

## **CHAPTER 128.700**

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

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**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) Accessory dwelling units within an Urban Growth Boundary, subject to the requirements of PCZO Chapter 118; [Amended by Ordinance 18-02]
  - (2) 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;
  - (3) Fallout shelters;
  - (4) Fences;
  - (5) Private garages and parking areas for the storage and protection of the motor vehicles of the residents of the dwelling; [Amended by Ordinance 12-01]
  - (6) Storage for a commercial vehicle, maximum of one per dwelling;

- (7) Sleeping quarters in a garage for domestic employees of the main building to which the garage is attached;
- (8) 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
- (9) 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. [Amended by Ordinance 09-06]

#### **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. [Amended by Ordinance 09-06]

**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. [Amended by Ordinance 09-06]
- (K) Bed and Breakfast Facility. A Bed and Breakfast Facility may be authorized within a single-family dwelling subject to the following standards:
  - (1) The Bed and Breakfast Facility shall be operated by a resident(s) of the dwelling in which the Bed and Breakfast Facility is located.
  - (2) The number of guest bedrooms shall not exceed five.
  - (3) The length of stay for any guest shall not exceed 15 consecutive nights.
  - (4) Food service may be provided only to overnight guests of the Bed and Breakfast Facility. Food service may include the service of meals other than breakfast. [Amended by Ordinance 14-04]

**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.