training Facility (ORS 197.770)	P	040(AA)
Model Aircraft Takeoff and Landing Sites	AR	050(F)
Schools, Public or Private**	AR	050(G)
Churches and Associated Cemeteries**	AR	050(H)
Destination Resorts pursuant to ORS 197.435 to 197.465 and Statewide Planning Goal 8**	AR	050(I)
Parks, Private, including Playgrounds, Hunting/Fishing Preserves and Campgrounds**	CUP	060(BB)
Parks, Public or Nonprofit, including Playgrounds or Community Centers**	CUP	060(CC)
Private Seasonal Accommodations for Fee Hunting Operations	CUP	060(DD)
Private Seasonal Accommodations for Fee Fishing Operations	CUP	060(EE)
Expansion of an Existing County Fairgrounds	CUP	060(FF)
Golf Courses and accessory uses**	CUP	060(GG)
Cemeteries	CUP	060(HH)
Community Centers	CUP	060(II)
Living History Museum	CUP	060(JJ)

** Use requires a determination of soil classes

RESIDENTIAL USES	AUTHORIZATION	PCZO
Replacement Dwelling	AR	050(J)
Replacement of Historic Dwelling	AR	050(K)
Temporary Hardship Dwelling	AR	050(L)

Residential Homes (ORS 197.660)	CUP	060(KK)
Room and Board Arrangements	CUP	060(LL)

USES ON TRACTS PREDOMINATELY USED FOR FARM USE AS DEFINED IN 138.070	AUTHORIZATION	PCZO
Farm Dwelling	AR	080(A)(1-5)
Lot of Record Dwelling – Not High Value	AR	080(A)(6)
Lot of Record Dwelling – High Value	AR	080(A)(7)
Family Farm Help Dwelling	AR	080(A)(8)
Accessory Farm Dwelling	AR	080(A)(9)
Dwelling in Conjunction with a Commercial Dairy	AR	080(A)(10)
Relocated Farm Operation Dwelling	AR	080(A)(11)
Nonfarm Dwelling	CUP	090(A)(1)
Nonfarm Dwelling on Nonfarm Parcel	CUP	090(A)(2)

USES ON TRACTS PREDOMINATELY USED FOR FORESTRY AS DEFINED IN 138.070	AUTHORIZATION	PCZO
Small Tract, Forest Land “Lot of Record” Dwelling	AR	080(B)(1)
Large Tract Forest Land Dwelling	AR	080(B)(2)
“Template” Forest Land Dwelling	AR	080(B)(3-4)
Youth Camp	CUP	090(B)(1)

138.040 USES PERMITTED BY RIGHT The following uses are permitted, subject to applicable standards set forth in the Polk County Zoning Ordinance and as may otherwise be indicated by federal, state and local permits or regulations:

RESOURCE USES

- (A) *Farm Use*, as defined in ORS 215.203.
- (B) *Use and Management of Forest Lands*.
- (C) *Farm and Forest Accessory Structures* related to the use and management of farm and forest lands.
- (D) *Temporary Portable Facilities for Primary Processing of Forest Products*.

- (E) Temporary On-Site Structures, auxiliary to a particular forest operation; including forest labor camps, without any permanent structures and limited to the duration of the forest operation requiring the use.
- (F) Fire Service Facilities Providing Rural Fire Protection Services including fire towers and fire stations.
- (G) Wetland Creation, Restoration and Enhancement.
- (H) Soil, Air and Water Conservation Activities.
- (I) Irrigation Canals, delivery lines and those structures and accessory operation facilities associated with a district as defined in ORS 540.505.
- (J) 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.
- (K) Wildlife Habitat Conservation and Management Plan pursuant to ORS 215.800 to 215.808.

COMMERCIAL

- (L) On-Site Filming and Accessory Activities for 45 days or less pursuant to ORS 215.306.
- (M) Breeding, Kenneling, and Training of Greyhounds for Racing**
**On soil determined to be not predominately high-value.

MINERAL AND AGGREGATE OPERATIONS

- (N) Exploration and Production of Geothermal, Gas, Oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head as defined in ORS Chapters 517 and 520.
- (O) Exploration for Mineral and Aggregate Resources as defined by ORS Chapter 517.570.

TRANSPORTATION

- (P) Reconstruction or Modification of Public Roads and Highways, not including the addition of travel lanes, removal or displacement of buildings or creation of new parcels.
- (Q) Climbing and Passing Lanes within the Right-Of-Way existing as of July 1, 1987.
- (R) Temporary Public Road or Highway Detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- (S) Minor Betterment of Existing Public Road 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 public-owned property utilized to support the operation and maintenance of public roads and highways.
- (T) Widening of Roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway

projects as described in ORS 215.213(1)(m) through (p) and ORS 215.283(1)(k) through (n).

UTILITIES AND SOLID WASTE DISPOSAL FACILITIES

- (U) Utility Facility Service Lines, and facilities or structures that end at a 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; or
 - (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. [OAR 660-033-0130(32)]
- (V) Solid Waste Disposal Site [ORS 215.283(2)(k)], that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities, or buildings necessary for its operation.
- (W) Wind Energy Systems, Meteorological Towers, and Photovoltaic Systems That are not Commercial Power Generating Facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

- (X) Uninhabitable Structures Accessory to Fish and Wildlife Enhancement.
- (Y) Private Fee Hunting Operations without any accommodations.
- (Z) Caretaker Residence for a Public Park or Public Fish Hatchery.
- (AA) Firearms Training Facility pursuant to ORS 197.770.

138.050 USES SUBJECT TO ADMINISTRATIVE REVIEW The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations.

RESOURCE USES

- (A) Processing Facility for Farm Crops [(OAR 660-033-0130(28))], or the production of bio-fuel as defined in ORS 315.141, located on a farm operation that provides at least one-fourth of all 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. A processing facility shall comply with all applicable siting standards, but the standards shall

not be applied in a manner that prohibits the siting of the processing facility. Note: A land division that separates the processing facility from the farm operation is not allowed.

COMMERCIAL

- (B) Winery [OAR 660-033-0120]. A winery, as described in Section 110.595, may be permitted subject to findings that:
- (1) The related vineyards, as described in Section 110.595, have been planted or that the contract has been executed, as applicable;
 - (2) The winery use will not result in substantial conflicts with farm or forest practices on adjacent lands; and
 - (3) The winery use complies with Comprehensive Plan Goal and Policies and other applicable criteria in the Polk County Zoning Ordinance.
 - (4) Pursuant to ORS 215.452, standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming and forest practices on adjacent lands:
 - (a) Establishment of a setback, not to exceed 100 feet, from all property lines for the winery and all public gathering places; and
 - (b) Provision of direct local road access, internal circulation, and parking.
- (C) Farm Stand [OAR 660-033-0130(23)]. A farm stand may be approved if:
- (1) The structures are designed and used for sale of farm crops and 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 sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
 - (2) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
 - (3) As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

UTILITIES AND SOLID WASTE DISPOSAL FACILITIES

- (D) Utility Facilities Necessary for Public Service [OAR 660-033-0130(16)], including wetland waste treatment systems, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
- (1) A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an Exclusive Farm Use zone due to one or more of the following factors:
 - (a) Technical and engineering feasibility;

- (b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (c) Lack of available urban and non-resource lands;
 - (d) Availability of existing rights of way;
 - (e) Public health and safety; and
 - (f) Other requirements of state and federal agencies.
- (2) Costs associated with any of the factors listed in subsection (R)(1) of this section may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
 - (3) The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agriculture land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
 - (4) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility siting to migrate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
 - (5) In addition to the provisions of subsections (R)(1) to (4) of this rule, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.
 - (6) The provisions of subsections R(1) to (4) of this rule do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulations by the Federal Energy Regulatory Commission.
- (E) *Wind Energy Systems Utilizing a Tower and Meteorological Towers Outside of an Adopted Urban Growth Boundary that are not Commercial Power Generating Facilities* that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

- (F) *Model Airplane Takeoff and Landing Sites [OAR 660-033-0130(26)]*, including such buildings or facilities as may reasonably be necessary. Buildings or utilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use as a model airplane site. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use as a model airplane site.

As used in this paragraph:

- (1) "Model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible, or balloon that is used or is intended to be used for flight and is controlled by radio, lines, or design by a person on the ground.

- (G) Schools [ORS 215.283(1)(a)], public or private, including all buildings essential to the operation of a school. (Note: New schools are not authorized on lands classified as high-value. Existing facilities on all farmlands may be maintained, enhanced, or expanded on the same tract. An exception to the applicable Statewide Planning Goals is required when the school would be located within three miles of an urban growth boundary.)
- (H) Churches and Associated Cemeteries [ORS 215.283(1)(b)]. (Note: New churches and associated cemeteries are not authorized on lands classified as high-value. Existing facilities on all farmlands may be maintained, enhanced, or expanded on the same tract. An exception to the applicable Statewide Planning Goals is required when the church or cemetery would be located within three miles of an urban growth boundary.)
- (I) Destination Resort [ORS 215.283(2)(t)], subject to compliance with the requirements of Oregon Statewide Planning Goal 8. (Note: destination resorts are not authorized on lands classified as high-value.)

RESIDENTIAL USES

- (J) Replacement Dwelling [ORS 215.283(1)(s) and OAR 660-033-0130(8)(a)(b)(c)]. A replacement dwelling may be authorized, where the lawfully established single-family dwelling being replaced has:
 - (1) Intact exterior walls and roof structure;
 - (2) Interior plumbing, including kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (3) Interior wiring for interior lights;
 - (4) A heating system;
 - (5) In the case of replacement:
 - (a) The dwelling to be replaced must be removed, demolished or converted to an approved nonresidential use, within 3 months of the completion of the replacement dwelling; or
 - (b) For which the applicant has requested a deferred replacement permit, is removed or demolished within three months after the deferred replacement permit is issued. A deferred replacement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant
 - (6) The replacement dwelling may be placed on any part of the same lot or parcel as the existing dwelling and shall comply with all applicable siting standards. These standards shall not be applied in such a manner as to prohibit the siting of the replacement dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use and the replacement dwelling would be located on the portion of the lot or parcel zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record a deed restriction prohibiting siting of a dwelling on the portion of the lot or parcel not zoned for exclusive farm use. This deed restriction shall be irrevocable unless a statement of release is recorded in the County deed records. The release shall be signed by a representative of the County and shall state that the provisions of this section have

been changed to allow the siting of another dwelling. The Planning Director shall maintain a record of the lots or parcels that do not qualify for the siting of a new dwelling under the provisions of this section, including a copy of the deed restrictions and release statements filed under this section. Note: Executing and recording such a deed restriction may affect substantial future property rights. Please consult with Planning Division staff prior to submitting an application.

- (7) An accessory farm dwelling authorized pursuant to OAR 660-033-0130(24)(a)(B)(iii), may only be replaced by a manufactured dwelling.
- (K) Replacement of Historic Dwelling [ORS 215.283(1)(o)]. A dwelling listed on the Polk County Historic Inventory and on the National Register of Historic Places which has been partitioned from the farm tract as provided by ORS 215.263 (9)(b), may be replaced on a portion of the farm tract.
- (L) Temporary Hardship Dwelling [OAR 660-33-130(10)]. One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or a relative of the resident, provided that:
- (1) The hardship is certified by a licensed physician;
 - (2) The manufactured home or existing building converted to residential use is connected to the existing sewage disposal system; except when the County Sanitarian finds the existing system to be inadequate and that it cannot be repaired or is not physically available; If the manufactured home will use a public sanitary system, such condition will not be required.
 - (3) The applicant agrees to renew the permit every two years.
 - (4) Within 3 months of the end of the hardship, the manufactured dwelling, recreational vehicle, or building converted to a temporary residential use, shall be removed, demolished, or converted to an approved nonresidential use.
 - (5) The dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
 - (6) The dwelling will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.
 - (7) As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.
 - (8) A temporary residence approved under this section is not eligible for replacement under Section 138.050(L).

138.060 CONDITIONAL USES The following conditional uses may be approved, subject to compliance with the procedures and criteria under Chapter 119, general review standards under Section 138.100, applicable state and federal regulations, and other specific criteria as may be indicated:

RESOURCE-RELATED USES

- (A) Permanent Facility for the Primary Processing of Forest Products [OAR 660-006-0025(4)(5)]. A facility for the primary processing of forest products is authorized, subject to compliance with Section 138.100, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203 (2). 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 production order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or tract where the primary processing facility is located.

- (B) Permanent Logging Equipment Repair and Storage.
- (C) Log Scaling and Weigh Stations.
- (D) Forest Management Research and Experimentation Facilities as defined by ORS 526.215 or where accessory to forest operations.
- (E) Aquaculture [ORS 215.283(2)(p) and OAR 660-033-0130(27)], including the propagation, cultivation, maintenance and harvesting of aquatic species, subject to compliance with Section 138.100.
 - (1) Notice of the application shall be provided to the State Department of Agriculture at least 20 calendar days prior to any administrative action or initial public hearing on the application.
- (F) Insect Breeding [OAR 660-033-0130(27)], including the propagation, cultivation, maintenance and harvesting of insect species, subject to compliance with Section 138.100 and the following criteria:
 - (1) Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
 - (2) Notice of the application shall be provided to the State Department of Agriculture at least 20 calendar days prior to any administrative action or initial public hearing on the application.
- (G) Operations for the Extraction and Bottling of Water [ORS 215.283(2)(v)], subject to compliance with Section 138.100.

COMMERCIAL ACTIVITIES

- (H) Commercial Activity in Conjunction with Farm Use [ORS 215.283(2)(a)], including activities related to the processing, distribution and marketing of farm products, a portion of which are produced by the subject farming operation, but not including the processing of farm crops as described in Section 138.050(A), subject to compliance with Section 138.100.
- (I) Home Occupations [OAR 660-033-0130(14)], subject to the general review standards under Section 138.100 and the following standards and conditions from ORS 215.448:
 - (1) The home occupation is operated by a resident of the property on which the business is located;
 - (2) No more than five full or part-time persons are employed by the business;
 - (3) The business is conducted within the dwelling or other building(s) normally associated with uses permitted within this zone; and
 - (4) The business will not interfere with existing uses on nearby land or with other permitted uses.
- (J) On-Site Filming and Activities Accessory to On-Site Filming, for more than 45 days as provided for in ORS 215.306, subject to compliance with Section 138.100.

- (K) Dog Kennels [ORS 215.283(2)(n)], as defined by PCZO 110.301, may be authorized on land not classified as high-value farmland, subject to compliance with Section 138.100. (Note: Existing facilities on high-value farmland may be maintained, enhanced, or expanded on the same tract subject to other requirements of law.)

MINERAL AND AGGREGATE OPERATIONS

- (L) The following operations are permitted subject to compliance with ORS 215.298, which describes mining activities in exclusive farm use zones, and with Section 138.100:
- (1) 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 under the Polk County Zoning Ordinance; [ORS 215.283(2)(b)(A)]
 - (2) Mining of aggregate and other mineral and subsurface resources which are included in the County inventory of mineral and aggregate resources when the quantity of material proposed to be mined from the site is estimated to be 2,000,000 tons of aggregate material or more, subject to PCZO Chapters 115 and 174; [ORS 215.283(2)(b)(B)]
 - (3) Mining of aggregate and other mineral and subsurface resources which are included in the County inventory of mineral and aggregate resources when the quantity of material proposed to be mined from the site is estimated to be 2,000,000 tons of aggregate material or less, subject to PCZO Chapter 115 and the following:
 - (a) Not more than 35 percent of the proposed mining area consists of soil:
 - (i) Classified as Class I on Natural Resource and Conservation Service (NRCS) maps available on June 11, 2004; or
 - (ii) Classified as Class II or of a combination of Class II and Class I or Unique soil, on NRCS maps on June 11, 2004, unless average thickness of the aggregate layer within the mining area exceeds 25 feet in depth; or
 - (b) A local land use permit that allows mining on the site was issued prior to April 3, 2003, and the permit is in effect at the time of the significance determination; and
 - (c) The applicant shall propose and Polk County shall determine the post-mining use and provide this use in the Comprehensive Plan and land use regulations.
 - (i) For significant aggregate sites on NRCS Class I, II and Unique farmland, post-mining use shall be limited to farm uses permitted in PCZO Chapter 138.040, 138.050(A)(C-I) and (K-L), 138.080(A), and fish and wildlife habitat uses, including wetland mitigation banking. Post-mining uses shall be coordinated with the Oregon Department of Geology and Mineral Industries (DOGAMI) regarding the regulation and reclamation of mineral and aggregate sites. [OAR 660-023-0180(4) and (6)]
 - (4) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement more than two miles from a planted vineyard, at least 40 acres in size, planted as of the date the application for batching and blending is filed; and [ORS 215.283(2)(b)(C)]
 - (5) Processing of other mineral resources and other subsurface resources. [ORS 215.283(2)(b)(D)]

TRANSPORTATION

- (M) Temporary Asphalt and Concrete Batch Plants as accessory uses to specific highway projects.

- (N) Expansion of Existing Airports.
- (O) Construction of Additional Passing and Travel Lanes [ORS 215.283(2)(q)], requiring the acquisition of right-of-way, but not resulting in the creation of new parcels, subject to compliance with Section 138.100.
- (P) Personal Use Airports and Helipads [OAR 660-033-0130(7)], including associated hangar, maintenance and service facilities, subject to compliance with Section 138.100. 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 waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation.
- (Q) Reconstruction or Modification of Public Roads [ORS 215.283(2)(r)], involving the removal or displacement of buildings, but not resulting in the creation of new parcels, subject to compliance with Section 138.100.
- (R) Improvements to Existing Public Road and Highway Related Facilities [ORS 215.283(2)(s)], 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 parcels, subject to compliance with Section 138.100.
- (S) Transportation Facilities [ORS 215.283(3)(b)], The following transportation facilities may be established:
- (1) Accessory transportation improvements for an authorized land use to provide safe and efficient access to the use. Such accessory transportation improvements are subject to the same requirements applicable to the land use to which they are accessory;
 - (2) Channelization;
 - (3) Realignment of roads;
 - (4) Replacement of an intersection with an interchange;
 - (5) Continuous median turn lane;
 - (6) New access roads or collectors consistent with OAR 660-012-0065(3)(g) (i.e., where the function of the road is to reduce local access to or local traffic on a state highway). These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or provide adequate emergency access.
 - (7) Bikeways, footpaths, and recreation trails not otherwise allowed as a modification or part of an existing road;
 - (8) Park and ride lots;
 - (9) Railroad mainlines and branchlines;
 - (10) Pipelines;
 - (11) Navigation channels;
 - (12) Replacement of docks and other facilities without significantly increasing the capacity of those facilities;

- (13) Expansions or alterations of public use airports that do not permit service to a larger class of airplanes; and
- (14) Transportation facilities, services and improvements other than those listed in this section that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the acknowledged comprehensive plan or to provide adequate emergency access. **[Amended by Ordinance #01-10, dated November 14, 2001.]**

Note: Other Roads, Highways and other Transportation Facilities and Improvements [ORS 215.283(3)] not allowed under this section may be established, subject to the approval of the governing body or its designee, in areas zoned for exclusive farm use subject to:

- (A) Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply; or
- (B) ORS 215.296 for those uses identified by rule of the Land Conservation and Development Commission as provided in section 3, chapter 529, Oregon

UTILITIES AND SOLID WASTE DISPOSAL FACILITIES

- (T) Solid Waste Disposal Site under ORS 459.245 [ORS 215.283(2)(k)], subject to compliance with Section 138.100. (Note: New solid waste disposal sites are not authorized on lands classified as high-value.)
- (U) Composting Facilities [OAR 660-033-0130(29)], on land not classified as high-value farmland, as defined by OAR 340-096-0024(1), (2), or (3), subject to compliance with Section 138.100. Buildings and facilities used in conjunction with the composting operation shall only be those required for operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle. (Note: New composting facilities are not authorized on lands classified as high-value. Existing facilities on high-value farmland may be maintained, enhanced, or expanded on the same tract). Composting facilities are a conditional use when:
 - (1) The primary purpose of obtaining a profit in money from the farm use of the land is from composting, or
 - (2) The product or by-products are raised on lands other than farm land used for the primary purpose of obtaining a profit in money from the farm use of the land
- (V) Communication and Broadcast Towers over 200 feet in Height [ORS 215.283(2)(m)], subject to compliance with Section 138.100, Section 112.135, and the following criteria:
 - (1) The location, size, design and functional characteristics of the tower are reasonably compatible with and have a minimum impact on the livability and development of other properties in the area;
 - (2) The tower shall be located so as to not interfere with air traffic; and
 - (3) The tower will not have a significant adverse effect on identified sensitive fish or wildlife habitat, natural areas, or scenic areas designated on the comprehensive plan;
- (W) Commercial Power Generating Facilities [OAR 660-033-0130(17)], subject to compliance with Section 138.100. (Note: On high-value farmland, an exception to the statewide Agricultural Lands Planning Goal is required where development of the power generating facility removes more than 12 acres from commercial agricultural production. On farmland not classified as high-value, an exception to the statewide Agricultural Lands Planning Goal

is required where development of the power generating facility removes more than 20 acres from commercial agricultural production).

- (X) New Electric Transmission Lines with right-of-way widths of up to 100 feet as specified in ORS 722.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.
- (Y) Drinking Water Facilities [OAR 660-006-0025(4)(l)]. Water intake facilities, related treatment facilities, pumping stations, and distribution lines
- (Z) Reservoirs and Water Impoundments [OAR 660-006-0025(4)(m)].
- (AA) Wind Energy Systems Utilizing a Tower and Meteorological Towers Within an Adopted Urban Growth Boundary Up to 100 Feet in Height that are not Commercial Power Generating Facilities, as provided in Sections 112.135 and 112.137.

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

- (BB) Private Parks, Playgrounds, Hunting and Fishing Preserves and Campgrounds [OAR 660-033-0130(19)], subject to compliance with Section 138.100. (Note: New facilities are not allowed on lands classified as high-value. Existing facilities on high-value farmland may be maintained, enhanced, or expanded on the same tract. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three (3) miles of an urban growth boundary unless an exception to Statewide Planning Goal 3, 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 that 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 designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. A camping site may be occupied by a tent, travel trailer or recreation vehicle. Separate sewer, water, or electric hook-ups shall not be provided to individual camp sites. Campgrounds authorized under this provision 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 six (6) month period. A private campground may provide yurts for overnight camping, however, no more than one-third or a maximum of ten (10) campsites, whichever is smaller, may include a yurt.

As used in this paragraph:

- (1) "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.
- (CC) Parks, Public or Nonprofit, including Playgrounds [OAR 660-033-0130(31)], with public parks to include only the uses specified under OAR 660-034-0035, or OAR 660-034-0040 which ever is applicable, subject to compliance with Section 138.100. A public park may be established consistent with the provisions of ORS 195.120.
 - (DD) Private Seasonal Accommodations for Fee Hunting Operations [OAR 660-006-0025(4)(P), 600-060-0029 and 660-006-0035], subject to 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) Other conditions, as deemed appropriate.
- (EE) Private Seasonal Accommodations for Fee Fishing Operations [OAR 660-006-0025(4)(W), 600-060-0029 and 660-006-0035], subject to 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 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
- (FF) Expansion of Existing County Fairgrounds [ORS 215.283(2)(w)], and activities directly related to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.
- (GG) Golf Courses and accessory uses [OAR 660-033-0130(20)]. A new golf course and accessory uses may be approved on a tract of land not classified as high-value, consistent with Section 138.100. An existing golf course on all farmlands may be maintained, enhanced, or expanded, up to 36 holes on the same tract, consistent with Section 138.100 and OAR 660-33-130 (18).

As used in this paragraph:

- (1) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or 18 regulation golf course holes, or a combination 9 and 18 holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards, consistent with the following:
 - (a) 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.
 - (b) 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.
 - (c) 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:
 - (i) 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, a practice or beginners course as part of an 18 hole or larger golf course, or golf tournament.
 - (ii) 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.

- (iii) 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.
- (iv) Commercial activities such as a pro shop are accessory to a golf course when located in the clubhouse.
- (v) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Accessory food and beverage service facilities shall not be designated for or include structures for banquets, public gatherings or public entertainment.

(HH) Cemeteries [OAR 660-006-0025(4)(o)].

(II) Community Centers [ORS 215.283(2)(e)], owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.

(JJ) Living History Museum [OAR 660-033-0130(21)], related to resource based activities owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located with authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary.

As used in this paragraph:

- (1) "Living history museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.
- (2) "Local historical society" means the local historical society, recognized as such by the county.

OTHER

(KK) Residential Homes [ORS 215.283(2)(o)], as defined in ORS 197.660, in existing dwellings subject to compliance with Section 138.100.

(LL) Room and Board Arrangements [ORS 215.283(2)(u)], for a maximum of five unrelated persons in existing residences subject to compliance with Section 138.100.

138.070 PREDOMINANT USE TEST [(OAR 660-06-050 (2))] The siting of dwellings and certain other land uses within the Farm/Forest Zoning District are based on a determination of the predominant use of a tract as either farm or forest land. A "tract" is defined as one (1) or more contiguous lots or parcel(s) under the same ownership.

Predominant use is defined as more than 50 percent of the area of the tract. Polk County will review tax assessor records, aerial photos, soils capability data, and existing uses to determine on a case-by-case basis whether a tract was predominantly used for farm or forest purposes as of January 1, 1993.

138.080 USES SUBJECT TO ADMINISTRATIVE REVIEW AND BASED ON THE DETERMINATION OF PREDOMINATE USE OF TRACT IN ACCORDANCE WITH SECTION 138.070 The following uses are permitted, subject to review and approval under the

prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations.

- (A) **FARM LAND TRACT** - Uses subject to administrative review on a tract where the predominate use has been determined to be farm use:

DWELLINGS

- (1) *Dwelling for the Farm Operator on High-Value Farmland [OAR 660-033-0135(7) and (9)]*. A Farm Dwelling may be authorized on a tract of land classified as high-value, where the tract meets the following criteria:
- (a) The subject tract is currently in farm use and has produced at least \$80,000 gross annual income from the sale of farm products, each of the last 2 years or 3 out of the past 5 years. (Note: Only gross income from land owned, not leased or rented shall be counted. When determining gross annual income for livestock operations, the cost of purchased livestock must be deducted from the total gross income attributed to the farm or ranch operation as defined in OAR 660-033-0135(11)(b). Noncontiguous lots or parcels designated for exclusive farm use in Polk County or a contiguous county may be used to meet the gross income requirements. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used unless both dwellings are subsequently authorized by provision of law.) [OAR 660-033-0135(7)(d)];
 - (b) The tract is currently vacant (no dwellings, excepting lawfully established seasonal farm worker housing on lands designated for exclusive farm owned by the farm operator or on the farm operation); and
 - (c) The dwelling will be occupied by a person or persons who produced the commodities which provided the income under subsection 1 above.
 - (d) At the time of application for a dwelling that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross income requirements, the property owner shall provide a title report, for those lots or parcels located within a contiguous county, that was generated within 30 days of date the application is submitted.
 - (e) Prior to issuance of construction permits for a dwelling that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross income requirements, the property owner shall provide for the recording of a deed restriction with the Polk County Clerk consistent with that required by OAR 660-033-0135(9) for the properties subject to the application that precludes:
 - (i) All future rights to the establishment of a dwelling, except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215;
 - (ii) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
- (2) *Small Tract Dwelling on High-Value Farmland [OAR 660-033-0130 (3)(d)]*. A dwelling may be authorized on a tract of land classified as high-value, where the tract meets the following requirements:
- (a) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner since prior to January 1, 1985 (Note: Present owner may also qualify, if the property was inherited by devise

or intestate secession from a person that acquired and had owned continuously the lawfully created parcel since prior to January 1, 1985);

- (b) The tract is currently vacant (no dwellings, excepting lawfully established seasonal farm worker housing);
- (c) If the lot or parcel on which the dwelling will be sited was part of a tract existing on November 4, 1993 and no dwelling exists on another lot or parcel that was part of that tract;
- (d) The dwelling meets all other requirements of the Comprehensive Plan and land use regulations, including but not limited to regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian or big game habitat; and
- (e) Any adjacent lot(s) or parcel(s) owned by the applicant shall be combined with the subject parcel to form a single lot or parcel;
- (f) The tract where the dwelling would be sited is:
 - (i) Not composed predominately of prime, unique Natural Resource Conservation Service (NRCS) Class I or II soils identified in OAR 660-033-0020(8)(a) or (b);
 - (ii) Composed predominately of high-value (NRCS) Class III and IV soils identified in OAR 660-033-0020(8)(c) or (d); or
 - (iii) Composed predominantly of a combination of high-value NRCS Class III and IV soils identified in OAR 660-33-020(8)(c) or (d) and prime, unique, NRCS Class I or II soils identified in OAR 660-033-0020(8)(a) or (b);
 - (iv) Twenty-one (21) acres or less in size; and
 - (v) Bordered on at least 67% of its perimeter by tracts less than 21 acres in size and at least 2 such tracts had dwellings on them on Jan. 1, 1993; or,
 - (vi) The tract is not a flag lot and is bordered on at least 25% of its perimeter by tracts less than 21 acres in size and at least four dwellings existed on Jan. 1, 1993, within one-quarter mile of the center of the subject tract. Where the tract abuts an urban growth boundary, up to 2 of the 4 dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or
 - (vii) The tract is a flag lot 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 ¼ mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. Where the tract abuts an urban growth boundary, up to 2 of the 4 dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary. The center of the tract shall be the point where half of the acreage is north, south, east, and west of the point, unless requested by the applicant to use the "geographic center of the flag lot". The geographic center of the flag lot means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flag lot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flag lot. Regardless of the method of determining the center, the center of the subject tract shall be located on the subject tract. [OAR 660-033-0130(3)(d)(D)]

- Note:
- (1) As used in this subsection, "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, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or a business entity owned by any one or a combination of these family members.
 - (2) Upon approval, the Planning Director shall notify the County Assessor that the governing body intends to allow the dwelling. [660-033-0130(3)(h)]
 - (3) An authorization to establish a dwelling pursuant to this subsection is valid for the duration specified in PCZO 138.190 for the applicant that qualified for the dwelling and for any other person that the qualified applicant transferred the property to after the date of the land use decision. [660-033-0130(3)(i)]

- (3) *Dwelling for the Farm Operator on Other Farmland - Acreage Standard [OAR 660-033-0135(1)]*. A farm dwelling may be authorized on a tract of land not classified as high value, subject to the following standards:
 - (a) The parcel on which the dwelling is to be located is at least 160 acres in size;
 - (b) The subject tract is currently in farm use;
 - (c) 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; and
 - (d) The subject tract is currently vacant (no dwellings, excepting lawfully established seasonal farm worker housing).
- (4) *Dwelling for the Farm Operator on Other Farmland - Income Standard [OAR 660-033-0135(5) and (9)]*. A farm dwelling may be authorized on a tract of land, not classified as high value, subject to the following standards:
 - (a) The subject tract is currently employed for farm use and has produced at least \$40,000 in gross annual income from the sale of farm products during each of the past two (2) years or three (3) of the past five (5) years (Note: Only gross income from land owned, not leased or rented shall be counted. When determining gross annual income for livestock operations, the cost of purchased livestock must be deducted from the total gross income attributed to the farm or ranch operation. Noncontiguous lots or parcels designated for exclusive farm use in Polk County or a contiguous county may be used to meet the gross income requirements. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used unless both dwellings are subsequently authorized by provision of law.) [OAR 660-033-0135(7)(d)]; or
 - (b) The subject tract is currently employed for farm use and has produced gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture during each of the past two (2) years or three (3) of the past five (5) years (Note: When determining gross annual income for livestock operations, the cost of purchased livestock must be deducted from the total gross income);
 - (c) The subject tract, and all parcels subject to the application are currently vacant (no dwellings, excepting lawfully established seasonal farm worker housing); and
 - (d) The dwelling will be occupied by a person or persons who produced the commodities during each of the past two (2) years or three (3) of the past five (5) years.

- (e) At the time of application for a dwelling that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross income requirements, the property owner shall provide a title report, for those lots or parcels located within a contiguous county, that was generated within 30 days of date the application is submitted.
 - (f) Prior to issuance of construction permits for a dwelling that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross income requirements, the property owner shall provide for the recording of a deed restriction with the Polk County Clerk consistent with that required by OAR 660-033-0135(9) for the subject properties that precludes:
 - (g) All future rights to the establishment of a dwelling, except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215;
 - (h) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling;
- (5) *Dwelling for the Farm Operator on Other Farmland - Sales Capability Test [OAR 660-033-0135(2)]*. A farm dwelling may be authorized on a tract of land, not classified as high-value that is:
- (a) At least as large as the median size of those commercial farm and ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract;
 - (b) The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size under subsection 1 above;
 - (c) Currently employed for farm use at a level capable of producing the gross annual sales requirement under subsection 2 above. (Note: If no farm use has been established at the time of application, land use approval shall be subject to full establishment of the farm use, as described under subsection 2 above, prior to issuance of a building permit for the dwelling);
 - (d) 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;
 - (e) At least 10 acres in size; and
 - (f) Currently vacant (no dwellings, excepting lawfully established seasonal farm worker housing).
- (6) *Lot-of-Record Dwelling Not High-Value Farmland [(OAR 660-033-0130(3)(a))]*. A dwelling may be authorized on a lot-of-record on land not classified as high-value farmland. To qualify as a lot-of-record, the parcel must meet the following criteria:
- (a) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner since prior to January 1, 1985 (Note: The owner may also qualify if the property was inherited by devise or intestate succession from a person that acquired and had owned continuously the lawfully created parcel since prior to January 1, 1985);
 - (b) The tract on which the dwelling will be sited does not include a dwelling (excepting lawfully established seasonal farm worker housing);

- (c) The lot or parcel on which the dwelling will be sited was part of a tract existing on November 4, 1993 and no dwelling exists on another lot or parcel that was part of that tract;
- (d) The dwelling meets all other land use regulations, including but not limited to regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian or big game habitat; and
- (e) Any adjacent lot(s) or parcel(s) owned by the applicant shall be combined with the subject lot or parcel to form a single lot or parcel.
- (f) An authorization to establish a dwelling pursuant to this subsection is valid for the duration specified in PCZO 138.190 for the applicant that qualified for the dwelling and for any other person that the qualified applicant transferred the property to after the date of the land use decision. [660-033-0130(3)(i)]
- (g) Upon approval, the Planning Director shall notify the County Assessor that the governing body intends to allow the dwelling. [660-033-0130(3)(h)]

Note:

- (1) As used in this subsection, "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, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or a business entity owned by any one or a combination of these family members.
- (2) Soil classes, soil ratings or other soil designations used in or made pursuant to this section are those of the Soil Conservation Service in its most recent publication for that class, rating or designation before November 4, 1993. For purposes of approving a land use application under PCZO 138.080(A)(8), the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:
 - (a) Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or
 - (b) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
 - (c) Submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph (A) of this paragraph and finds the analysis in the report to be soundly and scientifically based. [ORS 215.710(5)]

- (7) Lot-of-Record Dwelling on High-Value Farmland [OAR 660-033-0130 (3)(c)]. A dwelling may be authorized on a tract of land classified as high-value, where the tract meets the following criteria:
 - (a) The Polk County Hearings Officer shall determine whether the subject parcel is a lot-of-record, based on the following criteria:
 - (i) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner since prior to January 1, 1985 (Note: Present owner may also qualify, if the property was inherited by devise or intestate secession from a person that acquired and had owned continuously the lawfully created parcel prior to January 1, 1985);

- (ii) The tract on which the dwelling will be sited is currently vacant (no dwellings, excepting lawfully established seasonal farm worker housing);
 - (iii) If the lot or parcel on which the dwelling will be sited was part of a tract existing on November 4, 1993 no dwelling exists on another lot or parcel that was part of that tract;
 - (iv) The dwelling meets all other land use regulations, including but not limited to regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian or big game habitat; and
 - (v) Any adjacent lot(s) or parcel(s) owned by the applicant shall be combined with the subject lot to form a single lot or parcel.
- (b) The Hearings Officer shall determine that:
- (i) The 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. This criterion requires evidence that the subject lot or parcel cannot be physically used for 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;
 - (ii) The dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use;
 - (iii) The dwelling will not significantly increase the cost of farm or forest practices on surrounding lands devoted to farm and forest use; and
 - (iv) The applicant shall demonstrate that the proposed lot-of-record dwelling will not materially alter the stability of the overall land use pattern in the area.
 - (v) Notice of the public hearing shall be provided to the State Department of Agriculture at least 20 calendar days prior to the public hearing before the hearings officer. Upon approval, the Planning Director shall notify the County Assessor that the governing body intends to allow the dwelling. [660-033-0130(3)(h)]
 - (vi) Authorization of a single-family dwelling under the provisions of this subsection may be transferred by a person who has qualified under this subsection to any other person after the effective date of the land use decision. An authorization to establish a dwelling pursuant to this subsection is valid for the duration specified in PCZO 138.190 for the applicant that qualified for the dwelling and for any other person that the qualified applicant transferred the property to after the date of the land use decision. [660-033-0130(3)(i)]

Note: As used in this subsection, "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, nephew,

stepparent, stepchild, grandparent, or grandchild of the owner or a business entity owned by any one or a combination of these family members.

- (8) *Dwelling for Family Farm Help* [OAR 660-033-0130(9)]. A dwelling for family farm help may be authorized, on the same lot or parcel as the dwelling of the farm operator, where the dwelling will be occupied by a relative of the farm operator whose assistance in the management and farm use of the existing commercial farm operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing. "Relative" means the farm operator or farm operators' spouse, grandparent, step-grandparent, grandchild, parent, step-parent, child, brother, sister, sibling, step-sibling, niece, nephew, or first cousin of either of the farm operator, or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.
- (9) *Accessory Farm Dwelling* [OAR 660-033-0130 (24)]. Each accessory dwelling customarily provided in conjunction with farm use is authorized, subject to review and approval under the following criteria:
- (a) Each dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose 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. (Note: The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates the farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing);
 - (b) The accessory dwelling will be located:
 - (i) On the same lot or parcel as the primary farm dwelling; or
 - (ii) 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 parcel in the tract; or
 - (iii) 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 filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-authorized under these rules; or
 - (iv) 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. All accessory farm dwellings approved under this subparagraph shall be removed, demolished, or converted to an authorized non-residential use when farm worker housing is no longer required; or
 - (v) 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 under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(5) or (7), whichever is applicable, and

- (c) There is no other dwelling on lands zoned for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and
- (d) The primary farm dwelling, to which the proposed dwelling would be accessory, meets one of the following:
 - (i) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use and produced in each of the last two years or three of the last five years, the lower of the following:
 - (A) At least \$40,000 (1994 dollars) in gross annual income from the sale of farm products (Note: In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract); or
 - (B) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. (Note: In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract); or
 - (ii) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use and has 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 (Note: In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract);
 - (iii) On land defined as a commercial dairy pursuant to OAR 660-033-0135(11) and the following:
 - (A) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and
 - (B) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230; and
 - (C) The Oregon Department of Agriculture has approved a permit for a Producer License for the sale of dairy products under ORS 621.072.
- (e) A partition shall not be approved that separates the accessory farm dwelling from the primary farm dwelling, unless a subsequent land use application determines that the accessory farm dwelling and the primary farm dwelling both qualify pursuant to the applicable provisions contained in Sections 138.080(A-E). A parcel may be created consistent with the minimum parcel size for the zone.
- (f) An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use.

Note: "Accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.

- (10) *Dwelling in Conjunction with a Commercial Dairy [OAR 660-033-0135(10)].* A dwelling may be considered customarily provided in conjunction with a dairy farm as defined in OAR 660-033-0135(11) if:

- (a) The subject tract will be employed as a commercial dairy that owns a sufficient number of producing dairy animals capable of earning the gross annual income from the sale of fluid milk required by:
 - (i) PCZO Section 138.080(A) if located on high-value farmland; or
 - (ii) PCZO Section 138.080(E) if located on non-high-value farmland, whichever is applicable; and
 - (b) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy; and
 - (c) The subject tract is vacant (no dwellings, excepting lawfully established seasonal farm worker housing,);
 - (d) 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
 - (e) 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
 - (f) The Oregon Department of Agriculture has approved the following:
 - (i) A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230; and
 - (ii) A producer license for the sale of dairy products under ORS 621.072.
- (11) Relocated Farm Operation Dwelling [OAR 660-033-0135(12)]. A dwelling may be considered customarily provided in conjunction with farm use if:
- (a) Within the last two years, the applicant owned and operated a farm or ranch operation that earned the gross farm income in the last five years or four of the last seven years as required by PCZO 138.080(A) or (E), whichever is applicable;
 - (b) The subject lot or parcel on which the dwelling will be located is:
 - (i) Currently employed for the farm use, as defined in PCZO 110.223, that produced in the last two years or three of the last five years the gross farm income required by PCZO 138.080(A) or (E), whichever is applicable; and
 - (ii) At least the size of the applicable minimum parcel size; and
 - (c) The subject tract is vacant (no dwellings, excepting lawfully established seasonal farm worker housing); and
 - (d) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in paragraph (1) of this subsection;
 - (e) In determining the gross income required by subsections (1) and (2)(a), of this subsection:
 - (i) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
 - (ii) Only gross income from land owned, not leased or rented, shall be counted.
- (B) **FOREST LAND TRACT** - Uses Subject to Administrative Review on a tract where the predominate use has been determined to be forest use. All dwellings and permanent structures authorized under this section shall meet the standards listed in Sections

138.080 (Dwelling Standards), 138.110 (Siting Standards), 138.120 (Fire Siting Standards), and Chapter 112 (Development Standards).

DWELLINGS

(1) Small Tract, Lot-of-Record Dwelling [OAR 660-06-027(1)(a)(f)(g)]. A dwelling may be authorized on a lot-of-record. To qualify as a lot-of-record, the parcel must meet the following criteria:

- (a) The parcel was lawfully created and was acquired and owned continuously by the present owner since prior to January 1, 1985. The owner may also qualify if the property was inherited by devise or intestate secession from a person that acquired and had owned continuously the lawfully created parcel since prior to January 1, 1985.
- (b) Based on soil types, the tract is not capable of annually producing 5,000 cu. ft. of commercial tree species, as recognized under rules adopted under ORS 527.715 for commercial production.
- (c) The tract is currently vacant;
- (d) If the lot or parcel on which the dwelling will be sited was part of a tract existing on November 4, 1993 no dwelling exists on another lot or parcel that was part of that tract;
- (e) The tract is located within 1,500 feet of a public road, as defined by ORS 368.001 that provides or will provide access to the subject tract.

Note: The road shall be maintained and either paved or surfaced with rock. The road shall not be a Bureau of Land Management road. The road shall not be a U.S. 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 U.S. Forest Service and landowners adjacent to the road, Polk County, or a state agency;

- (f) The dwelling complies with limitations on density imposed by the Deer and Elk Winter Range; and
- (g) Where the dwelling is sited on a portion of a tract, the remaining portions under common ownership are consolidated into a single unit of land.
- (h) Authorization to establish a single-family dwelling under the provisions of this subsection may be transferred by a person who has qualified under this subsection to any other person after the effective date of the decision.
- (i) Parcels 10 acres or less in size shall not be required to submit a stocking report prior to receiving a permit for the dwelling as authorized by this subsection.

Note: As used in this subsection, "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, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or a business entity owned by any one or a combination of these family members.

(2) Large Tract Forest Land Dwelling [OAR 660-006-0027(1)(c) and (6)]. A dwelling may be authorized on a tract that meets the following criteria:

- (a) The tract is at least 160 acres in size; or,
- (b) The tract is part of one ownership, at least 200 acres in size that may be composed of separate vacant tracts of designated forest land in Polk County or its adjacent

counties. A deed restriction shall be filed for all tracts that are used to meet the acreage requirements of this subsection, pursuant to the following provisions:

- (i) The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as Exhibit "A" to OAR 660-06 has been recorded with the County Clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.
 - (ii) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
 - (iii) Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located.
 - (iv) Failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is subject to the covenants, conditions and restrictions required by this section.
 - (v) The Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the County deed records pursuant to this section and a map or other record depicting tracts which do not qualify for a siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this section shall be readily available to the public in the Planning Division office.
- (3) Small Tract "Template" Dwelling [OAR 660-006-0027(1)(d)]: A dwelling may be authorized on a tract that meets the following criteria:
- (a) The tract is less than 60 acres in size;
 - (b) The tract meets one of the following:
 - (i) The tract is composed of soils that are capable of annually producing more than 85 cu. ft. per acre of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract (Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible.); and
 - (B) At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; or
 - (c) The tract is composed of soils that are capable of annually producing 50 to 85 cu. ft. per acre of wood fiber if:
 - (i) All or part of at least seven (7) other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract (Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible.); and

- (ii) At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; or
 - (d) The tract is composed of soils that are capable of annually producing 0 to 49 cu. ft. per acre of wood fiber if:
 - (i) All or part of at least three (3) other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract (Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible.); and
 - (ii) At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (e) The tract contains no dwellings on other lots or parcels that make up the tract.
 - (f) The tract is not subject to deed restrictions established under OAR 660-06-027 (6) and Section 138.080 (B)(3)(b) of this Ordinance.
 - (g) Parcels 10 acres or less in size shall not be required to submit a stocking report prior to receiving a permit for the dwelling as authorized by this subsection.
 - (h) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsections 138.080(B)(4).
- (4) Large Tract "Template" Dwelling [OAR 660-006-0027(2)]. A dwelling may be authorized on a tract that meets the following criteria:
- (a) The tract is 60 acres or larger in size;
 - (b) The tract meets one of the following:
 - (i) The tract is composed of soils that are capable of annually producing more than 85 cu. ft. per acre of wood fiber if:
 - (ii) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract. However, if the tract abuts a road or perennial stream, the measurement shall be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road or stream to the maximum extent possible; and
 - (iii) At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; or
 - (c) The tract is composed of soils that are capable of annually producing 50 to 85 cu. ft. per acre of wood fiber if:
 - (i) All or part of at least seven (7) other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract. However, if the tract abuts a road or perennial stream, the measurement shall be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road or stream to the maximum extent possible; and
 - (ii) At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; or
 - (d) The tract is composed of soils that are capable of annually producing 0 to 49 cu. ft. per acre of wood fiber if:

- (i) All or part of at least three (3) other lots or parcels that existed on January 1, 1993, are within a 160 acre centered on the center of the subject tract. However, if the tract abuts a road or perennial stream, the measurement shall be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road or stream to the maximum extent possible; and
- (ii) At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; and,
- (e) If the tract is situated such that the road or stream crosses the tract, at least one (1) of the three (3) required dwellings shall be on the same side of the road or stream as the proposed dwelling, and within the 160-acre rectangle or within 1/4 mile from the edge of the tract where the dwelling will be located, but not outside the length of the rectangle.
- (f) The tract contains no dwellings on other lots or parcels that make up the tract.
- (g) The tract is not subject to deed restrictions established under OAR 660-06-027 (6) and Section 138.080(B)(3)(b) of this Ordinance.
- (h) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsections 138.080(B)(4).

138.090 CONDITIONAL USES BASED ON THE DETERMINATION OF PREDOMINANT USE OF TRACT IN ACCORDANCE WITH SECTION 138.070, the following conditional uses may be approved, subject to compliance with the procedures and criteria under Chapter 119, general review standards under Section 138.100, applicable state and federal regulations, and other specific criteria as may be indicated:

- (A) **FARM LAND TRACT** - Uses permitted as conditional uses on a tract where the predominate use has been determined to be farm use:

DWELLINGS

- (1) *Nonfarm Dwelling - Not High-Value Farmland*, (except as noted) [OAR 660-033-0130(4)(a)]. A nonfarm dwelling may be authorized on a parcel, not classified as high-value farmland, except as noted, subject to the following criteria:
 - (a) The dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use;
 - (b) The dwelling will not significantly increase the cost of farm or forest practices on surrounding lands devoted to farm and forest use;
 - (c) The dwelling will be placed on a lot or parcel created before January 1, 1993;
 - (d) The dwelling will be located on a parcel that is predominately composed of NRCS Class IV through VIII soils that, when irrigated, would not be classified as prime or unique, Class I or II soils (Note: This includes those Class IV soils defined as high-value farmland in OAR 660-33-020 (c));
 - (e) The applicant shall demonstrate that the proposed nonfarm dwelling will not materially alter the stability of the overall land use pattern of the area. To address this standard, the applicant shall prepare a cumulative impact study that:
 - (i) Includes at least 2,000 acres or a smaller area not less than 1,000 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 described 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 parcels and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall be identified but not be included in the study area;

- (ii) The cumulative impacts study shall identify the broad types of farm uses (irrigated or non-irrigated 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 under PCZO subsections 138.080(A)(8) and (10) and 138.090(A)(1). The study shall identify the 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 PCZO 138.090(A)(2) and Section 138.140(A)(2)(c). 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;
- (iii) Describes whether the proposed dwelling in conjunction with the dwellings identified in (b) above 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. Determine whether approval of the proposed nonfarm dwelling together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. (Note: The stability of the land use pattern will be materially altered if the cumulative effect of 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).
- (f) The county shall consider the cumulative impact of possible new nonfarm and lot-of-record dwellings together with existing nonfarm dwellings on other lots or parcels in the area when determining whether the proposed nonfarm dwelling will alter the stability of the land use pattern in the area.
- (g) The dwelling complies with other applicable conditions.

Note: The parcel qualifying for a dwelling under this section shall be disqualified for Farm Use Assessment pursuant to ORS 215.236.

(2) Nonfarm Dwelling on a Nonfarm Parcel - Not High-Value Farmland [OAR 660-033-0130(4)(b)]. A nonfarm dwelling may be authorized on a nonfarm parcel created under Section 138.130(A)(2)(c), subject to the following criteria:

- (a) The dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use;
- (b) The dwelling will not significantly increase the cost of farm or forest practices on surrounding lands devoted to farm and forest use;
- (c) The applicant shall demonstrate that the proposed nonfarm dwelling will not materially alter the stability of the overall land use pattern of the area. To address this standard, the applicant shall prepare a cumulative impact study that:
 - (i) Includes at least 2,000 acres or a smaller area not less than 1,000 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 parcels and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall be identified, but not included in the study area;

- (ii) The cumulative impacts study shall identify the broad types of farm uses (irrigated or non-irrigated 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 under PCZO subsections 138.080(A)(8) and (10) and 138.090(A)(1). The study shall identify the 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 PCZO 138.090(A)(2) and Section 138.140(A)(2)(c). 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;
- (iii) Describes whether the proposed dwelling in conjunction with the dwellings identified in (b) above 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. Determine whether approval of the proposed nonfarm dwelling together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. (Note: The stability of the land use pattern will be materially altered if the cumulative effect of 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).
- (d) The county shall consider the cumulative impact of possible new nonfarm and lot-of-record dwellings together with existing nonfarm dwellings on other lots or parcels in the area when determining whether the proposed nonfarm dwelling will alter the stability of the land use pattern in the area.
- (e) The dwelling complies with other applicable conditions.

Note: The parcel qualifying for a dwelling under this section shall be disqualified for Farm Use Assessment pursuant to ORS 215.236.

- (B) FOREST LAND TRACT** - Uses Subject to Administrative Review on a tract where the predominate use has been determined to be forest use. All dwellings and permanent structures authorized under this section shall meet the standards listed in Sections 138.080 (Dwelling Standards), 138.110 (Siting Standards), 138.120 (Fire Siting Standards), and Chapter 112 (Development Standards).

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

- (1) Youth Camp A youth camp may be established pursuant to the standards and limitations in OAR 660-006-0031. [Amended by Ordinance #01-10, dated November 14, 2001]

138.100 GENERAL REVIEW STANDARDS [OAR 660-33-130 (5) and OAR 660-06-025 (5)]. The following standards apply to the authorized uses referenced by this section.

- (A) To ensure compatibility with farming and forest activities, the Planning Director or hearings body shall determine that a use authorized by Sections 138.050(K), 138.060, 138.080 or 138.090 meets the following requirements:
 - (1) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

138.110 SITING OF FOREST DWELLINGS AND STRUCTURES ON FOREST PARCELS [OAR 660-06-029]. Based on the determination of predominant use of a tract in accordance with Section 138.070, the siting standards for uses authorized under 138.080(B) and 138.090(B)(1) are subject to the siting standards as follows:

- (A) All new dwellings and structures authorized under Sections 138.080(B) and 138.090(B)(1) are subject to the siting standards in this Section. 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 the building site which:
 - (1) Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;
 - (2) Ensures that forest operations and accepted farming practices will not be curtailed or impeded;
 - (3) Minimizes the amount of forest lands used for the building sites, road access and service corridors; and
 - (4) Consistent with the provisions of Section 138.120 minimizes the risk associated with wildfire.
 - (5) Is consistent with other requirements contained in the Comprehensive Plan or implementing ordinances, including but not limited to regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian or big game habitat.
- (B) The applicant shall provide evidence consistent with OAR 660-006-0029 (A), 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 F stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the subject property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.
- (C) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- (D) Approval of a dwelling on a parcel or tract which is larger than 10 acres in size shall be subject to the following requirements:
 - (1) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry administrative rules.

- (2) The Planning Department shall notify the Polk County Assessor of the above condition at the time the dwelling is approved.
- (3) The property owner shall submit a stocking survey report to the Polk County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by the Department of Forestry Rules. The Assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking survey or where the survey report indicates that minimum stocking requirements have not been met.
- (4) Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department determines that the tract does not meet those requirements, the department shall notify the owner and the Assessor that the land is not being managed as forest land. The Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372.

138.120 FIRE SITING STANDARDS FOR FOREST DWELLINGS AND STRUCTURES ON FOREST PARCELS [OAR 660-06-035]. Based on the determination of predominant use of a tract in accordance with Section 138.070, the fire siting standards for uses authorized under 138.080(B) and 138.090(B)(1) are subject to the fire siting standards as follows:

- (A) If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- (B) Road access to the structure shall meet the County road design standards.
- (C) A primary fuel break shall be constructed on land surrounding the dwelling that is owned and controlled by the owner, no less than 30 feet wide. The primary fuel break 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 also be removed.
- (D) A secondary fuel break shall also be constructed, on land surrounding the dwelling that is owned or controlled by the owner, of not less than 50 feet outside the primary fuel break. Dead fuels shall be removed from the fuel break area. It may be advisable to increase the secondary fuel break if the dwelling is located on a slope.
- (E) No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- (F) 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, in a contrasting or visible color and shall comply with all other applicable standards for signs.
- (G) The dwelling shall meet the following requirements:
 - (1) The dwelling has a fire retardant roof.
 - (2) The dwelling will not be sited on a slope of greater than 40 percent.
 - (3) Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class F stream as designated by the State Board of Forestry.
 - (4) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.

- (5) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.
- (6) If the dwelling has a chimney or chimneys, each chimney has a spark arrester.
- (H) If meeting the requirements of Section 138.120 (G) would be impracticable, alternative means for protecting the dwelling from fire hazards may be considered. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions.

138.130 LAND DIVISION REQUIREMENTS [OAR 660-06-055, OAR 660-06-026, and OAR 660-33-100]. No land(s) located within the Farm/Forest Zoning District shall be divided without the expressed approval of Polk County under the provisions of Chapter 138 and the Polk County Subdivision and Partition Ordinance. A plat shall be prepared by a registered surveyor to document the land partition. Upon final approval of the plat, the survey shall be recorded by the Polk County Clerk. A deed or instrument conveying land in lieu of foreclosure shall not constitute a foreclosure action.

- (A) Except as provided in Section 138.130(B-J), the minimum parcel size within the Farm/Forest Zoning District shall be 40 acres; and the minimum parcel size within the Farm/Forest Overlay Zone shall be 80 acres; or
- (B) Nonfarm, Nonresidential Parcels [OAR 660-33-100 (10)]. A parcel for nonfarm, nonresidential uses authorized by this Ordinance may be created, subject to compliance with the procedural and technical requirements of ORS Chapter 92, the Polk County Subdivision and Partitioning Ordinance and the following criteria:
 - (1) A preliminary site plan shall be submitted that depicts the proposed lot boundaries and the location of all existing and proposed buildings, structures and related facilities, to include the on-site septic system and repair areas, water facilities, utility easements, vehicular access, circulation, parking and loading areas;
 - (2) The proposed parcel shall be sized to meet, but shall not exceed, the requirements of the nonfarm use and development as depicted on the preliminary site plan;
 - (3) Each parcel shall be provided legal access to a public road by frontage or easement (Note: The minimum frontage or easement width shall be 50 feet);
 - (4) Prior to filing the partition plat, each parcel shall be evaluated for on-site septic use, or a waiver submitted from a party that has agreed to purchase the parcel, subject to approval of the land partition (Note: The owner may also waive the evaluation, subject to the filing of a restriction on the deed which precludes the placement of a dwelling on the parcel);
 - (5) A partition plat shall be filed within two (2) years from the effective date of preliminary approval for each parcel (Note: One year extensions may be requested prior to expiration of the approval).
- (C) Parcel for a Nonfarm Single-Family Residence - Not High-Value [OAR 660-33-100(11)]. A parcel for nonfarm residential use may be created, subject to compliance with the requirements of the Polk County Subdivision and Partitioning Ordinance and the following criteria:
 - (1) The proposed nonfarm parcel is intended for the siting of a nonfarm dwelling authorized by this Ordinance;
 - (2) The proposed parcel is not less than 20 acres in size;
 - (3) The parent parcel is not stocked to the requirements of ORS 527.610 to 527.770;

- (4) The parent parcel is composed of at least 95 percent NRCS Class VI through VIII soils;
 - (5) The parcel is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber; and
 - (6) The proposed nonfarm parcel is disqualified from special farm use tax assessment, as required under ORS 215.236.
 - (7) A subdivision or series partition, to create non-farm, residential parcels is prohibited. "Series partition" is defined as a series of partitions of land which results in the creation of four or more parcels over a period of more than one calendar year.
- (D) Nonfarm Parcel for Public Parks or Open Space [ORS 215.263(10)]. A parcel for public parks or open space may be created when the land partition 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 subject to the following criteria:
- (1) A parcel created by the land partition that contains a dwelling is large enough to support continued residential use of the parcel.
 - (2) A parcel created pursuant to this subsection that does not contain a dwelling:
 - (a) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - (b) May not be considered in approving or denying an application for siting any other dwelling;
 - (c) May not be considered in approving a redesignation or rezoning of forestlands or farmlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - (3) A parcel created pursuant to this subsection may not be smaller than 25 acres unless the purpose of the land partition is:
 - (a) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
 - (b) 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.
 - (4) A partition plat shall be filed within two years from the effective date of preliminary approval for each parcel (Note: One year extensions may be requested prior to expiration of the approval).
- (E) Nonfarm Parcel for Historic Property [ORS 215.263(9)(b)]. A parcel for historic property may be created if the historic property would contain a dwelling listed on the Polk County Historic Inventory and on the National Register of Historic Places.
- (1) A partition plat shall be filed within two years from the effective date of preliminary approval for each parcel (Note: One year extensions may be requested prior to expiration of the approval).
- (F) Nonfarm Parcel for a Residential Home [ORS 215.263(9)(a)]. A parcel for a residential home as defined in ORS 197.660(2) may be created for a residential home approved under PCZO 138.060(I) if the dwelling has been approved under PCZO 138.090(A)(1), or PCZO 138.090(A)(2).

- (1) A partition plat shall be filed within two years from the effective date of preliminary approval for each parcel (Note: One year extensions may be requested prior to expiration of the approval).
- (G) Nonfarm Parcel for a Church [ORS 215.263(1)]. A parcel may be created to establish a church including cemeteries in conjunction with the church if they meet the following requirements:
- (1) The church has been approved under PCZO 138.050(I);
 - (2) The newly created parcel is not larger than five acres; and
 - (3) The remaining parcel, not including the church, meets the minimum parcel size described in PCZO 138.130(A)(1) OR 138.130(F)(1) either by itself or after it is consolidated with another parcel or lot.
 - (4) A partition plat shall be filed within two years from the effective date of preliminary approval for each parcel. (Note: One year extensions may be requested prior to expiration of the approval.)
- (H) Land Divisions Creating Parcels Less Than the Minimum Parcel Size of the Zone, listed in Section 138.130(A) or (B), may only be approved for uses listed in Sections 138.040 (F), (N), (V) and (Z), 138.050(H), 138.060 (A-C), (L), (S), (T), (V), (W), (Y), (Z-BB) and (GG), provided that those uses have been approved pursuant to Section 138.100 of this Ordinance. Such divisions shall create a parcel that is the minimum size necessary for the use. Required building setbacks for these parcels will be determined on a case-by-case basis through the conditional use process and may vary from those required under Section 138.060, 138.090 and Chapter 112 based upon the specific use authorized by the land use decision. The landowner of a parcel created under this subsection shall provide evidence that a restrictive covenant has been recorded with the County Clerk's Office for the subject property. The restrictive covenant shall prohibit the landowner and the landowner's successor's in interest from further dividing the parcel. The restrictive covenant shall be irrevocable unless a statement of release is signed by the Polk County Planning Director indicating that the comprehensive plan designation is no longer applicable to the parcel and that the property is no longer subject to Oregon Statewide Planning Goal 4 (Forest Lands). The restrictive covenant shall also be irrevocable unless the land division is subsequently authorized by law or by change in Statewide Goal 4. The property owner shall also record a deed restriction in the office of the Polk County Clerk as required by Section 138.140.
- (I) A Land Division Creating a Parcel for an Existing Dwelling subject to the following requirements:
- (1) The parcel shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than ten acres;
 - (2) The dwelling existed prior to June 1, 1995;
 - (3) The remaining parcel, not containing the dwelling, meets the minimum land division standards of the zone, or when consolidated with another parcel, meets the minimum land division standards of the zone;
 - (4) The remaining parcel, not containing the dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal; and
 - (5) The tract shall be predominantly in forest use and that portion in forest use qualified for special assessment under a program under ORS chapter 321.
 - (6) The landowner of a parcel created under this subsection shall provide evidence that a restrictive covenant has been recorded with the County Clerk's Office for the subject

property. The restrictive covenant shall prohibit the landowner and the landowner's successors in interest from further dividing the parcel. The restrictive covenant shall be irrevocable unless a statement of release is signed by the Polk County Planning Director indicating that the comprehensive plan designation is no longer applicable to the parcel and that the property is no longer subject to Oregon Statewide Planning Goal 4 (Forest Lands). The restrictive covenant shall also be irrevocable unless the land division is subsequently authorized by law or by change in Statewide Goal 4. The property owner shall also record a deed restriction in the office of the Polk County Clerk as required by Section 138.140.

- (7) The landowner of a parcel created under this subsection shall provide evidence that a restrictive covenant on the remaining parcel, not containing the dwelling, has been recorded with the county clerk of the county where the property is located. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under subsection (2) of this section.
- (8) The remainder of the tract shall not qualify for any uses allowed under ORS 215.213 and 215.283 that are not allowed on forestland.

(J) *A Land Division to Facilitate a Forest Practice*, as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirement of subsection 138.130(A)(1). The applicant shall provide evidence to demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum parcel size for the zone in order to conduct the forest practice. Parcels created pursuant to this subsection:

- (1) Shall not be eligible for siting a new dwelling;
- (2) Shall not serve as the justification for the siting of a future dwelling on other parcels;
- (3) Shall not result in a parcel of less than 35 acres, except:
 - (a) Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency, or
 - (b) Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forestland in Oregon; and
- (4) If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum parcel size of the zone.
- (5) A partition plat shall be filed within two years from the effective date of preliminary approval for each parcel. (Note: One year extensions may be requested prior to expiration of the approval.)

(K) *A Division of a Lot or Parcel that Contains Two Dwellings* if:

- (1) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
- (2) Each dwelling complies with the criteria for a replacement dwelling under ORS 215.213(1)(u) or 215.283(1)(t);
- (3) Except for one lot or parcel, each lot or parcel created under this section is between two and five acres in size;
- (4) At least one dwelling is located on each lot or parcel created under this section; and
- (5) The landowner of a lot or parcel created under this section provides evidence that a restriction prohibiting the landowner and the land owner'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 section 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 goal 4 (Forest Lands) or unless the land division is subsequently authorized by law or by a change in statewide goal 4 (Forest Land).

138.140 NON-REMONSTRANCE DEED RESTRICTION Pursuant to OAR 660-006-0029 (4)(e), for any dwelling, residential facility, private park, reservoir or water impoundment, home occupation, or private fishing or hunting accommodations approved under sections 138.050, 138.060, 138.080 and 138.090, and partitions approved under subsections 138.130(F), (G), and (H), the landowner for the property shall be required to sign and record a deed restriction binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937.

138.150 NONCONFORMING USES The lawful use of any building, structure or land at the time of the enactment of this ordinance may be continued. Alteration of any such use shall be permitted when necessary to comply with local, state or federal regulations pertaining to the use and development of land and the buildings and structures thereon. A nonconforming use is transferable, however, any significant change in, or replacement of, the nonconforming use may require permits under current building and land development codes.

138.160 PROHIBITED USES It is unlawful to erect, alter or establish in the Farm/Forest Zoning District any building, structure or use not authorized and approved under the standards and procedures in this Ordinance.

138.170 DEVELOPMENT STANDARDS All uses that occur in this zone are subject to development standards adopted by Polk County.

CHAPTER 140

COMMERCIAL OFFICE (CO) ZONING DISTRICT

- 140.010. Use
- 140.020. Uses Subject to Administrative Review
- 140.030. Conditional Uses
- 140.040. Optional Businesses

140.010. USE. Within a Commercial Office Zone, no building, structure, or premise shall be used, arranged, or designed to be used, erected, structurally altered, or enlarged, except for one or more of the following uses:

- (A) Any use permitted in an RM Zone;
- (B) Pre-schools, nurseries and kindergartens;
- (C) Non-profit membership organizations;
 - (1) Business association offices;
 - (2) Labor unions and similar labor organization offices and facilities;
 - (3) Political organization offices and headquarters;
 - (4) Professional membership organizations, offices and facilities.
- (D) Hotels and motels;
- (E) Parking lot when developed as prescribed in Chapter 118;
- (F) Contracting business offices;
- (G) Service business office for:
 - (1) Bonding company;
 - (2) Detective agency;
 - (3) Drafting service;
 - (4) Mailing, mailing list, addressing service;
 - (5) News syndicates;
 - (6) Notary public;
 - (7) Stenographic service;
 - (8) Telephone answering service.
- (H) Financial, insurance and real estate offices for:
 - (1) Adjustment and collection agencies;
 - (2) Banks;
 - (3) Consumer reporting agencies, credit agencies other than banks;
 - (4) Insurance carriers and agents, brokers and service agencies;
 - (5) Insurance companies, main or branch;
 - (6) Real estate companies (selling, managing, title search, subdivision or development companies, etc.);
 - (7) Combination real estate, insurance, loan or law offices (those companies doing any combination of the above but none predominantly);
 - (8) Security and commodity brokers, dealers, exchanges and services, holding and other investment companies;
 - (9) Title abstract companies;
 - (10) Trust companies.
- (I) Laboratory-seed and soil testing, research;
- (J) Motor freight terminal offices;
- (K) Professional offices for:
 - (1) Accounting, auditing and bookkeeping services;
 - (2) Artists, authors, lecturers, etc.
 - (3) Engineers and architects;

- (4) Non-profit educational scientific research agencies;
 - (5) Lawyers;
 - (6) Medical and dental laboratories;
 - (7) Medical, dental and other allied professional offices and clinics. Optometrists primarily engaged in the prescribing rather than the selling of eye glasses are included;
 - (8) Mortuary.
- (L) Solid waste disposal site (see Sections 120.310 through 120.380);
 - (M) Sand and gravel resource site (see Sections 120.410 through 120.460).
 - (N) Residential homes, as defined in section 110.477. [Amended by Ordinance #89-17, dated December 6, 1989.]
 - (O) Transportation Improvements [Amended by Ordinance #01-01, dated November 14, 2001.]
 - (P) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

140.020. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

140.030. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in Chapter 119 of this ordinance, the following uses will be permitted in a CO Zone:

- (A) Radio and TV stations and studios;
- (B) Communications tower, as provided in Section 112.135; [Amended by Ordinance 01-3 and 04-09]
- (C) Telephone and telegraph communication facilities; [Amended by Ordinance 01-3 and 04-09]
- (D) Mobile home parks;
- (E) Boat, camper and trailer storage area or lot (see Specific Conditional Uses, Section 120.030);
- (F) Barber shops;
- (G) Beauty shops;
- (H) Veterinary clinic; and

- (I) Cottage Industry Home Occupations (see Section 116.040). [Amended by Ordinance #89-17, dated December 6, 1989.]
- (J) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

140.040. OPTIONAL BUSINESSES. Optional businesses may be conducted in a CO Zone as an incidental or secondary use to a main use when conducted and entered only from within the building, provided there is no exterior display or advertisement except for a nameplate not over two (2) square feet in area, and not more than one-half (1/2) the floor area of a one (1) story is devoted to such use or uses, but if such building be but only one (1) story in height, then not more than one-fourth (1/4) of the floor area thereof shall be devoted to such use or uses, as follows:

- (A) Eating places (not drive-ins) restaurants, cafes, (may serve liquor) caterers, box-lunch providers, coffee shops, dining rooms and tea rooms;
- (B) News dealers, newsstands;
- (C) Barber shop;
- (D) Beauty shop;

CHAPTER 141

COMMERCIAL RETAIL (CR) ZONING DISTRICT

- 141.010. Use
- 141.020. Uses Subject to Administrative Review
- 141.030. Conditional Uses
- 141.040. Optional Business

141.010. USE. Within a CR, Commercial Retail Zone, no building, structure, or premise shall be used, arranged, or designed to be used, erected, structurally altered, or enlarged, except for one or more of the following uses:

- (A) Any use permitted in RM Zone and CO Zone;
- (B) Amusement and recreation:
 - (1) Auditorium;
 - (2) Bathing beaches;
 - (3) Billiard parlor;
 - (4) Boat launching facilities;
 - (5) Bowling alley;
 - (6) Game room, card room;
 - (7) Fortune teller;
 - (8) Ice skating rink;
 - (9) Miniature golf course;
 - (10) Motion picture theater;
 - (11) Pleasure boat moorage;
 - (12) Pony riding ring (no stable);
 - (13) Pool hall;
 - (14) Rebound center; and
 - (15) Roller skating rink.
- (C) Community Services:
 - (1) Radio and TV station and studio;
 - (2) Communications tower, as provided in Section 112.135; and [Amended by Ordinance 01-3 and 04-09]
 - (3) Telegraph and telephone communication facilities. [Amended by Ordinance 01-3 and 04-09]
- (D) Community Services:
 - (1) Barber school
 - (2) Beauty school
 - (3) Charitable organizations (Missions, Red Cross, Salvation Army, etc.)
 - (4) Commercial school
 - (5) Dancing school
 - (6) Driving school
 - (7) Music school;
 - (8) Trade and vocational school;
- (E) Printing and publishing:
 - (1) Blueprinting firm;
 - (2) Duplicating, mimeographing;
 - (3) Photo copying;
- (F) Residential accommodations:
 - (1) Manufactured home park when developed pursuant to provisions of Section 119.150 (A);

(G) Retail:

- (1) Antique shop;
- (2) Army surplus store;
- (3) Artists' supply store;
- (4) Bakery, manufacturing for sale on premises only;
- (5) Book store;
- (6) Camera and photographic store;
- (7) Candy, nut and confectionery store;
- (8) Dairy products store (no processing, sales on premises only);
- (9) Department store;
- (10) Dine, drink and dance establishment, etc;
- (11) Direct selling organization (headquarters of door-to-door selling organizations);
- (12) Drive-in eating and snack facilities;
- (13) Drug store and proprietary store;
- (14) Dry goods store (with or without apparel);
- (15) Eating place, restaurant, cafe (may serve liquor), caterer, box-lunch provider, coffee shop, dining room and tea room;
- (16) Egg and poultry dealer;
- (17) Fish and sea food market (no rendering or processing, sales on premises only);
- (18) Florist shop;
- (19) Fruit store and vegetable market;
- (20) Furniture store;
- (21) Furrier and fur shop;
- (22) Garden supply store;
- (23) General store;
- (24) Gift, novelty, curio and souvenir shop;
- (25) Greenhouse;
- (26) Greeting card store;
- (27) Grocery store, supermarket, food store, delicatessen store;
- (28) Health foods store;
- (29) Hearing aid store;
- (30) Hobby equipment store;
- (31) Home furnishings and equipment store, including floor coverings, major appliances, draperies, curtains and upholstery material, glassware, china metal ware (may perform incidental installation services);
- (32) Household appliance store;
- (33) Jewelry store;
- (34) Liquor store;
- (35) Meat market;
- (36) Monument and tombstone firm providing that no stone cutting or polishing is done on the premises;

- (37) Music store, including sale of pianos and other instruments, phonograph records, sheet music, etc.;
- (38) News dealer, newsstand;
- (39) Office machines and equipment store;
- (40) Optical goods store;
- (41) Orthopedic and artificial limb store;
- (42) Pet store;
- (43) Religious goods store;
- (44) Shoe store;
- (45) Sporting goods store;
- (46) Stationery store;
- (47) Tailor, dressmaker;
- (48) Tavern and bar;
- (49) Tobacco, cigar store and stand;
- (50) Toy store;
- (51) Trading stamp (merchandise coupons) redemption center;
- (52) Variety store;
- (53) Vending machine, automatic merchandising;
- (54) Wearing apparel and accessories;

(H) Retail and service:

- (1) Appliances, radio, television shop;
- (2) Bicycle shop;
- (3) Business machines, typewriters, sewing machine sales and service shop;
- (4) Electrical and lighting shop;
- (5) Floor covering store;
- (6) Glass and glazing shop;
- (7) Gunsmith;
- (8) Hardware store;
- (9) Locksmith;
- (10) Luggage and leather goods shop;
- (11) Paint, wallpaper and interior decorating store;
- (12) Parking garage;
- (13) Plumbing shop or fixture store, conducted wholly within a building;
- (14) Rental of small tools and equipment completely within a building;
- (15) Saw, lawn mower, knife and cutlery shop;
- (16) Seat cover and auto top shop;
- (17) Storage of automobiles, open lot when developed as prescribed in Chapter 118;
- (18) Taxidermist;
- (19) Terrazzo, tile, marble mosaic store;
- (20) Venetian blind and window;
- (21) Mini-warehouse;
- (22) Watch, clock, jewelry, camera and instrument shop;

(23) Wrecking and demolition retail sales only. [Subsections (21), (22), and (23), adopted by Ordinance #133, dated April 15, 1975.]

(I) Service:

- (1) Advertising agency;
- (2) Armored car service;
- (3) Barber shop;
- (4) Bath or bathing house;
- (5) Beauty shop;
- (6) Business sign sales and service;
- (7) Clothing and costume rental service;
- (8) Dry cleaning and dyeing plant, except rugs, using non-flammable solvents;
- (9) Dry cleaning pick-up depot;
- (10) Dry cleaning pick-up depot;
- (11) Employment agency;
- (12) Health studio;
- (13) Laundry, self-service;
- (14) Laundry, pick-up depot;
- (15) Masseur studio;
- (16) Mortuary, funeral service;
- (17) Outdoor advertising service;
- (18) Pressing, alteration, and garment repair shop;
- (19) Railway express agency;
- (20) Shoe repair and shoe shine shop;
- (21) Sign painting shop;
- (22) Steam bath;
- (23) Veterinary clinic or hospital, conducted wholly within a building;
- (24) Fuel oil distribution firm (see Limited Uses, Section 125.060);
- (25) Mobile home towing service (see Limited Uses, Section 125.070);
- (26) Retail building materials sales firm (see Limited Uses, Section 125.080).

(J) Billboards.

(K) Transportation Improvements [Amended by Ordinance #01-01, dated November 14, 2001.]

(L) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

141.020. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

141.030. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in a CR Zone:

- (A) Amusement and recreation:
 - (1) Athletic club, club house;
 - (2) Ballroom;
 - (3) Boxing arena;
 - (4) Community center;
 - (5) Dance hall;
 - (6) Gymnasium;
 - (7) Indoor sports arena;
 - (8) Marina;
 - (9) Pleasure boat repair and haulout facilities;
 - (10) Stadium;
 - (11) Summer recreational camp;
 - (12) Swimming pool;
- (B) Transportation:
 - (1) Ambulance service;
- (C) Traveler's Accommodation:
 - (1) Travel trailer park;
- (D) U-Haul concrete mix store;
- (E) Utilities, secondary truck parking and material storage yard;
- (F) Cabinet shop and sales firm (see Specific Conditional Uses, Section 119.150(E));
- (G) Solid waste disposal sites (see Sections 120.310 through 120.380);
- (H) Sand and gravel resource sites (see Sections 120.410 through 120.460);
- (I) Heliport;
- (J) Cottage Industry Home Occupations (see Section 116.040) (Subsections (J) and (K) added by Ordinance #308, dated May 16, 1984. Subsection (K) redesignated (J) by Ordinance 89-17, dated December 6, 1989.)
- (K) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

141.040. OPTIONAL BUSINESS.

- (A) Certain optional businesses shall be permitted in a CR Zone when one or more of the following conditions are complied with, to with:

- (1) That the lot is paved with a concrete or asphaltic hard-surface; that if a lot or open sales area abuts upon or is adjacent to the SR or AR-5 Zones, such lot shall be screened from the adjoining SR or AR-5 Zone by a sight obscuring ornamental fence, wall or hedge at least four (4) feet , but not more than seven (7) feet in height which shall be maintained in good condition; that any repair of vehicles shall be confined and conducted entirely within an enclosed building, and if such building is located on a lot which does not abut an alley and is within 50 feet of the SR or AR-5 Zones, the wall of building which parallels the nearest line of such zone shall have no opening other than stationary windows;
 - (2) Permitted, but if the use is located on a lot which does not abut an alley and is within 50 feet of any residential zone, the wall of the building which parallels the nearest line of such zone, shall have no opening other than stationary windows;
 - (3) Permitted, provided that any tire or tube repairing and storage of merchandise and supplies shall be conducted entirely within a building, and any lubrication or washing activity not conducted within a building shall be screened from any adjoining residential zone by the erection of a masonry wall, ornamental fence or compact evergreen hedge not less than five (5) feet or more than seven (7) feet in height and that such fence, wall, or hedge shall comply with the required yard, setback and vision clearance requirements.
- (B) The following vehicle service and specialty sales uses shall be permitted if all portions of the above subsections are complied with, to-wit:
- (1) Accessory battery, parts and tire store;
 - (2) Automobiles and small trucks, new and used;
 - (3) Automobile service station and garage;
 - (4) Automobile, truck and trailer sales;
 - (5) Aircraft;
 - (6) Boats and marine accessories;
 - (7) Motorcycles, motor scooters;
 - (8) Retail tire and recapping service;
 - (9) Towing service;
 - (10) Trailers (auto utility, boat, camping, mobile home, travel or vacation);
 - (11) Trucks, new and used;
 - (12) Upholstery cleaning and repair shop;
 - (13) Washing and polishing, automobile laundries;

CHAPTER 142

COMMERCIAL GENERAL (CG) ZONING DISTRICT

- 142.010. Use
- 142.020. Uses Subject to Administrative Review
- 142.030. Conditional Uses
- 142.040. Optional Businesses

142.010. USE. Within any CG, Commercial General Zone, no building, structure, or premises shall be used, or arranged, except for one or more of the following uses:

- (A) Any use permitted in RM, CO and CR Zones;
- (B) Amusement and recreation:
 - (1) Athletic club, club house
 - (2) Ballroom
 - (3) Boxing arena
 - (4) Carnival (transient in character)
 - (5) Circus
 - (6) Community center
 - (7) Dance hall
 - (8) Drive-in motion picture theater
 - (9) Gymnasium
 - (10) Indoor sports arena
 - (11) Marina
 - (12) Penny arcade
 - (13) Pleasure boat repair and haul-out facilities
 - (14) Shooting gallery
 - (15) Stadium
 - (16) Summer recreational camp
 - (17) Swimming pool
 - (18) Theater
- (C) Printing and publishing:
 - (1) Book publishing house
 - (2) Bookbinding establishment and related activities
 - (3) Commercial printing house
 - (4) Greeting card manufacture establishment
 - (5) Manifold business forms manufacture establishment
 - (6) Newspaper, periodical, publishing and printing establishment
- (D) Traveler's accommodation:
 - (1) Travel trailer park
- (E) Retail:
 - (1) Ice dealer
 - (2) Mail order houses, general or specialty merchandise
 - (3) Pawnshop
 - (4) Second hand shops such as:
 - (a) bookstore
 - (b) clothing and apparel store
 - (c) furniture store
 - (d) general merchandise
 - (e) office equipment

- (F) Retail and service:
 - (1) Cabinet and carpenter shop conducted wholly within a building
 - (2) Electric motor repair shop
 - (3) Furniture repair and reupholstery shop
 - (4) Glass and glazing wholesale contractors establishments
 - (5) Heating and air conditioning shop
 - (6) Insulating and weather stripping shop
 - (7) Lumber yard and building materials store (shall have sight-obscuring fence or screen at least six (6) feet in height)
 - (8) Rental of small tools and equipment, using an open paved lot
 - (9) Roofing establishment, provided all hot mix tar pots are stored wholly within a building
 - (10) Sheet metal shop
 - (11) Special trade contractor establishment, such as:
 - (a) cleaning and janitorial service
 - (b) exterminating and fumigating
 - (c) floor laying
 - (d) furnace cleaning
 - (e) masonry and stone
 - (f) ornamental metal work
 - (g) painting and paper-hanging
 - (h) plastering
 - (i) plumbing
 - (j) special building equipment installation
 - (k) sheet metal
 - (12) Tent and awning shop
 - (13) Welding and blacksmith shop
- (G) Service:
 - (1) Fur repair and storage shop
 - (2) Laboratory seed and soil testing, research, testing and development facilities
 - (3) Laundries: laundry plant, including diaper, linen and uniform service facilities
 - (4) Veterinary hospital or clinic
- (H) Transportation:
 - (1) Aircraft maintenance and storage facilities
 - (2) Airport terminals, passenger and freight
 - (3) Ambulance service
 - (4) Bus storage and maintenance facilities (charter, local, highway, school)
 - (5) Bus terminals, depots (charter, local, highway)
 - (6) Freight forwarding facilities
 - (7) Loading docks
 - (8) Offices
 - (9) Railway express agency

- (10) Railroad terminals (freight, passenger)
 - (11) Storage area (short term)
 - (12) Towing and tugboat facilities
 - (13) Truck maintenance facilities
 - (14) Waterfront terminals, piers and docks
 - (15) Sanitary service (garbage pickup); office and terminal yard (not to include disposal sites)
- (I) Transportation Improvements. [Amended by Ordinance #01-01, dated November 14, 2001.]
 - (J) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

142.020. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

142.030. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in a CG Zone:

- (A) Auto racing track
- (B) Crematories
- (C) Fishing pond or lake
- (D) Kennels (boarding and raising of animals)
- (E) Solid waste disposal sites (see Sections 120.310 to 120.380)
- (F) Sand and gravel resource sites (see Sections 120.410 to 120.460)
- (G) Heliport
- (H) Cottage Industry Home Occupations (see Section 116.040) [Subsections (H) and (I) added by Ordinance #308, dated May 16, 1984.]
- (I) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

142.040. OPTIONAL BUSINESSES. Those optional automotive businesses set forth in Section 141.040 shall be permitted in CG Zone under like restrictions; provided further, that if

the conditions set forth in Section 141.040 are complied with, the following additional specialty sales and service firms shall be permitted, to-wit:

- (A) Battery, ignition and electrical shop
- (B) Body and fender shop
- (C) Garage and general repair shop
- (D) Glass installation and service shop
- (E) Tractor and farm equipment shop
- (F) Paint shop
- (G) Radiator repair service shop
- (H) Used and second hand parts and accessories shop

CHAPTER 144

RURAL COMMERCIAL (R-COM) ZONING DISTRICT

- 144.010. Purpose and Intent
- 144.020. Uses Subject To Size Limitations
- 144.030. Standard Industrial Classifications
- 144.040. Permitted Uses
- 144.050. Uses Subject to Administrative Review
- 144.060. Conditional Uses
- 144.070. Accessory Uses Permitted Under Prescribed Conditions

144.010. PURPOSE AND INTENT. The purpose of the Rural Commercial (R-COM) Zoning District is to implement the Comprehensive Plan policies for rural commercial development. This zone is applied to commercial lands outside of unincorporated communities and urban growth boundaries.

The intent of the R-COM Zoning District is to permit the continuation and expansion of existing uses in the district and allow for new commercial uses. It is also intended to provide for development in rural areas resulting in rural employment opportunities. Commercial activities in this zone generally consist of small scale, low impact uses which serve the needs of the surrounding rural area or the needs of the traveling public without adverse impacts on surrounding farm or forest activities. In the R-COM Zoning District, a new or expanded use may not exceed the capacity of the site itself to provide adequate water and absorb waste water.

144.020. USES SUBJECT TO SIZE LIMITATIONS. Specific uses listed under Sections 144.040 and 144.060 are subject to size limitations. These uses shall be established in a building or buildings which do not exceed the specified amount of floor space. The floor area calculation does not include outdoor storage areas.

Expansion of existing uses or establishment of new uses which would exceed to specified size limitation are subject to the following requirements:

- (A) Establishment of a new use which would exceed the size limitation standard shall require a Comprehensive Plan Amendment in the form of an exception to Statewide Planning Goal 14 as provided by the Zoning Ordinance and pursuant to ORS 197.732.
- (B) Expansion of a use existing as of May 10, 2000 (date this ordinance is adopted) (see inventory included as Appendix 1) shall be limited to 4,000 square feet of floor space or 25 percent of the adopted inventory size, whichever is greater.
- (C) Expansion of an existing use which would exceed the size limitation standard shall require a Comprehensive Plan Amendment in the form of an exception to Statewide Planning Goal 14 as provided by the Zoning Ordinance and pursuant to ORS 197.732.
- (D) The new or expanded use will not have adverse impacts on surrounding farm and forest activities; and
- (E) The new or expanded use will not exceed the capacity of the site itself to provide adequate water and absorb waste water.

144.030. STANDARD INDUSTRIAL CLASSIFICATIONS. Standard Industrial Classification (SIC) code numbers for most of the uses in this zone are shown in parentheses after the listed use. The SIC codes are a coding system used by the federal government to identify specific industries. Two-digit codes are used most often in the Zoning Ordinance to describe general categories of uses. In some instances, more specific three and four-digit codes are used. A copy of the SIC Manual is available for use at the Community Development Department and provides a more detailed description of the uses described in each general category.

144.040. PERMITTED USES. The following uses and their accessory buildings and uses are permitted. All uses under this Section are subject to the applicable standards as set forth in Chapter 112 (Development Standards) and other general provisions and exceptions set forth by this ordinance.

These uses are permitted in a building or buildings which do not exceed the specified gross floor area. The floor area calculation does not include outdoor storage areas.

- (A) Lawfully established uses and structures that existed on or before (date this ordinance is adopted), not otherwise listed in the zone are allowed outright and shall not be classified as nonconforming uses (see Appendix 1).
- (B) Uses which serve the needs of the surrounding rural area or the traveling public:
 - (1) Single-family residences;

- (2) Grocery stores, where the buildings do not exceed 3,500 square feet of floor space (54);
 - (3) Antique, art, gift, handicraft, novelties or other similar stores and second hand stores, with sales and storage conducted wholly within an enclosed building(s) which does not exceed 2,500 square feet of floor space (593, 599);
 - (4) Retail sporting goods and guide services, where the buildings do not exceed 2,500 square feet of floor space (594, 7999);
 - (5) Automobile service stations and repair garages, including towing services, provided that repair is conducted wholly within an enclosed building(s) which does not exceed 3,500 square feet of floor space (75);
 - (6) Eating and drinking places (except those serving alcoholic beverages), where the buildings do not exceed 3,500 square feet of floor space (58);
 - (7) Veterinarian clinics, where the buildings do not exceed 4,000 square feet of floor space (excluding outdoor kennels, pens, or holding areas) (074);
 - (8) Governmental, public and quasi-public structures: special district (e.g. water and sewage disposal office etc.), city, county, state and federal, where the buildings do not exceed 4,000 square feet of floor space (91, 92, 93, 94, 95, 96, 97);
 - (9) Barber or beauty shops, where the buildings do not exceed 2,500 square feet of floor space (72);
- (C) Uses which complement natural resource industries:
- (1) Retail sales of previously prepared agricultural or forest products, where the buildings do not exceed 4,000 square feet of floor space;
 - (2) Wineries, including wine tasting rooms and sales, as defined in Section 110.595(B), where the buildings do not exceed 4,000 square feet of floor space (2084);
 - (3) Farm or forest implement and equipment sales when the sales area is fenced or a landscaped buffer is provided, where the buildings do not exceed 4,000 square feet of floor space;
 - (4) Farm or forest related equipment, machinery or truck repair, including associated service parts facilities, within an enclosed building, where the buildings do not exceed 4,000 square feet of floor space;
 - (5) Feed or agricultural supplies store, excluding wholesale distributions, where the buildings do not exceed 4,000 square feet of floor space;
 - (6) Farm or forest products stand, designed and used for the sale of farm crops, special forest products and livestock grown on farms in the local agricultural area, including the retail sale of incidental items accounting for no more than 25 percent of the total sales of the farm or forest stand. Farm or forest products stands do not include structures designed for residential occupancy or to accommodate activities other than the sale of farm crops, special forest products and livestock, such as structures for banquets, public gatherings or entertainment.
- (D) Uses which are small-scale, low-impact:
- (1) Contracting business office, where the buildings do not exceed 2,500 square feet of floor space (15, 16, 17).
- (E) Transportation Improvements [Amended by Ordinance #01-01, dated November 14, 2001.]
- (F) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and

112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

144.050. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

144.060. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in Chapter 119 of this ordinance, the following uses will be permitted in any R-COM Zone. The uses identified in subsection (C) of this section shall be established in a building not to exceed 3,500 square feet of floor space. The floor area calculation does not include outdoor storage areas.

- (A) Uses which serve the needs of the surrounding rural area or the traveling public:
 - (1) Communications tower, subject to section 112.135 (48); [Amended by Ordinance 04-09]
 - (2) Living History Museum (84);
 - (3) Cottage Industry Home Occupation in conjunction with a residence that existed on the effective date of this ordinance (see Section 116.040);
 - (4) Bed and Breakfast (see Section 110.107);
 - (5) Recreational vehicle park as defined in Section 110.466 (703); and
 - (6) Public Utilities (exempted from these regulations are: underground pipes and conduits and above ground electric transmission distribution, communication signal lines on a single pole system) (49).
- (B) Uses which complement natural resource industries:
 - (1) Lumber yards, excluding outdoor storage areas;
 - (2) Nurseries for the primary sale of plants, seeds, related garden supplies, excluding wholesale distribution (526);
 - (3) Commercial activities in conjunction with farm or forest use including activities related to the processing, distribution, and retail marketing of farm or forest products a portion of which are produced on-site;
 - (4) Processing facility for farm or forest products (20, 24);
- (C) Uses which are small-scale, low-impact:
 - (1) Eating and drinking places, where alcoholic beverages are served (58);
 - (2) General merchandise stores (53);
 - (3) Boat, camper and trailer storage (see Specific Conditional Uses, Section 119.150(C));
 - (4) Public warehousing and storage (422);
 - (5) Equipment rental and leasing (735);
 - (6) Any other commercial use, where the buildings do not exceed 3,500 square feet of floor space, provided that:
 - (a) The use will not have adverse impacts on surrounding farm and forest activities; and

- (b) The use will not exceed the capacity of the site itself to provide adequate water and absorb waste water.
- (D) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

144.070. ACCESSORY USES PERMITTED UNDER PRESCRIBED CONDITIONS.

Customary accessory uses shall comply with the following:

- (1) No separate permit shall be issued for the construction of any type accessory building prior to that of the main buildings.
- (2) All accessory buildings shall maintain the same yard setback requirements as the main buildings.

Appendix 1
Rural Commercial Properties Inventory
September 1, 1998

<u>Number</u>	<u>Tax Map ID</u>	<u>Location</u>	<u>Uses</u>	<u>Size (acres)</u>	<u>Bldg. Size (sq. ft.)</u>
1	7522CB 300	Hwy 223 – North of Dallas	Auto towing/Wrecking	0.57	12,660
2	7522CB 400	Hwy 223 -- North of Dallas	Auto body shop	0.14	Vacant
3	7522CB 500	Hwy 223 – North of Dallas	Auto body shop	0.36	4,800
4	7522CB 600	Hwy 223 – North of Dallas	Construction Co/Pump Co. offices	0.36	2,304
5	7522CB 700	Hwy 223 – North of Dallas	Construction Co. (equipment)	0.49	2,588
6	7522CB 1200	Hwy 223 – North of Dallas	Construction Co. (equipment)	0.77	Vacant
7	7522CB 1700	Hwy 223 – North of Dallas	Construction Co. (equipment)	0.98	Vacant
8	7522CB 800	Hwy 223 – North of Dallas	Construction Co. (equipment)	0.99	Vacant
9	7522CB 1900	Hwy 223 – North of Dallas	Construction Co. (equipment)	0.56	Vacant
10	687 1000	Van Duzer Corridor	Restaurant	1.00	1 home
11	687 1001	Van Duzer Corridor	Restaurant	7.89	2,140
12	6810 1100	West of Grand Ronde	Restaurant	2.85	1,232
13	6810 1200	West of Grand Ronde	Logging Co.	4.42	2,640
14	8518 1501	3905 Kings Valley Hwy.	Second-hand store	1.00	1,592
15	8622 600	18425 Falls City Road	Appliance store (closed)	1.02	6,958
16	756 500	Hwy. 22 – Salt Creek	Salt Creek Store	0.86	3,302
17	756 600	Hwy. 22 – Salt Creek	Salt Creek Store	1.13*	Vacant
18	6712C 700	Business 18 – Willamina	Mini-storage warehouse/residence	5.20	2,400 mini-storage, 896 gen.use
		*Remaining 4.75 acres are zoned AR-5			

Appendix 2
Rural Commercial Property Inventory
Post September 1, 1998

<u>Number</u>	<u>Tax Map ID</u>	<u>Location</u>	<u>Uses/ Authorization/ Establishment Date</u>	<u>Size (acres)</u>	<u>Bldg. Size (sq. ft.)</u>	<u>Ordinance</u>
1	9519 302, 1000	15290 Airlie Road	body and paint shop / single-family dwelling PA 02-01, ZC 02-01, CU 00-01	0.63	1,600 shop, manufactured dwelling	No. #02-03, August 21, 2002
2	6811 600, 1700	29795 Salmon River Highway	Retail Commercial store 1930 dwelling 2 farm buildings	2.50 ¹	4,296 1,344 576; 216	No. # 01-02 ² ; May 18, 2001

¹ The subject property contains 5.00 acres and the northern 2.5 acres are located in the Farm Forest Zone.

² The Ordinance also applies the Limited Use Overlay B that limits development due to limited Highway capacity. See ordinance for specific provisions, limitations, and allowances.

CHAPTER 145

UNINCORPORATED COMMUNITY COMMERCIAL OFFICE (UC-CO) ZONING DISTRICT

- 145.010. Purpose and Intent
- 145.020. Small-Scale, Low Impact Uses
- 145.030. Standard Industrial Classifications
- 145.040. Permitted Uses
- 145.050. Uses Subject to Administrative Review
- 145.060. Conditional Uses
- 145.070. Optional Uses

145.010. PURPOSE AND INTENT. The purpose of the Unincorporated Community Commercial Office (UC-CO) Zoning District is to implement the Comprehensive Plan policies related to commercial development by providing for primarily service-related commercial activities. This zone is applied to commercial lands within unincorporated communities.

The intent of the UC-CO Zoning District is to provide for commercial development in unincorporated communities. Commercial activities in this zone generally consist of uses which complement agricultural and forest activities in the surrounding area, uses which serve the needs of the surrounding community or the needs of the traveling public, or other uses which are small-scale and low impact.

145.020. SMALL-SCALE, LOW-IMPACT USES. Uses listed under Section 145.040(C) or Section 145.060(C) shall be established in a building or buildings not to exceed 4,000 square feet of floor space. The floor area calculation does not include outdoor storage areas.

Establishment of a new use or expansion of a use listed under Sections 145.040(C) and 145.060(C) which would exceed the 4,000 square foot standard shall require a Comprehensive Plan Amendment as specified in Chapter 115 of the Zoning Ordinance.

145.030. STANDARD INDUSTRIAL CLASSIFICATIONS. Standard Industrial Classification (SIC) code numbers for most of the uses in this zone are shown in parentheses after the listed use. The SIC codes are a coding system used by the federal government to identify specific industries. Two-digit codes are used most often in the Zoning Ordinance to describe general categories of uses. In some instances, more specific three and four-digit codes are used. A copy of the SIC Manual is available for use at the Community Development Department and provides a more detailed description of the uses described in each general category.

145.040. PERMITTED USES. The following uses and their accessory buildings and uses are permitted. All uses under this Section are subject to the applicable standards as set forth in Chapter 112 (Development Standards) and other general provisions and exceptions set forth by this ordinance. No building, structure, or premises shall be used except for one or more of the following uses:

- (A) Uses which serve the needs of the community and surrounding rural area or the traveling public:
 - (1) Single-family residences;
 - (2) Child day care services, including pre-schools, nurseries and kindergartens (835);
 - (3) Churches;
- (B) Uses which complement natural resource industries:
 - (1) Laboratory-seed and soil testing, research facilities (8734);
- (C) Uses which are small-scale, low-impact:
 - (1) Medical and dental laboratories (807);
 - (2) Business services (73);
 - (3) Financial, insurance and real estate offices (61, 62, 63, 64, 65,67);
 - (4) Professional offices for engineering, accounting, research, management, and public relations, and legal services (81, 87); and
 - (5) Offices for membership organizations (86).
 - (6) Barber and beauty shops (72);
- (D) Transportation Improvements. [Amended by Ordinance #02-05, dated November 20, 2002.]

- (E) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

145.050. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

145.060. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in Chapter 119 of this ordinance, the following uses will be permitted in any UC-CO Zone:

- (A) Uses which serve the needs of the community and surrounding rural area or the traveling public:
 - (1) Hotels, motels, rooming houses, camps and other lodging places, with no more than 35 units and which are connected to a community sewer system (70);
 - (2) Veterinary clinics (074);
 - (3) Parking lot when developed as prescribed in Chapter 112 (7521); and
 - (4) Communications tower, pursuant to Section 112.135 (48). [Amended by Ordinance 04-09]
- (B) Uses which complement natural resource industries:
 - (1) Sand and gravel resource processing sites, excluding quarries (see Sections 120.410 through 120.460) (14).
- (C) Uses which are small-scale, low-impact:
 - (1) Residential homes, as defined in Section 110.477;
 - (2) Motor freight terminal offices (421);
 - (3) Radio and TV transmitter stations (483);
 - (4) Telephone and telegraph communication facilities (482);
 - (5) Cottage Industry Home Occupations (see Section 116.040);
 - (6) Boat, camper and trailer storage areas or lots (see Specific Conditional Uses, Section 120.030);
 - (7) Health services (80);
 - (8) Funeral service and crematories (726); and
 - (9) Any other commercial office use, where the buildings do not exceed 4,000 square feet of floor space provided that the use will not exceed the capacity of

water and sewer service available to the site on December 5, 1994, or if such services are not available to the site, the capacity of the site itself to provide adequate water and absorb waste water.

[Amended by Ordinance #02-05, dated November 20, 2002.]

- (D) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

145.070. OPTIONAL BUSINESSES. Optional businesses may be conducted in any UC-CO Zone as an incidental or secondary use to a main use when conducted and entered only from within the building, provided there is no exterior display or advertisement except for a nameplate not over two (2) square feet in area, and not more than one-half (1/2) the floor area of a one (1) story is devoted to such use or uses. If the building is one (1) story in height, then not more than one-fourth (1/4) of the floor area shall be devoted to such use or uses, as follows:

- (A) Eating and drinking places (58);
- (B) News dealers, newsstands (5994); and
- (C) Barber and beauty shops (72).

CHAPTER 146

UNINCORPORATED COMMUNITY COMMERCIAL RETAIL (UC-CR) ZONING DISTRICT

- 146.010. Purpose and Intent
- 146.020. Small-Scale, Low Impact Uses
- 146.030. Standard Industrial Classifications
- 146.040. Permitted Uses
- 146.050. Uses Subject to Administrative Review
- 146.060. Conditional Uses

146.010. PURPOSE AND INTENT. The purpose of the Unincorporated Community Commercial Retail (UC-CR) Zoning District is to implement the Comprehensive Plan policies related to commercial development by providing for a range of service and product-oriented commercial activities. This zone is applied to commercial lands within unincorporated communities.

The intent of the UC-CR Zoning District is to provide for commercial development in unincorporated communities. Commercial activities in this zone generally consist of uses which complement agricultural and forest activities in the surrounding area, uses which serve the needs of the surrounding community or the needs of the traveling public, or other uses which are small-scale and low impact.

146.020. SMALL-SCALE, LOW-IMPACT USES. Uses listed under Section 146.040(C) or Section 146.060(C) shall be established in a building or buildings not to exceed 4,000 square feet of floor space. The floor area calculation does not include outdoor storage areas.

Establishment of a new use or expansion of a use listed under Section 146.040(C) or Section 146.060(C) which would exceed the 4,000 square foot standard shall require a Comprehensive Plan Amendment as specified in Chapter 115 of the Zoning Ordinance.

146.030. STANDARD INDUSTRIAL CLASSIFICATIONS. Standard Industrial Classification (SIC) code numbers for most of the uses in this zone are shown in parentheses after the listed use. The SIC codes are a coding system used by the federal government to identify specific industries. Two-digit codes are used most often in the Zoning Ordinance to describe general categories of uses. In some instances, more specific three and four-digit codes are used. A copy of the SIC Manual is available for use at the Community Development Department and provides a more detailed description of the uses described in each general category.

146.040. PERMITTED USES. The following uses and their accessory buildings and uses are permitted. All uses under this Section are subject to the applicable standards as set forth in Chapter 112 (Development Standards) and other general provisions and exceptions set forth by this ordinance. No building, structure, or premises shall be used except for one or more of the following uses:

- (A) Uses which serve the needs of the community and surrounding rural area or the traveling public:
 - (1) Any use permitted under Section 145.040(A);
 - (2) Single-family residences;
- (B) Uses which complement natural resource industries:
 - (1) Any use permitted under Section 145.040(B);
 - (2) Fruit store and vegetable market (54);
 - (3) Greenhouse (18);
 - (4) Farm or forest products stand, designed and used for the sale of farm crops, special forest products and livestock grown on farms in the local agricultural area, including the retail sale of incidental items accounting for no more than 25 percent of the total sales of the farm or forest stand. Farm or forest products stands do not include structures designed for residential occupancy or to accommodate activities other than the sale of farm crops, special forest products and livestock, such as structures for banquets, public gatherings or entertainment;
 - (5) Farm or forest implement and equipment sales;
 - (6) Farm or forest related equipment, machinery or truck repair, including associated service parts facilities;

- (C) Uses which are small-scale, low-impact:
 - (1) Any use permitted under Section 145.040(C);
 - (2) Printing, publishing and allied industries (27);
 - (3) Miscellaneous retail (59);
 - (4) Building materials, hardware, and garden supply (52);
 - (5) Equipment rental and leasing (735);
 - (6) Apparel and accessory stores (56);
 - (7) Home furniture, furnishing, and equipment stores (57); and
 - (8) Farm product warehousing and storage (4221);
 - (9) General merchandise stores (53);
 - (10) Grocery stores (54);
 - (11) Eating and drinking places, (except those serving alcoholic beverages) (58);
- (D) Transportation Improvements. [Amended by Ordinance #01-01, dated November 14, 2001.]
- (E) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

146.050. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

146.060. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in Chapter 119 of this ordinance, the following uses will be permitted in any UC-CR Zone:

- (A) Uses which serve the needs of the community and surrounding rural area or the traveling public:
 - (1) Ambulance service (8099);
 - (2) Recreational vehicle park as defined in Section 110.466 (703);
 - (3) Utilities, secondary truck parking and material storage yard;
 - (4) Heliport (458);
 - (5) Public Utilities (49) (exempted from these regulations are: underground pipes and conduits and above ground electric transmission distribution, communication signal lines on signal lines on a single pole system);
 - (6) Living History Museum (84);

- (7) Bed and Breakfast (see Section 110.107);
 - (8) Veterinary clinics (074);
 - (9) Transportation equipment, parts and supplies (37);
 - (10) Billboards; and
 - (11) Communications tower, pursuant to Section 112.135 (48). [Amended by Ordinance 04-09]
- (B) Uses which complement natural resource industries:
- (1) Sand and gravel resource processing sites, excluding quarries (see Sections 120.410 through 120.460) (14);
 - (2) Nurseries for the primary sale of plants, seeds, related garden supplies, excluding wholesale distribution (526);
 - (3) Commercial activities in conjunction with farm or forest use including activities related to the processing, distribution, and retail marketing of farm or forest products a portion of which is grown on-site; and
 - (4) Processing facilities for farm or forest products (20, 24).
- (C) Uses which are small-scale, low-impact:
- (1) Radio and TV transmitter stations (483);
 - (2) Telephone and telegraph communication facilities (482);
 - (3) Educational services, including vocation schools (82);
 - (4) Manufactured home dealers (527);
 - (5) General warehousing and storage (4225);
 - (6) Personal services (72);
 - (7) Monument and stone cutting (328);
 - (8) Taxidermist;
 - (9) U-Haul concrete mix store (5032);
 - (10) Cabinet shop and sales firm (see Specific Conditional Uses, Section 119.150(E));
 - (11) Cottage Industry Home Occupations (see Section 116.040);
 - (12) Amusement and recreation services (79);
 - (13) Automotive repair and services (75);
 - (14) Eating and drinking places where alcoholic beverages are served (58); and
 - (15) Any other commercial retail use, where the buildings do not exceed 4,000 square feet of floor space provided that the use will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or if such services are not available to the site, the capacity of the site itself to provide adequate water and absorb waste water. [Amended by Ordinance #02-05, dated November 20, 2002.]
- (D) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

CHAPTER 147

UNINCORPORATED COMMUNITY COMMERCIAL GENERAL (UC-CG) ZONING DISTRICT

- 147.010. Purpose and Intent
- 147.020. Small-Scale, Low Impact Uses
- 147.030. Standard Industrial Classifications
- 147.040. Permitted Uses
- 147.050. Uses Subject to Administrative Review
- 147.060. Conditional Uses

commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

147.050. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

147.060. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in Chapter 119 of in this ordinance, the following uses will be permitted in any UC-CG Zone:

- (A) Uses which serve the needs of the community and surrounding rural area or the traveling public:
 - (1) Fishing ponds or lakes;
 - (2) Heliports (458);
 - (3) Recreational vehicle park as defined in Section 110.466 (703);
 - (4) Transportation services (47);
 - (5) Railroad terminals (freight, passenger) (40);
 - (6) Water transportation facilities (44);
 - (7) Airport terminal services, including aircraft maintenance and storage facilities (458);
 - (8) Bus terminals and service facilities, including charter service (414, 417); and
 - (9) Communications tower, pursuant to Section 112.135 (48). [Amended by Ordinance 04-09]
- (B) Uses which complement natural resource industries:
 - (1) Sand and gravel resource processing sites, excluding quarries (see Sections 120.410 through 120.460) (14);
 - (2) Nurseries for the primary sale of plants, seeds, related garden supplies, excluding wholesale distribution (526);
 - (3) Commercial activities in conjunction with farm or forest use including activities related to the processing, distribution, and retail marketing of farm or forest products a portion of which is grown on-site;
 - (4) Processing facilities for farm or forest products (20,24);
- (C) Uses which are small-scale, low-impact:
 - (1) Amusement and recreation services (79);
 - (2) Laundry, cleaning, and garment services (721);

CHAPTER 148

NORTHWEST POLK COMMUNITY COMMERCIAL (NPC-C) ZONING DISTRICT

- 148.010. Purpose and Intent
- 148.020. Small-Scale, Low Impact Uses
- 148.030. Standard Industrial Classifications
- 148.040. Permitted Uses
- 148.050. Uses Subject to Administrative Review
- 148.060. Conditional Uses

- (3) Eating and drinking places (58); (Note: The building is subject to a 7,000 square foot size limitation unless a Comprehensive Plan amendment is approved pursuant to Section 115.050 of this Ordinance).
 - (4) Boat launching facilities; and
 - (5) Pleasure boat moorage.
 - (6) Playgrounds, parks; and
 - (7) Public buildings and structures, such as libraries, fire stations.
- (B) Uses which complement natural resource industries:
- (1) Laboratory-seed and soil testing, research facilities (8734);
 - (2) Fruit store and vegetable market (54);
 - (3) Greenhouse (18);
 - (4) Farm product warehousing and storage (4221);
 - (5) Farm or forest products stand, designed and used for the sale of farm crops, special forest products and livestock grown on farms in the local agricultural area, including the retail sale of incidental items accounting for no more than 25 percent of the total sales of the farm or forest stand. Farm or forest products stands do not include structures designed for residential occupancy or to accommodate activities other than the sale of farm crops, special forest products and livestock, such as structures for banquets, public gatherings or entertainment;
 - (6) Farm or forest implement and equipment sales;
 - (7) Farm or forest related equipment, machinery or truck repair, including associated service parts facilities, and
 - (8) Farm and forest supply.
- (C) Uses which are small-scale, low-impact:
- (1) Grocery stores (54);
 - (2) News dealers, newsstands (5994);
 - (3) Auditorium;
 - (4) Billiard parlor;
 - (5) Pony riding ring (no stable);
 - (6) Printing, publishing and allied industries (27);
 - (7) Miscellaneous retail (59);
 - (8) General merchandise stores (53);
 - (9) Automotive repair, services, and parking (75);
 - (10) Towing service;
 - (11) Automotive dealers and gasoline service stations (55);
 - (12) Aircraft service;
 - (13) Boat repair and haulout facilities;
 - (14) Building materials, hardware, and garden supply (52);
 - (15) Equipment rental and leasing (735);
 - (16) Educational services, including vocation schools (82);
 - (17) Repair services (76);

- (2) Private ambulance service (8099);
 - (3) Recreational vehicle park as defined in Section 110.466 (703);
 - (4) Boat, camper and trailer storage areas or lots (see Specific Conditional Uses, Section 120.030);
 - (5) Manufactured home parks when developed Pursuant to provisions of Section 119.150(A); and
 - (6) Public Utilities (49) (exempted from these regulations are: underground pipes and conduits and above ground electric transmission distribution, communication signal lines on signal lines on a single pole system).
 - (7) Hotels, motels with no more than 35 units and which are connected to a community sewer system (70);
- (B) Uses which complement natural resource industries:
- (1) Processing facilities for farm or forest products (20, 24);
 - (2) Commercial activities in conjunction with farm or forest use including activities related to the processing, distribution, and retail marketing of farm or forest products a portion of which is grown on-site.
- (C) Uses which are small-scale, low-impact:
- (1) General warehousing and storage (4225);
 - (2) Motor freight terminal offices (421);
 - (3) Funeral service and crematories (726);
 - (4) Billboards;
 - (5) Radio and TV transmitter stations and towers (483);
 - (6) Telephone and telegraph communication facilities (482);
 - (7) Miniature golf course;
 - (8) Athletic club, club house (7991)(7997);
 - (9) Dance hall, ballroom (791);
 - (10) Summer recreational camp;
 - (11) Swimming pool;
 - (12) Marina;
 - (13) Utilities, secondary truck parking and material storage yard;
 - (14) U-Haul concrete mix store (5032);
 - (15) Cabinet shop and sales firm (see Specific Conditional Uses, Section 119.150(E));
 - (16) Cottage Industry Home Occupations (see Section 116.040); and
 - (17) Any other commercial use, where the buildings do not exceed 4,000 square feet of floor space provided that the use will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or if such services are not available to the site, the capacity of the site itself to provide adequate water and absorb waste water.
- (D) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

Appendix 2
Valley Junction Unincorporated Community Commercial Properties Inventory
May, 2005

Number	Tax Map ID	Location	Uses	Size (acres ±)	Bldg. Size (sq. ft.)
1	6.7.8.C.100	8840 Hebo Road	Vacant	1.76	Vacant
2	6.7.8.C.200	8840 Hebo Road	Residential	0.90	2,160 Dwelling
3	6.7.8.C.300	No address	Vacant	1.34	Vacant
4	6.7.8.C.400	26555 Salmon River Highway	Automotive Rental / Billboard	0.39	2,400 Building
5	6.7.8.C.500	8805 Hebo Road	Residential	0.45	1,512 Dwelling
6	6.7.8.C.600	8825 Hebo Road	Residential	0.87	1900 1,149 Duplex, 1935 1239 Dwelling
7	6.7.8.C.700	26575 Salmon River Highway	Residential	2.80	Vacant
8	6.7.8.C.800	26645 Salmon River Highway	Residential	0.69	1940 1,359 Dwelling
9	6.7.8.C.900	26675 Salmon River Highway	Residential	0.88	1940 986 Dwelling, 128 Building, Billboard
10	6.7.8.C.1000	26685 Salmon River Highway	Residential	0.50	1920 1,814 Dwelling, 128 Building
11	6.7.8.C.1100	No address	Parking Lot	0.53	Vacant
12	6.7.8.C.1200	No address	Parking Lot	0.40	Vacant
13	6.7.8.C.1300	No address	Parking Lot	5.50	Vacant
14	6.7.8.C.1400	26930 Salmon River Highway	Casino / Parking Lot	5.53	1995 185,985 Building
15	6.7.8.C.1500	No address	Parking Lot	0.83	Vacant
16	6.7.8.C.1600	26870 Salmon River Highway	Residential	0.92	1948 1,056 Dwelling, Building 720
17	6.7.8.C.1700	26690 Salmon River Highway	Grand Ronde Water Association office	0.26	1965 1,056 Building, 616 Building, 936 Building
18	6.7.8.C.1800	26600 Salmon River Highway	Vacant	6.90	Vacant
19	6.7.17.800	No address	Vacant	2.40	Vacant
20	6.7.17.801	26820 Salmon River Highway	Gas Station / Convenience Store / Restaurant, Car Wash	2.00	4,539 Building
21	6.7.17.802	No address	RV parking	10.49	Vacant
22	6.7.17.803	No address	Parking Lot	1.81	Vacant
23	6.7.17.900	26856 Salmon River Highway	Residential	6.31	1978 1,390 Dwelling, 24,000 Museum Building
24	6.7.17.1000	26800 Salmon River Highway	Residential	2.91	1975 1,143 Dwelling, 528 Manufactured Dwelling w/ 256 Addition, 320 Building, 1464 Building, 704 Building
25	6.7.17.1001	26850 Salmon River Highway	Residential, Maintenance Shops, Parking	6.68	Dwelling, Maintenance Shops, Parking
26	6.7.18.101	27100 Salmon River Highway	Casino / Hotel / Water Treatment Facility / Parking Lot	69.52	Casino exceeding 140,000, Hotel exceeding 100,000

CHAPTER 149

CH/T: COMMERCIAL HIGHWAY/TOURIST ZONE

- 149.010. Permitted Uses
- 149.020. Uses Subject to Administrative Review
- 149.030. Conditional Uses
- 149.040. General Development Standards
- 149.050. Future Right-of-Way Lines
- 149.060. Off-Street Parking and Loading
- 149.070. Fences
- 149.080. Lot Area, Yard, Landscaping, and Height Restrictions

- C. Towers, Chimneys, and steeples exceeding 70 feet; and
- D. Communications tower, as provided in Section 112.135. [Amended by Ordinance 04-09]
- E. Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

149.040. GENERAL DEVELOPMENT STANDARDS. The general development standards in Sections 112.010 through 112.120 and 112.175 shall apply.

149.050. FUTURE RIGHT-OF-WAY LINES. Sections 112.180 through 112.200 shall apply.

149.060. OFF-STREET PARKING AND LOADING. The off-street parking and loading requirements found in Sections 112.210 through 112.270 shall apply.

149.070. FENCES. Fences shall conform to the requirements found in Sections 112.350 through 112.370.

149.080. LOT AREA, YARD, LANDSCAPING, AND HEIGHT RESTRICTIONS. The lot area, front yard, side yard, rear yard, landscaping, and height requirements found in Section 112.400 (C) shall apply.

151.010. USE. Within any IC, Industrial Commercial Zone, no building, structure, or premises shall be used, enlarged or designed to be used; erected, structurally altered, or enlarged except for one or more of the following uses:

- (A) Any use permitted in the CR or CG Zone.
- (B) Industrial Uses:
 - (1) Appliances, office and electrical product equipment manufacturing:
 - (a) Battery manufacture
 - (b) Communications equipment
 - (c) Electrical industrial apparatus
 - (d) Electric lighting and wiring equipment
 - (e) Electric transmission and distribution equipment
 - (f) Electronic components and accessories
 - (g) Household appliances
 - (h) Radio and TV receiving sets
 - (2) Leather and leather products manufacture:
 - (a) Boot and shoe cut stock and findings
 - (b) Footwear except rubber
 - (c) Handbags and other personal leather goods
 - (d) Industrial leather belting and packing
 - (e) Leather gloves and mitten
 - (f) Leather tanning and finishing
 - (g) Luggage
 - (3) Metal fabricated products manufacture:
 - (a) Cutlery, handtools and general hardware
 - (b) Fabricated metal products
 - (c) Fabricated structural metal products
 - (d) Fabricated wire products
 - (4) Printing, publishing and allied industries:
 - (a) Books
 - (b) Book binding and related industries
 - (c) Commercial printing
 - (d) Greeting card manufacturing
 - (e) Manifold business forms manufacturing
 - (f) Newspapers, publishing, printing
 - (g) Periodicals, publishing, printing
 - (5) Professional, scientific and controlling equipment manufacturing:
 - (a) Engineering, laboratory and scientific and research instruments and associated equipment

- (b) Aircraft and parts dealers, distributor
 - (c) Boat and watercraft building and repair
 - (d) Boat and watercraft sales and service
 - (e) Boat and watercraft moorages and marinas
 - (f) Motor vehicles and motor vehicle equipment
 - (g) Manufacture of special use vehicles (sanitary trucks, vans, etc.)
 - (h) Manufacture of parts and accessories
 - (i) Motor freight depots
 - (j) Rental and storage
 - (k) Repair garage
 - (l) Body and fender shops
 - (m) Towing
 - (n) Service stations
 - (o) Auto laundries, washing and polishing
 - (p) Motor cycles, bicycles and parts
- (12) Other uses:
- (a) Metal working equipment and machinery manufacturing wholly within a building
 - (b) Warehouses
 - (c) Wholesale firms
 - (d) Utilities - primary equipment and storage yard
 - (e) Well drilling pump repair facilities [Subsection (e) amended by Ordinance #128, dated January 14, 1975.]
 - (f) Transportation Improvements [Amended by Ordinance #01-01, dated November 14, 2001.]

(C) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

151.020. OPTIONAL BUSINESS. Those businesses set forth in Section 141.040 and 142.040 shall be permitted in an IC Zone under like restrictions.

151.030. DEPARTMENT OF ENVIRONMENTAL QUALITY APPROVAL. The following uses are allowed, subject to approval of the Department of Environmental Quality. [Amended by Ordinance #89-17, dated December 6, 1989.]

151.040. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

151.050. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in an IC Zone:

- (A) Any use permitted in Section 142.030.
- (B) Industrial Uses:
 - (1) Chemicals, fertilizers, insecticides, paint and allied products manufacturing:
 - (a) Fertilizers
 - (b) Insecticides
 - (2) Metal fabricated products, manufacture:
 - (a) Metal stampings
 - (b) Screw machine products, and bolts, nuts, screws, rivets and washers
 - (3) Machinery manufacturing:
 - (a) Sawmill equipment
 - (b) Service industry machines and equipment
 - (4) Metal working shops:
 - (a) Machine shop
 - (5) Petroleum, petroleum products, provided all storage is underground
 - (6) Wood and lumber and products processing, manufacture and storage of:
 - (a) Millwork (doors, windows, pre-cutting structures)
 - (b) Prefabricated structural wood products
 - (c) Wooden containers
- (C) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

152.010. PURPOSE AND INTENT. The purpose of the Unincorporated Community Industrial Commercial (UC-IC) Zoning District is to implement the Comprehensive Plan policies related to both industrial and commercial development by providing for a mixture of commercial and manufacturing activities. This zone is applied to designated lands within unincorporated communities.

Commercial activities in this zone generally consist of uses which complement agricultural and forest activities in the surrounding area, uses which serve the needs of the surrounding community or the needs of the traveling public, or other uses which are small-scale and low impact. Industrial activities in this zone generally consist of uses which complement agricultural and forest activities in the surrounding area, uses that require proximity to rural resources, or other uses which are small-scale and low impact.

152.020. SMALL-SCALE, LOW-IMPACT USES. Commercial uses allowed in any UC-IC Zone which are listed under Section 147.040(C) or Section 147.060(C) shall be established in a building or buildings not to exceed 4,000 square feet of floor space. The floor area calculation does not include outdoor storage areas.

Except as provided in Section 152.025, an industrial use listed under Section 152.040(D) or Section 152.060(C) or (D) shall be established in a building or buildings not to exceed 40,000 square feet of floor space. The floor area calculation does not include outdoor storage areas.

Establishment of a new commercial use or expansion of a commercial use listed under Section 147.040(C) or Section 147.060(C) which would exceed the 4,000 square foot standard shall require a Comprehensive Plan Amendment as specified in Chapter 115 of the Zoning Ordinance.

Except as provided in Section 152.025, the establishment of a new industrial use listed under Sections 152.040(D), 152.060(C), and 152.060(D) or expansion of an industrial use other than those listed under Section 152.040(B) which would exceed the 40,000 square foot standard shall require a Comprehensive Plan Amendment as specified in Chapter 115 of the Zoning Ordinance.

152.025. INDUSTRIAL MILL SITES. A use sited on an abandoned or diminished industrial mill site that was engaged in the processing or manufacturing of wood products is not subject to the small-scale, low-impact building size limitation, provided that the use will be located only on the portion of the mill site that was zoned for industrial use on October 28, 1994.

152.030. STANDARD INDUSTRIAL CLASSIFICATIONS. Standard Industrial Classification (SIC) code numbers for most of the uses in this zone are shown in parentheses after the listed use. The SIC codes are a coding system used by the federal government to identify specific industries. Two-digit codes are used most often in the Zoning Ordinance to describe general categories of uses. In some instances, more specific three and four-digit codes are used. A copy of the SIC Manual is available for use at the Community Development Department and provides a more detailed description of the uses described in each general category.

152.040. PERMITTED USES. The following uses and their accessory buildings and uses are permitted. All uses under this Section are subject to the applicable standards as set forth in Chapter 112 (Development Standards) and other general provisions and exceptions set forth by this ordinance. No building, structure, or premises shall be used except for one or more of the following uses:

- (A) Commercial uses:
 - (1) Any use permitted under Section 147.040.
- (B) Expansion of an existing industrial use which existed on December 5, 1994;
- (C) Industrial uses which require proximity to rural resources:
 - (1) Food and derivative products processing, including grain elevators, storage (20);
 - (2) Laboratories (feed and seed, soil testing) (8734);

- (1) The use is small in size and low impact; or
 - (2) The use is significantly dependent upon a specific resource located on agricultural or forest land; and
 - (3) The use will not have adverse impacts on surrounding farm and forest activities; and
 - (4) The new use will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or if such services are not available to the site, the capacity of the site itself to provide adequate water and absorb waste water.
- (E) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

CHAPTER 153

**EOLA UNINCORPORATED COMMUNITY COMMERCIAL
(EOLA UC-C) ZONING DISTRICT**

- 153.010. Purpose and Intent
- 153.020. Small-Scale, Low Impact Uses
- 153.030. Standard Industrial Classifications
- 153.040. Permitted Uses
- 153.050. Uses Subject to Administrative Review
- 153.060. Conditional Uses

- (3) Eating and drinking places (58); (Note: The building is subject to a 7,000 square foot size limitation unless a Comprehensive Plan amendment is approved pursuant to Section 115.050 of this Ordinance).
 - (4) Boat launching facilities; and
 - (5) Pleasure boat moorage.
 - (6) Playgrounds, parks; and
 - (7) Public buildings and structures, such as libraries, fire stations.
- (B) Uses which complement natural resource industries:
- (1) Laboratory-seed and soil testing, research facilities (8734);
 - (2) Fruit store and vegetable market (54);
 - (3) Greenhouse (18);
 - (4) Farm product warehousing and storage (4221);
 - (5) Farm or forest products stand, designed and used for the sale of farm crops, special forest products and livestock grown on farms in the local agricultural area, including the retail sale of incidental items accounting for no more than 25 percent of the total sales of the farm or forest stand. Farm or forest products stands do not include structures designed for residential occupancy or to accommodate activities other than the sale of farm crops, special forest products and livestock, such as structures for banquets, public gatherings or entertainment;
 - (6) Farm or forest implement and equipment sales;
 - (7) Farm or forest related equipment, machinery or truck repair, including associated service parts facilities, and
 - (8) Farm and forest supply.
- (C) Uses which are small-scale, low-impact:
- (1) Grocery stores (54);
 - (2) News dealers, newsstands (5994);
 - (3) Auditorium;
 - (4) Billiard parlor;
 - (5) Pony riding ring (no stable);
 - (6) Printing, publishing and allied industries (27);
 - (7) Miscellaneous retail (59);
 - (8) General merchandise stores (53);
 - (9) Automotive repair, services, and parking (75);
 - (10) Towing service;
 - (11) Automotive dealers and gasoline service stations (55);
 - (12) Aircraft service;
 - (13) Boat repair and haulout facilities;
 - (14) Building materials, hardware, and garden supply (52);
 - (15) Equipment rental and leasing (735);
 - (16) Educational services, including vocation schools (82);
 - (17) Repair services (76);

- (2) Private ambulance service (8099);
 - (3) Recreational vehicle park as defined in Section 110.466 (703);
 - (4) Boat, camper and trailer storage areas or lots (see Specific Conditional Uses, Section 120.030);
 - (5) Manufactured home parks when developed Pursuant to provisions of Section 119.150(A); and
 - (6) Public Utilities (49) (exempted from these regulations are: underground pipes and conduits and above ground electric transmission distribution, communication signal lines on signal lines on a single pole system).
- (B) Uses which complement natural resource industries:
- (1) Processing facilities for farm or forest products (20, 24);
 - (2) Commercial activities in conjunction with farm or forest use including activities related to the processing, distribution, and retail marketing of farm or forest products a portion of which is grown on-site.
- (C) Uses which are small-scale, low-impact:
- (1) General warehousing and storage (4225);
 - (2) Motor freight terminal offices (421);
 - (3) Funeral service and crematories (726);
 - (4) Billboards;
 - (5) Radio and TV transmitter stations and towers (483);
 - (6) Telephone and telegraph communication facilities (482);
 - (7) Miniature golf course;
 - (8) Athletic club, club house (7991)(7997);
 - (9) Dance hall, ballroom (791);
 - (10) Summer recreational camp;
 - (11) Swimming pool;
 - (12) Marina;
 - (13) Utilities, secondary truck parking and material storage yard;
 - (14) U-Haul concrete mix store (5032);
 - (15) Cabinet shop and sales firm (see Specific Conditional Uses, Section 119.150(E));
 - (16) Cottage Industry Home Occupations (see Section 116.040); and
 - (17) Any other commercial use, where the buildings do not exceed 4,000 square feet of floor space provided that the use will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or if such services are not available to the site, the capacity of the site itself to provide adequate water and absorb waste water.
- (D) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

CHAPTER 153.500

**RICKREALL UNINCORPORATED COMMUNITY COMMERCIAL
(RICKREALL UC-C) ZONING DISTRICT**

- 153.510. Purpose and Intent
- 153.520. Small-Scale, Low Impact Uses
- 153.530. Standard Industrial Classifications
- 153.540. Permitted Uses
- 153.550. Uses Subject to Administrative Review
- 153.560. Conditional Uses

- (3) Eating and drinking places (58); (Note: The building is subject to a 6,000 square foot size limitation unless a Comprehensive Plan amendment is approved pursuant to Section 115.050 of this Ordinance).
- (4) Playgrounds, parks;
- (5) Public buildings and structures, such as libraries, fire stations;
- (B) Uses which complement natural resource industries:
 - (1) Laboratory-seed and soil testing, research facilities (8734);
 - (2) Fruit store and vegetable market (54);
 - (3) Greenhouse (18);
 - (4) Farm product warehousing and storage (4221);
 - (5) Farm or forest products stand, designed and used for the sale of farm crops, special forest products and livestock grown on farms in the local agricultural area, including the retail sale of incidental items accounting for no more than 25 percent of the total sales of the farm or forest stand. Farm or forest products stands do not include structures designed for residential occupancy or to accommodate activities other than the sale of farm crops, special forest products and livestock, such as structures for banquets, public gatherings or entertainment;
 - (6) Farm or forest implement and equipment sales; and
 - (7) Farm or forest related equipment, machinery or truck repair, including associated service parts facilities;
 - (8) Farm and forest supply.
- (C) Uses which are small-scale, low-impact:
 - (1) Grocery stores (54);
 - (2) News dealers, newsstands (5994);
 - (3) Auditorium;
 - (4) Billiard parlor;
 - (5) Pony riding ring (no stable);
 - (6) Printing, publishing and allied industries (27);
 - (7) Miscellaneous Retail (59);
 - (8) General merchandise stores (53);
 - (9) Community Services Schools (barber, beauty, commercial, dancing, driving, music, trade);
 - (10) Boat repair and haul-out facilities;
 - (11) Building materials, hardware, and garden supply (52);
 - (12) Equipment rental and leasing (735);
 - (13) Educational services, including vocation schools (82);
 - (14) Repair services (76);
 - (15) Automotive dealers and gasoline service stations (55);

height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

153.560. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in any UC-C Zone:

- (A) Uses which serve the needs of the community and surrounding rural area or the traveling public:
 - (1) Community center;
 - (2) Residential homes, as defined in Section 110.477;
 - (3) Private ambulance service (8099);
 - (4) Recreational vehicle park as defined in Section 110.466 (703);
 - (5) Boat, camper and trailer storage areas or lots (see Specific Conditional Uses, Section 120.030);
 - (6) Manufactured home parks (when developed pursuant to provisions of PCZO Section 119.150 (A));
 - (7) Public Utilities (49) (exempted from these regulations are: underground pipes and conduits and above ground electric transmission distribution, communication signal lines on signal lines on a single pole system);
 - (8) Communications tower, as provided in Section 112.135 (48). [Amended by Ordinance 04-09]
- (B) Uses which complement natural resource industries:
 - (1) Processing facilities for farm or forest products (20, 24);
 - (2) Commercial activities in conjunction with farm or forest use including activities related to the processing, distribution, and retail marketing of farm or forest products a portion of which is grown on-site; and
- (C) Uses which are small-scale, low-impact:
 - (1) General warehousing and storage (4225);
 - (2) Motor freight terminal offices (421);
 - (3) Funeral service and crematories (726);
 - (4) Billboards;
 - (5) Radio and TV transmitter stations and towers (483);
 - (6) Telephone and telegraph communication facilities (482);
 - (7) Performance theater (783);
 - (8) Kennels (boarding and raising animals);
 - (9) Miniature golf course;
 - (10) Athletic club, club house (7991)(7997);
 - (11) Dance hall, ballroom (791);
 - (12) Summer recreational camp;
 - (13) Swimming Pools;
 - (14) Boat sales and service;

Appendix 1
Rickreall Unincorporated Community Commercial Properties Inventory
Building Size Inventory
January 2001

#	Tax Lot	Map#	Acres	Dwelling	Zone	Owner	Use	Building Size sq. ft.	Buildable
1	200	7.4.30C	0.84	1	CG	HANSON B M	1920 dwelling (Historic)		
2	300	7.4.30C	0.22		CG	CONRAD IRENE VERA, DECLARATION	Vacant		
3	400	7.4.30C	0.12		CG	CONRAD IRENE VERA, DECLARATION	Vacant		
4	500	7.4.30C	0.19		CG	CONRAD IRENE VERA, DECLARATION	Vacant		
5	600	7.4.30C	0.4	1	CG	CONRAD IRENE VERA, DECLARATION	1930 dwelling		
6	700	7.4.30C	1.42	1	CG	CONRAD IRENE VERA, DECLARATION	1925 dwelling (Historic)		
7	5803	7.4.30C	1	1	CG	ROCHA DANNY L & DORIS M	1925 dwelling		
8	400	7.4.30CA	0.92	1	CG	BRIEDWELL JAMES & T CHRISTINE	1916 dwelling (Historic)		
9	500	7.4.30CA	3.3		CG	RICKREALL FARM SUPPLY, INC	Farm Supply/Gas Station-Garage	6,000 / 3,584 - 20,232	
10	600	7.4.30CA	0.36	1	CG	RICKREALL FARM SUPPLY, INC	1926 dwelling (Historic)		
11	700	7.4.30CA	0.3		CG	MEIER PLUMBING, INC	Retail store	2,132	
12	800	7.4.30CA	0.32		CG	HEDGES FRANK J & MARILYN A	Rickreall Mini market	3,960	
13	900	7.4.30CA	1.28	1	CG	RICKREALL FARM SUPPLY, INC	1930 dwelling (Historic)		
14	2700	7.4.30CA	0.11	1	CG	POTTIER ROGER S	1945 dwelling		
15	2800	7.4.30CA	0.2	1	CG	BELL KATHERINE A & POTTIER ROGE	1952 dwelling		
16	2900	7.4.30CA	0.4	1	CG	SEIPP MARTHA K & KENNETH LYNN	1920 dwelling		
17	3000	7.4.30CA	0.69		CG	KINGERY DOUGLAS F	Automotive Repair	3,456	
18	200	7.4.31	3.85	2	CR	CAUDILLO MANUEL SR	1940 & 1935 dwellings		
19	202	7.4.31	1.54	1	CR	FALK PAPROCKI JOINT TRUST	Farroll's restaurant / 8 Unit Offices	5,111 / 2,982	
20	500	7.4.31	1.9	2	CG	TABER A LLOYD & PATRICIA ANN	1900 dwelling, mmf. Home		
21	1600	7.4.31	0.12		CR	STATE OF OREGON, DEPARTMENT OF	Highway		
22	1200	7.5.25D	1.01		CG	JACOB DAVID E	RV retail sales Incls. / Storage	4,800	

This table was created using Polk County Tax Assessors Tax Maps. Each tax lot should not be inferred to be a separate lawfully created lot or parcel. The deed to the subject property describes, in the legal description, how many lots or parcels comprise the subject property. The legal status of the lots or parcels described in a deed can be determined by evaluating the land-use applications made through the Polk County Planning Division and the deed history of the subject property.
 [Amended by Ordinance #04-16 on December 29, 2004.]

153.710. PERMITTED USES. Within any GR/LI, Grand Ronde: Light Industrial Zone, no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for one or more of the following uses:

- A. Any industrial use permitted in subsection (B), Section 151.010; and subsection (B), Section 160,010;
- B. Utility facility, substation, transformer, gate station, pumping or lift station, telephone, radio, microwave, or television transmitter facilities of any kind, any storage facilities in conjunction with any of the above;

~~F.C.~~ Public works offices, yards, shops, bus barns, equipment and materials storage yards, and similar uses; and,

~~G.D.~~ Accessory Uses and Buildings.

~~H.E.~~ Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

153.720. PERMITTED USES, DEQ APPROVAL. The industrial uses permitted in Sections 151.030 are allowed, subject to approval of the Department of Environmental Quality.

153.730. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- A. Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

153.740. CONDITIONAL USES.

- A. Dwelling, Single Family. Not more than one dwelling in conjunction with a permitted use, shall be all allowed on any parcel.
- B. Any industrial use provided in subsection (B) Section 151.050 and subsections (B) and (C) Section 160.040.
- C. Towers, Chimneys, electronic communication antennas and steeples exceeding 70 feet.
- D. Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

CHAPTER 154

**EOLA UNINCORPORATED COMMUNITY INDUSTRIAL COMMERCIAL (Eola UC-
IC) ZONING DISTRICT**

- 154.010. Purpose and Intent
- 154.020. Small-Scale, Low Impact Uses
- 154.025. Industrial Mill Sites
- 154.030. Standard Industrial Classifications
- 154.040. Permitted Uses
- 154.050. Uses Subject to Administrative Review
- 154.060. Conditional Uses

- (2) Metal fabricated products manufacturing (34); except metal stampings, and screw machine products;
 - (3) Measuring, analyzing, and controlling instruments manufacturing (38);
 - (4) Tobacco processing (21);
 - (5) Transportation equipment manufacture (371)(372)(373)(375)(379);
 - (6) Public warehousing and storage (422);
 - (7) Wholesale trade, non-durable goods (51);
 - (8) Utilities - primary equipment and storage yard;
 - (9) Well drilling pump repair facilities; and
 - (10) Paperboard containers and boxes assembly (265).
- (D) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

154.050. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

154.060. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in any UC-IC Zone:

- (A) Commercial uses:
 - (1) Any use permitted under section 153.060, when established using the guidelines of the 153.060 subsection that the use is listed under.
- (B) Industrial uses which require proximity to rural resources:
 - (1) Food and derivative products processing, including grain elevators, storage (20); and
 - (2) Millwork, veneer, and wooden container manufacturing (243, 244).
- (C) Industrial uses which are small-scale, low-impact:
 - (1) Manufacturing of rubber products and miscellaneous plastics products (30);
 - (2) Textile products manufacture, including apparel (22, 23);
 - (3) Metal working equipment and machinery manufacturing wholly within a building (354) except machine shops;
 - (4) Pharmaceuticals (283);
 - (5) Furniture and fixtures manufacturing (25);
 - (6) Sign construction and painting shop, contained wholly within a building.

Appendix 1
 Eola Unincorporated Community Industrial Commercial Properties Inventory
 January, 2001

Number	Tax Map ID	Location	Uses	Size (acres)	Bldg. Size (sq. ft.)
1	7425C 100	Highway 22-Eola	Vacant	0.72	Vacant
2	7425C200	4282 Highway 22-Eola	Church	0.62	12,515

This table was created using Polk County Tax Assessors Tax Maps. Each tax lot should not be inferred to be a separate lawfully created lot or parcel. The deed to the subject property describes, in the legal description, how many lots or parcels comprise the subject property. The legal status of the lots or parcels described in a deed can be determined by evaluating the land-use applications made through the Polk County Planning Division and the deed history for the subject property.

Appendix 2
 Eola Unincorporated Community Industrial Commercial Properties Inventory
 Post January, 2001

Number	Tax Map ID	Location	Uses/ Authorization/ Establishment Date	Size (acres)	Bldg. Size (sq. ft.)	Ordinance
1	7425B2000	Highway 22-Eola	Vacant / PA 03-04, ZC 03-02, Ordinance	6.10	34,000	Ord.# 03-03 7/23/2003

154.510. PURPOSE AND INTENT. The purpose of the Rickreall Unincorporated Community Industrial Commercial (Rickreall UC-IC) Zoning District is to implement the Comprehensive Plan policies related to both industrial and commercial development by providing for a mixture of commercial and manufacturing activities. This zone is applied to designated lands within the unincorporated community of Rickreall.

Commercial activities in this zone generally consist of uses which complement agricultural and forest activities in the surrounding area, uses which serve the needs of the surrounding community or the needs of the traveling public, or other uses which are small-scale and low impact. Industrial activities in this zone generally consist of uses which complement agricultural and forest activities in the surrounding area, uses that require proximity to rural resources, or other uses which are small-scale and low impact.

154.520. SMALL-SCALE, LOW-IMPACT USES. Commercial uses allowed in the Rickreall UC-IC Zone which are listed under Section 154.540(C) or Section 154.560(C) shall be established in a building or buildings not to exceed 4,000 square feet of floor space. The floor area calculation does not include outdoor storage areas.

Except as provided in Section 154.525, an industrial use allowed in the Rickreall UC-IC Zone which are listed under Section 154.540(C) or Section 154.560(C) shall be established in a building or buildings not to exceed 40,000 square feet of floor space. The floor area calculation does not include outdoor storage areas.

Establishment of a new commercial use or expansion of a commercial use listed under Section 154.540(C) or Section 154.560(C) which would exceed the 4,000 square foot standard shall require a Comprehensive Plan Amendment as specified in Chapter 115 of the Zoning Ordinance.

Except as provided in Section 154.525, the establishment of a new industrial use listed under Sections 154.540(C), and 154.560(C) or expansion of an industrial use other than those listed under Section Rickreall 154.540(B) which would exceed the 40,000 square foot standard shall require a Comprehensive Plan Amendment as specified in Chapter 115 of the Zoning Ordinance.

154.525. INDUSTRIAL MILL SITES. A use sited on an abandoned or diminished industrial mill site that was engaged in the processing or manufacturing of wood products is not subject to the small-scale, low-impact building size limitation, provided that the use will be located only on the portion of the mill site that was zoned for industrial use on October 28, 1994.

154.530. STANDARD INDUSTRIAL CLASSIFICATIONS. Standard Industrial Classification (SIC) code numbers for most of the uses in this zone are shown in parentheses after the listed use. The SIC codes are a coding system used by the federal government to identify specific industries. Two-digit codes are used most often in the Zoning Ordinance to describe general categories of uses. In some instances, more specific three and four-digit codes are used. A copy of the SIC Manual is available for use at the Community Development Department and provides a more detailed description of the uses described in each general category.

154.540. PERMITTED USES. The following uses and their accessory buildings and uses are permitted. All uses under this Section are subject to the applicable standards as set forth in Chapter 112 (Development Standards) and other general provisions and exceptions set forth by this ordinance. No building, structure, or premises shall be used except for one or more of the following uses:

- (A) Commercial uses:
 - (1) Any use permitted under Rickreall UC-C, Section 153.540, when established using the guidelines of the Section 153.540 subsection the use is listed under.
- (B) Expansion of an existing industrial use which existed on December 5, 1994.
- (C) Industrial uses which are small-scale, low-impact:

- (1) Food and derivative products processing, including grain elevators, storage (20), and;
 - (2) Millwork, veneer, and wooden container manufacturing (243, 244).
- (C) Industrial uses which are small-scale, low-impact:
- (1) Leather and leather products manufacture (31);
 - (2) Special industry machinery manufacturing, such as sawmill equipment (355);
 - (3) Refrigeration and service industry machinery manufacturing (358);
 - (4) Metal stampings (346);
 - (5) Screw machine products, and bolts, nuts, screws, rivets and washers (345);
 - (6) Machine shop;
 - (7) Bulk fuel storage, provided all storage is underground.
- (D) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

Appendix 1

Rickreall Unincorporated Community Industrial Commercial Properties

Building Size Inventory

January 2001

#	Tax Lot	Map#	Acres	Dwelling Zone	Owner	Use	Building Size sq. ft.
1	5800	7.4.30C	2.15	IC	EOLA HILLS WINE CELLARS, INC	Industrial	9,000
2	5804	7.4.30C	2	IC	EOLA HILLS WINE CELLARS, INC	Warehouses / Storage	22,350 / 2,400

This table was created using Polk County Tax Assessors Tax Maps. Each tax lot should not be inferred to be a separate lawfully created lot or parcel. The deed to the subject property describes, in the legal description, how many lots or parcels comprise the subject property. The legal status of the lots or parcels described in a deed can be determined by evaluating the land-use applications made through the Polk County Planning Division and the deed history of the subject property.

154.710. PERMITTED USES. Within any GR/HL, Grand Ronde: Heavy Industrial Zone, no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for one or more of the following uses:

- A. Any industrial use permitted in subsection (B), Section 151.010; subsections (B) through (H), Section 161,010; and subsections (B) through (F), Section 162.010
- B. Utility facility, substation, transformer, gate station, pumping or lift station, telephone, radio, microwave, or television transmitter facilities of any kind, any storage facilities in conjunction with any of the above;
- C. Public works offices, yards, shops, bus barns, equipment and materials storage yards, and similar uses; and,
- D. Accessory Uses and Buildings.
- E. Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

154.720. PERMITTED USES, DEQ APPROVAL. The industrial uses permitted in Sections 151.030, 161.020 and 162.020 are allowed, subject to approval of the Department of Environmental Quality.

154.730. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- A. Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

154.740. CONDITIONAL USES.

- A. Dwelling, Single Family. Not more than one dwelling in conjunction with a permitted use, shall be all allowed on any parcel;
- B. Any industrial use provided in subsection (B) Section 151.050; subsections (B) through (I) Section 161.040; and, subsection (B) Section 162.040.
- C. Commercial utilities for the purpose of generating power for public use by sale; and,
- D. Towers, Chimneys, electronic communication antennas and steeples exceeding 70 feet.
- E. Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

- (5) Parking lot, garage (commercial) when developed as prescribed in Chapter 112 (7521);
 - (6) Restaurants (buildings not to exceed 4,000 square feet) (58);
 - (7) Tractor and heavy equipment sales and service (352);
 - (8) Wholesale trade (50, 51);
 - (9) Manufacturing of fabricated metal products (34);
 - (10) Building contractors (general, highway and street contractors, heavy construction contractors) (15, 16);
 - (11) Special trade construction contractors (17);
 - (12) Motor freight depot (421);
 - (13) Industrial and commercial machinery and computer manufacturing facilities (35);
 - (14) Blacksmith;
 - (15) Welding, welding shop; and
 - (16) Machine shop;
- (G) Transportation Improvements [Amended by Ordinance #01-01, dated November 14, 2001.]
- (H) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

155.050. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

155.060. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in the Eola UC-I Zone:

- (A) Industrial uses which require proximity to rural resources:
 - (1) Any use permitted under 154.060(B);
 - (2) Sand and gravel resource processing sites, excluding quarries (see Sections 120.410 through 120.460) (14); and
 - (3) Cement, clay, glass and stone products manufacturing facilities (32).
- (B) Industrial uses which are small-scale, low-impact:
 - (1) Any use permitted under 154.060(C);
 - (2) Heliport (458);
 - (3) Railroad equipment manufacture and repair (374);
 - (4) Auto wrecking yard, perimeter fenced and landscaped;

Appendix 1

Eola Unincorporated Community Industrial Properties Inventory

January, 2001

Number	Tax Map ID	Location	Uses	Size (acres)	Bldg. Size (sq. ft.)
1	7425B 101	5073 Highway 22-Eola	Manufacturing of fabricated metal products (34)	1.33	6,000
2	7425B 104	5073 Highway 22-Eola	Manufacturing of fabricated metal products (34)	2.25	4,000
3	7425B 106	50 th Avenue NW-Eola	Tractor and heavy equipment sales and service (352)	1.18	Outdoor storage
4	7425B 107	Highway 22-Eola	Vacant	0.08	Vacant
5	7425B 108	111 50 th Avenue NW-Eola	Tractor and heavy equipment sales and service (352)	0.97	18,976
6	7425B 109	111 50 th Avenue NW-Eola	Tractor and heavy equipment sales and service (352)	0.63	4,000
7	7425B 2101	5073 Highway 22-Eola	Manufacturing of fabricated metal products (34)	3.22	21,900
8	7425C 300	Highway 22-Eola	Vacant	0.20	Vacant
9	7425C 400	4800 Highway 22-Eola	Cement products manufacturing facilities (32)	1.07	App. 3,480 on commercial zoned portion
10	7425C 500	Highway 22-Eola	Cement products manufacturing facilities (32)	3.90	Outdoor storage
11	7425C 600	5032 Highway 22-Eola	Cement products manufacturing facilities (32)	4.56	App. 32,262
12	7425C 700	Highway 22-Eola	Cement products manufacturing facilities (32)	3.15	Outdoor storage
13	7425C 800	5082 Highway 22-Eola	Gasoline service station (55)	0.75	2,040
14	7425D 3500	Highway 22-Eola	Vacant	0.56	Vacant
15	7425D 3501	4282 Highway 22-Eola	Wholesale trade (50, 51)	0.80	5,440
16	7425D 3601	4582 Highway 22-Eola	Wholesale trade (50, 51)	1.00	14,520
17	7425D 3900	Highway 22-Eola	Vacant	0.30	Vacant
18	7425D 3901	4520 Highway 22-Eola	Special trade construction contractors (17)	1.56	3,350
19	7425D 4000	4520 Highway 22-Eola	Special trade construction contractors (17)	0.74	3,120

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155.510. PURPOSE AND INTENT. The purpose of the Rickreall Unincorporated Community Industrial (Rickreall UC-I) Zoning District is to implement the Comprehensive Plan policies related to industrial development by providing for industrial uses with limited off-site impacts such as noise, dust, or odor. This zone is applied to designated industrial lands within the unincorporated community of Rickreall.

Industrial activities in this zone generally consist of uses which complement agricultural and forest activities in the surrounding area, uses that require proximity to rural resources, or other uses which are small-scale and low impact.

155.520. SMALL-SCALE, LOW-IMPACT USES. Except as provided in Section 155.525, a small-scale, low impact uses listed under Section 155.540(F) or Section 155.560(B) or (C) shall be established in a building or buildings not to exceed 40,000 square feet of floor space. The floor area calculation does not include outdoor storage areas.

Except as provided in Section 155.525, the establishment of a new industrial use listed under Section 155.540(F), Section 155.560(B), or Section 155.560(C) or expansion of an industrial use other than those listed under Section 155.540(A) which would exceed the 40,000 square foot standard shall require a Comprehensive Plan Amendment as specified in Chapter 115 of the Zoning Ordinance.

155.525. INDUSTRIAL MILL SITES. A use sited on an abandoned or diminished industrial mill site that was engaged in the processing or manufacturing of wood products is not subject to the small-scale, low-impact building size limitation, provided that the use will be located only on the portion of the mill site that was zoned for industrial use on October 28, 1994.

155.530. STANDARD INDUSTRIAL CLASSIFICATIONS. Standard Industrial Classification (SIC) code numbers for most of the uses in this zone are shown in parentheses after the listed use. The SIC codes are a coding system used by the federal government to identify specific industries. Two-digit codes are used most often in the Zoning Ordinance to describe general categories of uses. In some instances, more specific three and four-digit codes are used. A copy of the SIC Manual is available for use at the Community Development Department and provides a more detailed description of the uses described in each general category.

155.540. PERMITTED USES. Within the Rickreall UC-I Zone, no building, structure, or premises shall be used, enlarged, or designed to be used, erected, structurally altered, or enlarged except for one or more the following uses:

- (A) Expansion of an existing industrial use which existed on December 5, 1994.
- (B) Dwelling for a caretaker or watchman for the premises only (88).
- (C) Ambulance service (8099).
- (D) Fire stations.
- (E) Industrial uses which require proximity to rural resources:
 - (1) Gardens, orchards, crop cultivation and timber raising and tree farm (01, 02);
 - (2) Greenhouses and outdoor plant nurseries (018, 526);
 - (3) Lumber and wood products processing, manufacturing and storage facilities (24);
 - (4) Food and kindred products manufacturing (20); and
 - (5) Millwork, veneer, and wooden container manufacturing (243, 244).
 - (6) Farm product warehousing and storage (4221);

- (G) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

155.550. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

155.560. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in the Rickreall UC-I Zone:

- (A) Industrial uses which require proximity to rural resources:
- (1) Any use permitted under 154.560(B);
 - (2) Mining and quarrying of nonmetallic minerals, except fuels (14);
 - (3) Sand and gravel resource processing sites, excluding quarries (see Sections 120.410 to 120.460) (144);
 - (4) Cement, clay, glass and stone products manufacturing facilities (32); and
 - (5) Livestock auctions and sales, including feed lots (0211).
- (B) Industrial uses which are small-scale, low-impact:
- (1) Any use permitted under 154.560(C);
 - (2) Kennels (boarding and raising of animals);
 - (3) Cottage Industry Home Occupations;
 - (4) Metals, primary, manufacturing facilities (33);
 - (5) Manufacturing of fabricated metal products (34);
 - (6) Machinery facilities;
 - (7) Railroad equipment manufacture and repair (374);
 - (8) Auto wrecking yard, perimeter fenced and landscaped;
 - (9) Paper and allied products manufacturing facilities (265)(267);
 - (10) Bulk fuel storage;
 - (11) Petroleum, petroleum products, and storage facilities (29);

Appendix 1
 Rickreall – Derry Unincorporated Community Industrial Properties
 Building Size Inventory
 January 2001

#	Tax Lot	Map#	Acres	Dwelling	Zone	Owner	Use	Building Size sq. ft.	Buildable
1	1000	7.4.30	1.44		IL	WEST HILLS MFG.	Vacant		X
5	802	7.4.31	9.91		IL	DEMBOWSKI AL	Dallas Coop Grain Storage Silos	432,000 Bushel Cap	
6	801	7.4.31	4		IL	SIEBER RAYMOND A	Dallas Equipment Repair	7,624	
7	1001	7.4.31	1		IL	WESTERN FARM SERVICES, INC	Seed Warehouse & Office	3,456 2,318	
8	1600	7.5.25	1.6		IL	BLESSING TONI JO	Vacant		X
9	1000	7.5.25D	0.82	1	IL	HINCHCLIFF CHARLES E & NORA E	1930 dwelling		
10	1100	7.5.25D	0.71		IL	HINCHCLIFF CHARLES E & NORA E	Red Mule Store	2,400	
11	300	7.5.25D	1	1	IL	PENNA EDWARD & REBECCA	1881 dwelling (Historic Registry)		
12	500	7.5.25D	1	1	IL	GOINS MARSHALL & MADISON D	1917 dwelling		
13	700	7.5.25D	0.87		IL	COUEY JOE E & LETA J	Vacant		X
14	800	7.5.25D	0.56	1	IL	COUEY LETA J	1945 dwelling		
15	900	7.5.25D	0.56	1	IL	COUEY LETA J	1920 dwelling		
16	100	7.5.25D	7.2		IL	HOFF GWENDOLYN CLAIRE ET AL	Burelbach Inds./Warehs./Manf./Shop	21,040 / 12,700 / 1,200	
17	200	7.5.25D	1		IL	POOLE JONATHAN W & MICHELLE	Industrial	1,728	
18	201	7.5.25D	3.01		IL	PEGG WYATT	Vacant		X
19	400	7.5.25D	2		IL	PEGG WYATT	Western Interlock	~9,000?	
20	600	7.5.25D	5.49		IL	JOIT KEN & JUDY ET AL	Rickreall Mimi Storage	40,248	
21	100	7.4.29C	0.82		IH	WILLAMETTE GRASS SEED, LLC	Warehouses	9,408 / 5,040	X
22	101	7.4.31	1.36		IH	MARX RONALD L ET AL	Seed cleaning operation	Part of building 9,505	X
23	200	7.4.29C	1.52		IH	AG WEST SUPPLY	Farm equipment parking		X
24	300	7.4.29C	1.56		IH	WILLAMETTE GRASS SEED, LLC	Machine shop / warehouses / office/ utility building	14,640 / 17,252 / 1,896	
25	500	7.4.29C	9.56		IH	POLK COUNTY FARMS CO-OP	Showroom / Warehouse / Machine shop / tanks/ office / storage	6,710 / 11,675 / 6,912 / 1,540 / 1,240 / 14,010	
26	600	7.4.29C	1.72		IH	MARX RONALD L ET AL	Seed Warehouses (4)	39,908	
27	400	7.4.29C	2.67		IH	S. PACIFIC / BURLINGHAM	Grain warehouse	5,520	

This table was created using Polk County Tax Assessors Tax Maps. Each tax lot should not be inferred to be a separate lawfully created lot or parcel. The deed to the subject property describes, in the legal description, how many lots or parcels comprise the subject property. The legal status of the lots or parcels described in a deed can be determined by evaluating the land-use applications made through the Polk County Planning Division and the deed history of the subject property.

160.010. USE. Within any IP, Industrial Park Zone, no building, structure, or premise shall be used, enlarged, or designed to be used, erected, structurally altered, or enlarged except for one or more of the following uses:

- (A) Any use permitted in subsection (B) of Section 151.010;
- (B) Other Uses:
 - (1) Dwelling for a caretaker or watchman for the premises only
 - (2) Gardens, orchards, crop cultivation and timber raising and tree farm
 - (3) Greenhouse
 - (4) Outdoor plant nursery
 - (5) Public utilities, as provided in Section 112.135. [Amended by Ordinance 01-3]
 - (6) Advertising sign for structure pertaining to the business or operation conducted on the premises
 - (7) Airport terminal facilities
 - (8) Ambulance service
 - (9) Business offices of the firm or operations
 - (10) Fire stations
 - (11) Metal working equipment and machinery manufacturing wholly within a building
 - (12) Parking lot, garage (commercial) when developed as prescribed in Chapter 112
 - (13) Restaurants
 - (14) Tractor and heavy equipment sales and service
 - (15) Truck stop facility
 - (16) Trade, vocational school
 - (17) Wholesale firms (not open to general public)
 - (18) Bank.
- (C) Transportation Improvements [Amended by Ordinance #01-01, dated November 14, 2001.]
- (D) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

160.020. DEPARTMENT OF ENVIRONMENTAL QUALITY AUTHORITY. The following uses are allowed, subject to approval from the Department of Environmental Quality:

- (A) Any uses provided in Section 151.030.

CHAPTER 161

LIGHT INDUSTRIAL (IL) ZONING DISTRICT

- 161.010. Use
- 161.020. Department of Environmental Quality Approval
- 161.030. Uses Subject to Administrative Review
- 161.040. Conditional Uses

or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

161.020. DEPARTMENT OF ENVIRONMENTAL QUALITY APPROVAL. The following uses are allowed, subject to approval from the Department of Environmental Quality:

- (A) Any use permitted under Section 160.020 of this ordinance.
- (B) Chemicals, fertilizers, insecticides, paint and allied products manufacturing facilities:
 - (1) Fertilizers
 - (2) Insecticides
- (C) Food, grain, feed and derivative products processing facilities:
 - (1) Gelatin
 - (2) Glue and size
 - (3) Rendering
- (D) Machinery manufacturing facilities:
 - (1) Service industry machines and equipment
- (E) Meat products processing and manufacturing facilities (slaughtering, canning, curing, smoking, preserving).
- (F) Metal working shops:
 - (1) Blacksmith
 - (2) Machine
 - (3) Welding
- (G) Paper and allied products manufacturing facilities:
 - (1) Building paper and building board
 - (2) Converted paper and paperboard
 - (3) Paperboard containers and boxes
- (H) Petroleum products and gasoline storage only, provided all storage is underground.
- (I) Transportation equipment manufacturing facilities:
 - (1) Motor vehicle brakes
- (J) Wood and lumber products (except furniture) processing, manufacturing and storage facilities:
 - (1) Sawdust and shavings fuel
 - (2) Millwork (doors, windows, pre-cutting structures)
 - (3) Prefabricated structural wood products
 - (4) Wooden containers

161.030. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

162.010. USE. Within any IH, Heavy Industrial Zone, no building, structure, or premises shall be used, enlarged or designed, to be used, erected, structurally altered or enlarged except for one or more of the following uses:

- (A) Any use permitted under Section 161.010.
- (B) Metals, primary, manufacturing facilities:
 - (1) Iron and steel
 - (2) Non-ferrous metals
 - (3) Primary smelting and refining of non-ferrous metals
 - (4) Secondary smelting and refining of non-metals and alloys
 - (5) Rolling, drawing and extruding of non-ferrous metals
- (C) Machinery manufacturing:
 - (1) Service industry machines and equipment
- (D) Transportation equipment manufacturing and repair facilities:
 - (1) Railroad equipment
- (E) Wood and lumber products facilities:
 - (1) Fuel dealers (wood, sawdust, shavings, etc.)
- (F) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

162.020. DEPARTMENT OF ENVIRONMENTAL QUALITY APPROVAL. The following uses are allowed, subject to approval from the Department of Environmental Quality:

- (A) Any use permitted under Section 161.020.
- (B) Food, grain, feed and derivative products processing facilities:
 - (1) Livestock auctions and sales, including feed lots
 - (2) Slaughterhouse
- (C) Machinery Manufacturing facilities:
 - (1) Construction and mining equipment
 - (2) Engines and turbines
 - (3) Farm machinery and equipment
 - (4) General industrial machinery and equipment
 - (5) Materials handling machinery and equipment
 - (6) Metal working equipment and machinery

- (1) Production, processing, assembling, packaging, storage, treatment of farm crops or forest products;
 - (2) Wineries, as defined in Section 110.595(C) (2084);
 - (3) Sawmills, lumber manufacturing, and processing of forest products (24);
- (D) Industrial uses which are small-scale, low-impact:
- (1) General, highway, heavy construction, and home construction contractors, where the buildings do not exceed 10,000 square feet of floor area (15, 16);
 - (2) Special trade contractors, including excavating, septic installers, concrete and electrical, where the buildings do not exceed 10,000 square feet of floor area (17);
 - (3) Farm and forest related machinery repair, truck and incidental automobile repair, welding and service part facilities where the buildings do not exceed 10,000 square feet of floor area.
- (E) Transportation Improvements [Amended by Ordinance #01-01, dated November 14, 2001.]
- (F) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

165.050. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

165.060. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in any R-IND Zone. These uses shall be established in a building or buildings not to exceed 10,000 square feet of floor space. The floor area calculation does not include outdoor storage areas.

- (A) Industrial uses which require proximity to rural resources:
 - (1) Manufacturing of stone, clay, glass, and concrete products (32);
 - (2) Manufacturing and processing of mineral and aggregate materials (14);
 - (3) Wholesale plant nurseries (5193);
 - (4) Processing facilities for farm or forest products (20, 24);
 - (5) Asphalt and concrete batch plants;
- (B) Industrial uses which are small-scale, low-impact:

- (3) All other accessory buildings shall maintain the same yard and setbacks as the main building.

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UNINCORPORATED COMMUNITY INDUSTRIAL PARK (UC-IP) ZONING DISTRICT

- 166.010. Purpose and Intent
- 166.020. Small-Scale, Low Impact Uses
- 166.025. Industrial Mill Sites
- 166.030. Standard Industrial Classifications
- 166.040. Permitted Uses
- 166.050. Uses Subject to Administrative Review
- 166.060. Conditional Uses

- (8) Restaurants (buildings not to exceed 4,000 square feet) (58);
- (9) Tractor and heavy equipment sales and service (352);
- (10) Wholesale trade (50, 51); and
- (11) Banks (buildings not to exceed 4,000 square feet) (60);
- (D) Transportation Improvements [Amended by Ordinance #01-01, dated November 14, 2001.]
- (E) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

166.050. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

166.060. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in any UC-IP Zone:

- (A) Industrial uses which require proximity to rural resources:
 - (1) Any use provided in Section 152.060(B);
 - (2) Sand and gravel resource processing sites, excluding quarries (see Sections 120.410 to 120.460) (144);
- (B) Industrial uses which are small-scale, low-impact:
 - (1) Any use provided in Section 152.060(C);
 - (2) Heliport;
 - (3) Airport terminal facilities (45);
 - (4) Parking lot, garage (commercial) when developed as prescribed in Chapter 112 (7521);
 - (5) Truck stop facility (423);
 - (6) Trade, vocational school (824);
- (C) Any other industrial use, where the buildings do not exceed 40,000 square feet of floor space provided that:
 - (1) The use is small in size and low impact; or
 - (2) The use is significantly dependent upon a specific resource located on agricultural or forest land; and

CHAPTER 167

**UNINCORPORATED COMMUNITY LIGHT INDUSTRIAL
(UC-IL) ZONING DISTRICT**

- 167.010. Purpose and Intent
- 167.020. Small-Scale, Low-Impact Uses
- 167.025. Industrial Mill Sites
- 167.030. Standard Industrial Classifications
- 167.040. Permitted Uses
- 167.050. Uses Subject to Administrative Review
- 167.060. Conditional Uses

systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

167.050. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

167.060. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in any UC-IL Zone:

- (A) Industrial uses which require proximity to rural resources:
 - (1) Any use permitted under Section 166.060(A);
 - (2) Food and kindred products manufacturing (20);
 - (3) Livestock auctions and sales, including feed lots (0211);
 - (4) Lumber and wood products processing, manufacturing and storage facilities (24);
- (B) Industrial uses which are small-scale, low-impact:
 - (1) Any use permitted under Section 166.060(B);
 - (2) Manufacturing of computer equipment (35);
 - (3) Manufacturing of fabricated metal products (34);
 - (4) Paper and allied products manufacturing facilities (26);
 - (5) Metals, primary, manufacturing facilities (33);
 - (6) Metal fabricated products manufacturing facilities (345, 346);
 - (7) Special industry machinery manufacturing facilities (355);
 - (8) Automotive repair, services, and parking (75);
 - (9) Auction house or market;
 - (10) Motor freight depot (421);
 - (11) Bulk fuel storage;
- (C) Any other industrial use, where the buildings do not exceed 40,000 square feet of floor space provided that:
 - (1) The use is small in size and low impact; or
 - (2) The use is significantly dependent upon a specific resource located on agricultural or forest land; and
 - (3) The use will not have adverse impacts on surrounding farm and forest activities; and

CHAPTER 168

**UNINCORPORATED COMMUNITY HEAVY INDUSTRIAL
(UC-IH) ZONING DISTRICT**

- 168.010. Use
- 168.020. Small-Scale, Low-Impact Uses
- 168.025. Industrial Mill Sites
- 168.030. Standard Industrial Classifications
- 168.040. Permitted Uses
- 168.050. Uses Subject to Administrative Review
- 168.060. Conditional Uses

utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

168.050. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

168.060. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in any UC-IH Zone:

- (A) Industrial uses which require proximity to rural resources:
 - (1) Any use permitted under Section 167.060(A);
- (B) Industrial uses which are small-scale, low-impact:
 - (1) Any use permitted under Section 166.060(B);
 - (2) Manufacturing of industrial and commercial machinery (35);
 - (3) Manufacturing of transportation equipment (37);
- (C) Any other industrial use, where the buildings do not exceed 40,000 square feet of floor space provided that:
 - (1) The use is small in size and low impact; or
 - (2) The use is significantly dependent upon a specific resource located on agricultural or forest land; and
 - (3) The use will not have adverse impacts on surrounding farm and forest activities; and
 - (4) The new use will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or if such services are not available to the site, the capacity of the site itself to provide adequate water and absorb waste water.
- (D) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

CHAPTER 170

PUBLIC ZONES

- 170.005. Transportation Improvements
- 170.010. PA, Public Amusement and Recreation Zone, Use
- 170.020. PC, Public and Private Cemeteries Zone, Use
- 170.030. PE, Public and Private Educational Facilities Zone, Use
- 170.040. PH, Public and Private Hospitals, Use
- 170.050. PP, Public Park Zone, Use
- 170.060. PS, Public Service Zone, Use
- 170.062. Uses Subject to Administrative Review
- 170.065. Conditional Uses
- 170.070. Abandoning Use: Transfer of Ownership
- 170.080. Changing Use

utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

[Amended by Ordinance 91-15, dated July 24, 1991.] [Amended by Ordinance 96-3, dated June 5, 1996. (P)] [Amended by Ordinance 02-02, dated July 3, 2002 (Q)]

170.020. PC, PUBLIC AND PRIVATE CEMETERIES ZONE. USE. Within any PC, Public and Private Cemeteries Zone, no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for one or more following uses:

- (A) Cemetery
- (B) Dwelling for the caretaker or watchman
- (C) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

When authorized under the procedure provided for conditional uses crematoriums and mausoleums shall be permitted in a PC, Public and Private Cemeteries, Zone.

170.030. PE, PUBLIC AND PRIVATE EDUCATIONAL FACILITIES ZONE. USE. Within any PE, Public and Private Educational Facilities Zone, no building, structure, or premises shall be used, arranged, or designed to be used, erected, structurally altered or enlarged except for one or more of the following uses:

- (A) School
- (B) Educational institution
- (C) School or institution for the handicapped, provided it is non-residential
- (D) Dwelling for the caretaker or watchman or housing for staff
- (E) Dwelling, mobile home, or dormitory for students and/or faculty
- (F) Eating places and / or drinking places where alcoholic beverages may or may not be served, accessory to a permitted non-residential use identified in this section, subject to:
 - (1) The commercial use within an unincorporated community shall be an area within a building or buildings not to exceed 4,000 square feet of floor space. The floor area calculation does not include outdoor storage areas. Expansion

building size limitation shall require a Comprehensive Plan Amendment as specified in Chapter 115 of the Zoning Ordinance.

- (2) The commercial use outside an urban growth boundary and outside an unincorporated community shall use an area in a building or buildings less than 3,950 square feet (the floor area calculation does not include outdoor storage areas), and
 - (a) Expansion beyond the building size limitation shall require a Comprehensive Plan Amendment in the form of an exception to Statewide Planning Goal 14 as provided in the Zoning Ordinance and pursuant to ORS 197.732, and
 - (b) Expansion beyond the building size limitation shall show that the use will not have adverse impacts on surrounding farm and forest activities or exceed the capacity of the site itself to provide adequate water and absorb wastewater.
- (J) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

[Amended by Ordinance 02-02, dated July 3, 2002 (I)]

170.050. PP, PUBLIC PARK ZONE. USE. Within any PP, Public Park Zone, no building, structure, or premises shall be used arranged, or designed to be used, erected, structurally altered, or enlarged except for one or more of the following uses:

- (A) Public park (non-commercial)
- (B) Public playground (non-commercial)
- (C) Parkway
- (D) Municipal Golf Course
- (E) Dwelling for the caretaker or watchman
- (F) Eating places and / or drinking places where alcoholic beverages may or may not be served, accessory to a permitted non-residential use identified in this section, subject to:
 - (1) The commercial use within an unincorporated community shall be an area within a building or buildings not to exceed 4,000 square feet of floor space. The floor area calculation does not include outdoor storage areas. Expansion beyond the building size limitation shall require a Comprehensive Plan Amendment as specified in Chapter 115 of the Zoning Ordinance.
 - (2) The commercial use outside an urban growth boundary and outside an unincorporated community shall use an area in a building or buildings less than 3,950 square feet (the floor area calculation does not include outdoor storage areas), and

170.065. CONDITIONAL USES.

- (A) Commercial utilities for the purpose of generating power for public use by sale, including but not limited to turbine, thermonuclear, geothermal, hydro-electric installations and transformer stations, electric transmission lines and substations owned by the utility.
- (B) Public or private solid waste disposal site, solid waste transfer facility, sanitary land fill (see Chapter 120.300).
- (C) Television, microwave, radio, and communication towers and facilities, as provided in Section 112.135. [Amended by Ordinance 01-3]
- (D) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

170.070. ABANDONING USE: TRANSFER OF OWNERSHIP. Whenever the existing use of any Public Zone, or a part of any such zone, is abandoned or the property transferred to private ownership for different use, the Planning Commission shall recommend to the Board of Commissioners appropriate rezoning for any such area. [Amended by Ordinance #96-3, dated June 5, 1996.]

170.080. CHANGING USE. Any area shown on the official zoning map as a park, playground, cemetery, ball park, fairgrounds, airport, school or other public or semi-public area, shall not be used for any other purpose than that for which such area is used at the effective date of the Polk County Zoning Ordinance, and whenever the use of such an area is discontinued or proposed to be changed, the Planning Commission shall recommend to the Board of Commissioners appropriate rezoning for any such area. [Amended by Ordinance #89-17, dated December 6, 1989.]

175.010. PURPOSE. The purpose and intent of the ME, Mineral Extraction Zone, is to identify natural mineral deposits, to provide for the extraction of these minerals, to insure the compatibility of the mining operations with adjoining uses, and to insure an adequate use and re-use of these lands.

175.020. USES. No building or structure or land shall be used, and no building or structure shall be erected, structurally altered, enlarged, or maintained, except for the following uses:

- (A) Extraction and processing of natural mineral deposits;
- (B) Timber raising and harvest;
- (C) Farm use;
- (D) Dwellings and accessory structures necessary to carry out the above activities;
- (E) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

175.030. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

175.040. CONDITIONAL USES. The following uses may be approved, subject to compliance with the procedures and criteria under Chapter 119, applicable state and federal regulations, and other specific criteria as may be indicated:

- (A) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

175.050. STANDARDS. Within any ME Zone, the following minimum standards apply to the location of processing facilities and the mining operation;

- (A) The minimum set forth in Section 120.420 of this ordinance.
- (B) All processing facilities shall be set back at least 100 feet from any public road or zone boundary;
- (C) A plan for the re-use of the property shall be submitted to and approved by the Hearings Officer. This plan shall meet the standards of Section 120.445 of this Ordinance.

177.010. PURPOSE. The Timber Conservation (TC) Zoning District is intended to:

- (A) Conserve, protect, and encourage the management of forest lands for continued timber production, harvesting and related uses;
- (B) Conserve and protect watersheds, soil, fish and wildlife habitats and other such uses associated with forests;
- (C) Provide for orderly development through planned development of both public and private recreational uses as appropriate and not in conflict with the primary intent of the zone for timber management;
- (D) Recognize that the forest lands within the County are necessary for the continuous production of renewable natural resources in the form of forest crops and as such, are beneficial to the economy of the County and to the welfare of its people;
- (E) Provide a compatible zone for those areas inventoried and designated as Forest Lands in the Polk County Comprehensive Plan; and
- (F) Implement the Goals and Policies of the Polk County Comprehensive Plan.

177.020. DEFINITIONS. For the purposes of this Chapter, the following definitions shall apply:

- (A) *Auxiliary.* As used in Section 177.030, "auxiliary" means 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) Definitions contained in ORS 197.015 and the Statewide Planning Goals.
- (C) *Cubic Foot Per Acre Per Year* means the average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the Natural Resource Conservation Service (NRCS). Where NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- (D) *Cubic Foot Per Tract Per Year* means the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Natural Resource Conservation Service (NRCS). Where NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- (E) *Date of Creation and Existence.* When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.
- (F) *Forest Operation* means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- (G) *Relative* means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin. [ORS 215.283(1)(e)(A)]
- (H) *Tract* means one or more contiguous lots or parcels in the same ownership.

TRANSPORTATION	AUTHORIZATION
Aids to Navigation and Aviation	CUP
Temporary Asphalt and Concrete Batch Plants	CUP
Expansion of Existing Airport	CUP
Transportation improvements on rural lands allowed by OAR 660-012-0065	CUP
Widening of Roads Within Existing Right-of-way	P
UTILITIES AND SOLID WASTE DISPOSAL FACILITIES	AUTHORIZATION
Power Generating Facilities	CUP
Communication Towers and Facilities	CUP
Drinking Water Facilities (Intake, Treatment, pumping stations, etc.)	CUP
Reservoirs and Water Impoundments	CUP
Solid Waste Disposal Site under ORS 459.049.	P
Solid Waste Disposal Site under ORS 459.245.	CUP
Local Distribution Lines (e.g. electric, telephone, natural gas) and accessory equipment	P
New Electric Transmission Lines with right of way widths of up to 100 feet as specified in ORS 772.210	CUP
New Distribution Lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) in Right-of-way 50 feet or less in width	CUP
Non-commercial wind energy systems, meteorological towers and photovoltaic systems	P
Non-commercial wind energy systems and meteorological towers that need a height or type of construction modification	AR
Non-commercial wind energy systems and meteorological towers in a UGB	CUP
PARKS/PUBLIC/QUASI-PUBLIC FACILITIES	AUTHORIZATION
Private Parks and Campgrounds	CUP
Public Parks including only those uses specified under OAR 660-034-0035	CUP
Rural Fire Protection District Stations	CUP
Firearms Training Facility	CUP
Cemeteries	CUP
Hunting/Fishing Operations w/o Accommodations	P
Hunting/Fishing Operations with Accommodations	CUP
Structures Accessory to Fish and Wildlife Enhancement	P
Youth Camp	CUP

177.030. USES PERMITTED BY RIGHT. No building, structure, or premise shall be used, arranged, or designed to be used, erected, structurally altered or enlarged, except for one or more of the following uses.

- (A) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.
- (B) Farm use, as defined in ORS 215.203.
- (C) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.

- (D) 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.
- (E) Uses and activities to conserve soil, air, and water quality and to provide for and manage wildlife and fisheries resources, including, but not limited to creation, restoration, and enhancement of wetlands, fisheries, and wildlife habitat.
- (F) Additional local distribution lines within existing public rights-of-way (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), and which provide service hookups, including water service hookups.
- (G) Temporary portable facility for the primary processing of forest products. The facility shall be removed at the conclusion of the forest operation requiring its use.
- (H) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head as defined in ORS Chapters 517 and 520.
- (I) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
- (J) Towers and fire stations for forest fire protection.
- (K) Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- (L) Disposal site for solid waste that has been ordered established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation. Such site designation shall require owner consent.
- (M) Temporary forest labor camps, without any permanent structures, limited to the duration of the forest operation requiring the use.
- (N) Uninhabitable structures accessory to fish and wildlife enhancement.
- (O) Private fee hunting or fee fishing operations without any accommodations.
- (P) Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway projects as described in ORS 215.213(1)(m) through (p) and ORS 215.283(1)(k) through (n).
- (Q) Destination resorts pursuant to ORS 197.435 to 197.465 and upon compliance with Statewide Planning Goal 8.
- (R) Caretaker residence for a public park or public fish hatchery.
- (S) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

177.035. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations. All authorized dwellings and permanent structures shall meet the standards listed in Sections 177.070 (Dwelling

- (1) The home occupation is operated by a resident of the property on which the business is located;
 - (2) No more than five full or part-time persons are employed by the business;
 - (3) The business is conducted within the dwelling or other buildings normally associated with the uses permitted in the zone in which the property is located;
 - (4) The business will not interfere with existing uses on nearby land or with other permitted uses.
- (B) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under 177.030 (H) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
- (C) Permanent facility for the primary processing of forest products.
- (D) Permanent logging equipment repair and storage.
- (E) Log scaling and weigh stations.
- (F) Disposal site for solid waste approved by the governing body of a city or county or both and for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation. Such site designation shall require owner consent.
- (G) Private Parks and campgrounds. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three (3) miles of an urban growth boundary unless an exception to Statewide Planning Goal 4 is approved, pursuant to ORS 197.732 and OAR Chapter 660, Division 4. For the purpose of this title, 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 that 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 designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. A camping site may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Separate sewer, water, or electric service hookups shall not be provided to individual campsites, except that electrical service may be provided to yurts allowed by this subsection. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Campgrounds authorized by this title 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 six (6) month period.)
- Note: As used in this Section, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up, or internal cooking appliance.
- (H) Public parks including only those uses specified under OAR 660-034-0035, or OAR 660-034-0040, whichever is applicable.
- (I) Television, microwave and radio communication facilities and transmission towers, as provided in Section 112.135.
- (J) Fire stations for rural fire protection.
- (K) Power generating facilities. (Note: An exception to the statewide Forest Lands Planning Goal is required where development of the power generating facility removes more than 10 acres from use as a commercial forest operation.)
- (L) Aids to navigation and aviation.

- (16) Expansions or alterations of public use airports that do not permit service to a larger class of airplanes; and
 - (17) Transportation facilities, services and improvements other than those listed in this section that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the acknowledged comprehensive plan or to provide adequate emergency access.
- (V) Private accommodations for fishing occupied on a temporary basis, subject to 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.
- (W) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- (X) Youth camp. A youth camp may be established pursuant to the standards and limitations in OAR 660-006-0031. [Amended by Ordinance #01-10, dated November 14, 2001
- (Y) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

177.050. GENERAL REVIEW STANDARDS [OAR 660-006-0025(5)]. The Planning Director or Hearings Officer shall determine that a use authorized by Section 177.035 (B) and Section 170.040 meet the following requirements:

- (A) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
- (B) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;
- (C) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in Subsections 177.035(B) and 177.040(A), (G), (N), and (V).
- (D) All other requirements contained in the Comprehensive Plan or implementing ordinances, including but not limited to regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian or big game habitat.

177.060. LAND DIVISION REQUIREMENTS. In the TC Zoning District, the following standards shall apply:

- (A) The minimum lot size is 80 acres; or
- (B) Land divisions creating parcels less than 80 acres in size may only be approved for uses listed in Sections 177.030 (H), (L), and (Q) and 177.040 (B) through (P), provided that those uses have been approved pursuant to Section 177.050 of this Ordinance. Such divisions shall create a parcel that is the minimum size necessary for the use. Required building setbacks for these parcels will be determined on a case-by-case basis through the conditional

- (E) A partition plat shall be filed within two years from the effective date of preliminary approval for each parcel (Note: One year extensions may be requested prior to expiration of the approval).

177.070. STANDARDS FOR DWELLINGS. Dwellings are authorized in the Timber Conservation Zoning District, subject to the siting requirements under Section 177.080 and 177.090 of the Ordinance, and the following criteria:

- (A) Small Tract, Lot-of-Record Dwelling [OAR 660-06-027 (1) (a), (f), and (g)]. A dwelling may be authorized on a lot-of-record. To qualify as a lot-of-record, the parcel must meet the following criteria:

- (1) The parcel was lawfully created and was acquired and owned continuously by the present owner since prior to January 1, 1985. The owner may also qualify if the property was inherited by devise or intestate secession from a person that acquired and had owned continuously the lawfully created parcel since prior to January 1, 1985.
- (2) Based on soil types, the tract is not capable of annually producing 5,000 cu. ft. of commercial tree species, as recognized under rules adopted under ORS 527.715 for commercial production.
- (3) The tract is currently vacant;
- (4) If the lot or parcel on which the dwelling will be sited was part of a tract existing on November 4, 1993 no dwelling exists on another lot or parcel that was part of that tract;
- (5) The tract is located within 1,500 feet of a public road, as defined by ORS 368.001, that provides or will provide access to the subject tract.

(Note: The road shall be maintained and either paved or surfaced with rock. The road shall not be a Bureau of Land Management road. The road shall not be a U.S. 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 U.S. Forest Service and landowners adjacent to the road, Polk County, or a state agency.);

- (6) The dwelling complies with limitations on density imposed by the Deer and Elk Winter Range; and
- (7) Where the dwelling is sited on a portion of a tract, the remaining portions under common ownership are consolidated into a single unit of land.
- (8) Authorization to establish a single-family dwelling under the provisions of this subsection may be transferred by a person who has qualified under this subsection to any other person after the effective date of the decision.
- (9) Parcels 10 acres or less in size shall not be required to submit a stocking report prior to receiving a permit for the dwelling as authorized by this subsection.

Note: As used in this subsection, "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, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or a business entity owned by any one or a combination of these family members:

- (B) Large Tract Forest Land Dwelling [OAR 660-006-0027(1)(c) and (6)]. A dwelling may be authorized on a tract that meets the following criteria:

- (1) The tract is at least 160 acres in size; or,
- (2) The tract is part of one ownership, at least 200 acres in size, that may be composed of separate vacant tracts of designated forest land in Polk County or its adjacent counties. A deed restriction shall be filed for all tracts that are used to meet the acreage requirements of this subsection, pursuant to the following provisions:

long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible.); and

- (ii) At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (3) The tract contains no dwellings on other lots or parcels that make up the tract.
 - (4) The tract is not subject to deed restrictions established under OAR 660-06-027 (6) and Section 177.070 (B)(2) of this Ordinance.
 - (5) Parcels 10 acres or less in size shall not be required to submit a stocking report prior to receiving a permit for the dwelling as authorized by this subsection.
 - (6) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsections 177.070(C).
- (D) Large Tract "Template" Dwelling [OAR 660-006-0027(2)]. A dwelling may be authorized on a tract that meets the following criteria:
- (1) The tract is 60 acres or larger in size;
 - (2) The tract meets one of the following:
 - (a) The tract is composed of soils that are capable of annually producing more than 85 cu. ft. per acre of wood fiber if:
 - (i) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract. However, if the tract abuts a road or perennial stream, the measurement shall be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road or stream to the maximum extent possible; and
 - (ii) At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; or
 - (b) The tract is composed of soils that are capable of annually producing 50 to 85 cu. ft. per acre of wood fiber if:
 - (i) All or part of at least seven (7) other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract. However, if the tract abuts a road or perennial stream, the measurement shall be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road or stream to the maximum extent possible; and
 - (ii) At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; or
 - (c) The tract is composed of soils that are capable of annually producing 0 to 49 cu. ft. per acre of wood fiber if:
 - (i) All or part of at least three (3) other lots or parcels that existed on January 1, 1993, are within a 160 acre centered on the center of the subject tract. However, if the tract abuts a road or perennial stream, the measurement shall be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road or stream to the maximum extent possible; and
 - (ii) At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; and,
 - (3) If the tract is situated such that the road or stream crosses the tract, at least one (1) of the three (3) required dwellings shall be on the same side of the road or stream as the proposed dwelling, and within the 160-acre rectangle or within 1/4 mile from the edge

the time required by the Department of Forestry Rules. The Assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking survey or where the survey report indicates that minimum stocking requirements have not been met.

- (4) Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department determines that the tract does not meet those requirements, the department shall notify the owner and the Assessor that the land is not being managed as forest land. The Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372.

177.090. FIRE SITING STANDARDS FOR DWELLINGS AND STRUCTURES [OAR 660-06-035]. The following fire siting standards shall apply to all new dwellings or permanent structures:

- (A) If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- (B) Road access to the structure shall meet the County road design standards.
- (C) A primary fuel break shall be constructed on land surrounding the dwelling that is owned and controlled by the owner, no less than 30 feet wide. The primary fuel break 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 also be removed.
- (D) A secondary fuel break shall also be constructed, on land surrounding the dwelling that is owned or controlled by the owner, of not less than 50 feet outside the primary fuel break. Dead fuels shall be removed from the fuel break area. It may be advisable to increase the secondary fuel break if the dwelling is located on a slope.
- (E) No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- (F) 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, in a contrasting or visible color and shall comply with all other applicable standards for signs.
- (G) The dwelling shall meet the following requirements:
 - (1) The dwelling has a fire retardant roof.
 - (2) The dwelling will not be sited on a slope of greater than 40 percent.
 - (3) Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class F stream as designated by the State Board of Forestry.
 - (4) The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.
 - (5) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.
 - (6) If the dwelling has a chimney or chimneys, each chimney has a spark arrester.
- (H) If meeting the requirements of Section 177.090 (G) would be impracticable, alternative means for protecting the dwelling from fire hazards may be considered. The means selected

request for an extension prior to the expiration of the approval period. An extension of the validity period shall be approved for two additional years. Approval of an extension granted under this section is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision. A land use decision granted herein does not vest (guarantee) the right of the property owner to use the property as authorized in the land use decision in perpetuity. The property owner is responsible for completing required conditions and establishing and continuing the use in order to retain a vested right. The property owner is advised to consult with an attorney to determine the appropriate actions necessary to obtain and retain rights of use authorized by a land use decision.

177.220. PERIOD OF VALIDITY FOR NON-RESIDENTIAL DISCRETIONARY USES.

(A) A discretionary decision, except for a land division, shall be valid for two (2) years from the effective date of the land use decision. An extension of the validity period shall extend the validity period for one (1) additional year, if:

- (1) The applicant makes a written request for an extension of the development approval validity period;
- (2) The written request is submitted to the Polk County Planning Division, on the form provided by the Planning Division, prior to the expiration of the approval period;
- (3) The applicant states the reasons that prevented the applicant from beginning or continuing development with the approval period;
- (4) The applicant states the reasons that prevented the applicant from beginning or continuing development during the approval period for reasons for which the applicant was not responsible.

(B) The Planning Director may authorize additional one-year extensions where the applicable criteria for the decision have not changed. Approval of an extension granted under this section is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision. [OAR 660-033-0140(1-4)]

185.010. PERMITTED USES. Within any GR/PA, Grand Ronde: Public Assembly Zone, no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for one or more of the following uses:

- A. Any use providing for the public or private assembly of persons for religious, charitable, philanthropic, cultural, recreational, or educational purposes, including churches, youth centers, and social halls;
- B. Medical and Dental Clinics;
- C. Clubs or fraternal lodges;
- D. Cemetery;
- E. School, Elementary, Junior High or High;
- F. Kindergartens and Day-Nursery;
- G. Government Offices and Auditoriums;
- H. Public Parks and Playgrounds (non-commercial);
- I. Accessory Uses and Buildings;
- J. Transportation Improvements; [Amended by Ordinance #01-01, dated November 14, 2001.]
- K. Communications tower under 70 feet in height, as provided in Section 112.135; and [Amended by Ordinance 04-09]
- L. Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138.

185.020. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- A. Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137.

185.030. CONDITIONAL USES.

- A. Dwelling, Single Family. Not more than one dwelling in conjunction with a permitted use, shall be all allowed on any parcel. Dwellings shall conform to the provisions of dwellings located in a GR/LDR, Grand Ronde: Low Density Residential Zone [Chapter 130].
- B. Towers, Chimneys and steeples exceeding 70 feet;

CHAPTER 186

GR/PW, GRAND RONDE: PUBLIC WORKS/SAFETY ZONE

- 186.010. Permitted Uses
- 186.020. Uses Subject to Administrative Review
- 186.030. Conditional Uses
- 186.040. General Development Standards
- 186.050. Future Right-of-Way Lines
- 186.060. Off-Street Parking and Loading
- 186.070. Fences
- 186.080. Lot Area, Yard and Height Restrictions
- 186.090. Abandoning Use

- E. Communications tower over 70 feet in height, as provided in Section 112.135; and
[Amended by Ordinance 04-09]
- F. Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137.

186.040. GENERAL DEVELOPMENT STANDARDS. The general development standards in Sections 112.010 through 112.120 and 112.140 through 112.170 shall apply.

186.050. FUTURE RIGHT-OF-WAY LINES. Sections 112.180 through shall apply.

186.060. OFF-STREET PARKING AND LOADING. The off-street parking and loading requirements found in Sections 112.210 through 112.270 shall apply.

186.070. FENCES. Fences shall conform to the requirements found in Sections 112.350 through 112.370.

186.080. LOT AREA, YARD, AND HEIGHT RESTRICTIONS. The lot area, front yard, side yard, rear yard, and height requirements found in Section 112.420 shall apply. In addition the minimum setback for all signs shall be five (5) feet.

186.090. ABANDONING USE. Whenever the existing use of any Public Works/Safety Zone, or a part of any such zone, is abandoned or the property transferred for a use not permitted or conditionally permitted, the Planning Commission shall recommend to the Board of Commissioners appropriate rezoning for any such area.

Polk County Community Development

Polk County Courthouse
850 Main Street
Dallas, Oregon 97338



TO:

Attn: Plan Amendment Specialist
Dept. of Land Conservation and
Development
635 Capitol St NE, Suite 150
Salem, OR 97301-2540