



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

12/08/2010

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 005-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: Thursday, December 23, 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.

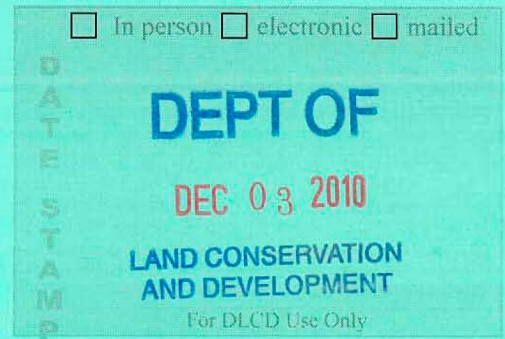
\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jerry Sorte, Polk County  
Jon Jinings, DLCD Community Services Specialist  
Katherine Daniels, DLCD Farm/Forest Specialist

<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 10-01**

Date of Adoption: **12/1/2010**

Date Mailed: **12/2/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/4/2010

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".

**Ordinance 10-10 updates Polk County Zoning Ordinance (PCZO) Chapters 136 and 138 to be consistent with the changes to ORS 215.283 resulting from passage of HB 3099 (2009).**

Does the Adoption differ from proposal? No, no explanation is necessary

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

to:

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

to:

Location: **N/A**

Acres Involved:

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

New: **N/A**

Applicable statewide planning goals:

- |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
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| <b>1</b>                 | <b>2</b>                 | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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**

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## **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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**BEFORE THE BOARD OF COMMISSIONERS FOR  
POLK COUNTY, OREGON**

In the matter of updating Polk County )  
Zoning Ordinance Chapters 136 and )  
138 to be consistent with changes to state )  
law. )

**ORDINANCE NO. 10-10**

**WHEREAS**, the passage of HB 3099 (2009) amended ORS 215, and had the effect of changing some of the permitted uses in Polk County Zoning Ordinance Chapter 136, the Exclusive Farm Use (EFU) Zoning District, and Polk County Zoning Ordinance Chapter 138, the Farm Forest (FF) Zoning District; and

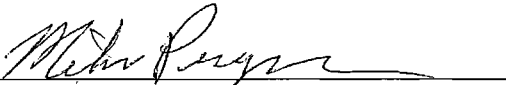
**WHEREAS**, Section 16 of HB 3099 (2009) specified provisions for counties to update their zoning ordinances to reflect the changes to state law without holding a public hearing or adopting findings, allowing these updates to be adopted without going through Polk County's legislative amendment process; now therefore,

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

- Sec. 1. That Polk County amends Polk County Zoning Ordinance Chapter 136; the Exclusive Farm Use (EFU) Zoning District, as shown on Exhibit A.
- Sec. 2. That Polk County amends the Polk County Zoning Ordinance Chapter 138; the Farm Forest (FF) Zoning District, as shown on Exhibit B.
- Sec. 3. That Polk County determines that an emergency related to the economic welfare of the citizens of Polk County is declared and this ordinance is effective immediately upon passage.

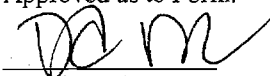
Dated this 1<sup>st</sup> day of December 2010 at Dallas, Oregon.

**POLK COUNTY BOARD OF COMMISSIONERS**

  
Mike Propes, Chair

  
Tom Ritchey, Commissioner

  
Ron Dodge, Commissioner

Approved as to Form:  
  
David Doyle  
County Counsel

First Reading: 12-1-10

Second Reading: 12-1-10

Recording Secretary: Jennifer Wheeler  
417600

**Amendments to Polk County Zoning Ordinance Chapter 136;  
Exclusive Farm Use (EFU) Zoning District**

Additions are double underlined

Deletions are in ~~strikethrough~~

**(136.020. AUTHORIZED USES AND DEVELOPMENT.)**

<b>RESOURCE USES</b>	<b>HV</b>	<b>OTHER</b>	<b>PCZO</b>
Wildlife Habitat Conservation and Management Plan	P	P	030( <del>KL</del> )

<b>COMMERCIAL</b>	<b>HV</b>	<b>OTHER</b>	<b>PCZO</b>
<del>Breeding, Kenneling, and Training of Greyhounds for Racing</del>	NP	P	030( <del>K</del> )
On-site Filming and Accessory Activities for 45 days or less	P	P	030( <u>ML</u> )

<b>UTILITIES &amp; SOLID WASTE DISPOSAL FACILITIES</b>	<b>HV</b>	<b>OTHER</b>	<b>PCZO</b>
Solid Waste Disposal Site under ORS 459.049	NP	AR	040( <del>V</del> )
Fire service facilities providing rural fire protection services	P	P	030( <u>AM</u> )
Irrigation canals, delivery lines and those structures and accessory operation facilities associated with a district as defined in ORS 540.505	P	P	030( <u>ON</u> )
Utility facility service lines	P	P	030( <del>PO</del> )
Non-commercial wind energy systems, meteorological towers and photovoltaic systems	P	P	030( <u>OP</u> )

<b>PARKS/PUBLIC/QUASI-PUBLIC FACILITIES</b>	<b>HV</b>	<b>OTHER</b>	<b>PCZO</b>
Schools, public or private ( <u>K-12</u> ) that serve the residents of the rural area	NP	<u>CUPAR</u>	05040( <del>X</del> <u>EE</u> )
Churches and Associated Cemeteries	NP	AR	040( <del>YW</del> )
Model Aircraft Takeoff and Landing Sites	AR	AR	040( <u>WV</u> )
Firearms training facility as provided in ORS 197.770	AR	AR	040( <u>ZX</u> )

**(136.030. USES PERMITTED BY RIGHT.)**

~~(K) Breeding, Kenneling, and Training of Greyhounds for Racing~~

~~(L)~~(K) Wildlife Habitat Conservation and Management Plan pursuant to ORS 215.800 to 215.808.

~~(M)~~(L) On-site Filming and Activities Accessory to On-site Filming, for 45 days or less as provided for in ORS 215.306.

~~(N)~~(M) Fire service facilities providing rural fire protection services.

~~(O)~~(N) Irrigation canals, delivery lines and those structures and accessory operation facilities associated with a district as defined in ORS 540.505.

~~(P)~~(O) 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)~~(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.

[Amended by Ordinance 09-06]

**(136.040. USES SUBJECT TO ADMINISTRATIVE REVIEW.)**

(I) Replacement Dwelling [ORS 215.283 (1)(p) 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)(e)]. 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.
- ~~(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.)~~
- (V-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 facilities 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. An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities.
- 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.)~~
- (WY) Churches and Associated Cemeteries [ORS 215.283(1)(bq)]. (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.)
- ~~(XZ) Firearms training facility as provided in ORS 197.770.~~

(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 determined not to be high-value farmland, as defined in ORS 195.300 ~~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.

(EE) Schools [ORS 215.283(2)(aa)]. New schools and the expansion of existing schools are subject to Section 136.060 and the following standards:

- (1) New public or private schools, including all buildings essential to the operation of a school, shall be for kindergarten through grade 12 and primarily for residents of the rural area in which the school is located. New schools under this section are not authorized on high-value farm land.



- (2) Existing schools that were lawfully established prior to January 1, 2009, do not comply with the standards listed in subsection (1) of this section, and that were formerly allowed pursuant to ORS 215.213(1)(a) or ORS 215.283(1)(a) as in effect before January 1, 2010, are non-conforming uses and subject to the standards of Chapter 114. Such schools may be expanded under the standards listed in Chapter 114 and OAR 660-033-0130(18)(b) and (c).
- (3) Existing schools, not including those listed in subsection (2) of this section, may be expanded on the same tract, subject to other requirements of law.

**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), and ~~(EE)~~ 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.

## EXHIBIT B

## Amendments to Polk County Zoning Ordinance Chapter 138;

## Farm/Forest (FF) Zoning District

Additions are double underlinedDeletions are in ~~strikethrough~~

## (138.030 AUTHORIZED USES AND DEVELOPMENT)

COMMERCIAL	AUTHORIZATION	PCZO
Breeding, Kenneling, and Training of Greyhounds for Racing**	P	040( <u>M</u> )

MINERAL AND AGGREGATE OPERATIONS	AUTHORIZATION	PCZO
Exploration and Production of Geothermal, gas, oil, and other associated hydrocarbons, (ORS 517.750)	P	040( <u>MN</u> )
Exploration for Mineral and Aggregate as defined by ORS 517.750	P	040( <u>NE</u> )

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( <u>OP</u> )
Climbing and Passing Lanes within Right-of Way existing on July 1, 1987.	P	040( <u>PQ</u> )
Temporary Public Road Detours	P	040( <u>RQ</u> )
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( <u>RS</u> )
Widening of Roads within existing right-of-way	P	040( <u>ST</u> )

UTILITIES AND SOLID WASTE DISPOSAL FACILITIES	AUTHORIZATION	PCZO
Utility Facility Service Lines	P	040( <u>TU</u> )
<del>Mandated Solid Waste Disposal Site under ORS 459.049</del>	P	040( <u>V</u> )
Non-Commercial Wind Energy Systems, Meteorological Towers and Photovoltaic Systems	P	040( <u>UW</u> )

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES	AUTHORIZATION	PCZO
Uninhabitable Structures Accessory to Fish and Wildlife Enhancement	P	040( <u>VX</u> )
Private Fee Hunting Operations without any accommodations.	P	040( <u>WY</u> )

EXHIBIT B

Caretaker Residence for Parks and Hatcheries	P	040( <del>XZ</del> )
Firearms Training Facility (ORS 197.770)	P	040( <del>YAA</del> )
Schools, Public or Private**	AR	050( <del>G</del> )
Churches and Associated Cemeteries**	AR	050( <del>GH</del> )
Destination Resorts pursuant to ORS 197.435 to 197.465 and Statewide Planning Goal 8**	AR	050( <del>HI</del> )
<u>Schools, Public or Private (K-12) that serve the residents of the rural area**</u>	<u>CUP</u>	<u>060(KK)</u>

\*\* Use requires a determination of soil classes

RESIDENTIAL USES	AUTHORIZATION	PCZO
Replacement Dwelling	AR	050( <del>IF</del> )
Replacement of Historic Dwelling	AR	050( <del>KJ</del> )
Temporary Hardship Dwelling	AR	050( <del>KL</del> )
Residential Homes (ORS 197.660)	CUP	060( <del>LLK</del> <del>K</del> )
Room and Board Arrangements	CUP	060( <del>MM</del> <del>LL</del> )

**(138.040 USES PERMITTED BY RIGHT)**

~~(M)~~ Breeding, Kenneling, and Training of Greyhounds for Racing\*\*  
 \*\*On soil determined to be not predominately high-value.

~~(N)~~(M) 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)~~(N) Exploration for Mineral and Aggregate Resources as defined by ORS Chapter 517.570.

~~(P)~~(O) 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)~~(P) Climbing and Passing Lanes within the Right-Of-Way existing as of July 1, 1987.

~~(R)~~(O) 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)~~(R) 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)~~(S) 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).

~~(U)~~(T) 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)~~(U) 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 09-06]

~~(X)~~(V) Uninhabitable Structures Accessory to Fish and Wildlife Enhancement.

~~(Y)~~(W) Private Fee Hunting Operations without any accommodations.

~~(Z)~~(X) Caretaker Residence for a Public Park or Public Fish Hatchery.

~~(AA)~~(Y) Firearms Training Facility pursuant to ORS 197.770.

#### **(138.050 USES SUBJECT TO ADMINISTRATIVE REVIEW)**

(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-facilities~~ 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. An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities.

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)(G) Churches and Associated Cemeteries [ORS 215.283(1)(ba)]. (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.)~~

~~(H)(H) 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.)~~

~~(J)(I) Replacement Dwelling [ORS 215.283(1)(ps) 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)~~(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.

~~(L)~~(K) *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(I).

#### (138.060 CONDITIONAL USES)

- (A) *Permanent Facility for the Primary Processing of Forest Products [OAR 660-006-0025(4)(5a)]*. 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.

- (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 determined not to be high-value farmland, as defined in ORS 195.300~~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.

(KK) Schools [ORS 215.283(2)(aa)]. New schools and the expansion of existing schools are subject to Section 138.100 and the following standards:

- (1) New public or private schools, including all buildings essential to the operation of a school, shall be for kindergarten through grade 12 and primarily for residents of the rural area in which the school is located. New schools under this section are not authorized on high-value farm land.
- (2) Existing schools that were lawfully established prior to January 1, 2009, do not comply with the standards listed in subsection (1) of this section, and that were formerly allowed pursuant to ORS 215.213(1)(a) or ORS 215.283(1)(a) as in

effect before January 1, 2010, are non-conforming uses and subject to the standards of Chapter 114. Such schools may be expanded under the standards listed in Chapter 114 and OAR 660-033-0130(18)(b) and (c).

(3) Existing schools, not including those listed in subsection (2) of this section, may be expanded on the same tract, subject to other requirements of law.

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


~~(LL)~~(MM) *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.



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Salem, OR 97301

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LAND CONSERVATION  
AND DEVELOPMENT