

CHAPTER 128.800

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

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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) 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/or
- (9) 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. [Amended by Ordinance 09-06]

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. [Amended by Ordinance 09-06]

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 the requirements of PCZO Chapter 117 and findings that the winery use will not result in substantial conflicts with farm or forest practices on adjacent lands. [Amended by Ordinance 11-09]
- (U) Cider Business, may be permitted subject to the requirements of PCZO Chapter 117 and findings that the winery use will not result in substantial conflicts with farm or forest practices on adjacent lands. [Amended by Ordinance 20-01]
- (V) Farm Brewery, may be permitted subject to the requirements of PCZO Chapter 117 and findings that the winery use will not result in substantial conflicts with farm or forest practices on adjacent lands. [Amended by Ordinance 20-01]
- (W) 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;
- (X) Aquaculture, including the propagation, cultivation, maintenance and harvesting of aquatic species;
- (Y) 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.
- (Z) Operations for the Extraction and Bottling of Water;
- (AA) Firearms training facility;
- (BB) Armed Forces Reserve Center. For purposes of this paragraph, "armed forces reserve center" includes an armory or National Guard support facility;
- (CC) 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. [Amended by Ordinance 09-06]
- (JJ) 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]

128.850. 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.