

Planning Commission

21.110 to 21.160 [Repealed by Ord. No. 88-19]

Note: Sections 21.110 to 21.160 were referred by the Board of Commissioners and adopted by vote of the people at the May 1978 election. The ordinance was ruled defective by the Attorney General in July 1978 (39 Op. Att'y Gen. 7). The repeal of Sections 21.110 to 21.160 became operative on January 3, 1989.

21.210 ESTABLISHMENT.

There is established a Planning Commission for the County of Polk, Oregon.

21.220 MEMBERSHIP.

The Commission shall consist of seven members.

21.230 TERMS OF OFFICE.

(1) Planning Commission members shall be appointed by the Board of Commissioners in a manner consistent with ORS 215.030(5).

(2) Planning Commissioner terms shall commence on the first day of January of the first year of each term. The term of the office of a Planning Commissioner shall be four years, or until an incumbent's successor is appointed and qualifies.

(3) The initial appointments under this section shall date from November 1, 1988. Positions 1, 2, and 3 shall be for terms ending December 31, 1990; Positions 4 to 7 shall be for terms ending December 31, 1992. Thereafter, terms shall be governed by Subsection (2) of this section.

21.240 VACANCIES AND REMOVAL.

Members shall serve at the pleasure of the Board.

21.250 PRESIDING OFFICER.

The Chair shall be appointed pursuant to Section 10.510.

21.260 STAFF SERVICES.

The Board of Commissioners shall provide secretarial assistance to the Planning Commission and such other staff and consultation services, as the Board finds appropriate. The Planning Director shall cause a record of Commission proceedings to be maintained.

21.270 MEETINGS.

- (1) A quorum is required to conduct a meeting.
- (2) The Commission shall meet the first Tuesday of the month at 7:00 P.M., unless there is no business. If the first Tuesday falls on a holiday, the Commission shall meet on the following Tuesday. Meetings of the Commission shall be subject to the Open Meetings Laws.

21.280 POWERS AND DUTIES.

The Planning Commission shall have the powers and duties that are now, and may hereafter be, assigned to it by charter, ordinance, resolution, or order of this County and general laws of this State.

21.290 RULES OF PROCEDURE.

All meetings shall be conducted in accordance with "Robert's Rules of Order."

21.300 LAND USE DECISIONS.

- (1) The Planning Commission created under Section 21.210 shall:
 - (a) Review and propose Plan and ordinance update/amendments.
 - (b) Recommend zone changes - text and map; Legislative.
 - (c) Recommend Plan changes - text and map; Legislative.
 - (d) Act as Committee for Citizen Involvement.
- (2) A Hearings Officer designated by the Board of Commissioners, subject to appeal to the Board, shall have jurisdiction as follows:
 - (a) Conditional Use Permits (as specified by the Zoning Ordinance).
 - (b) Variances.
 - (c) Subdivisions.
 - (d) Type III Land Divisions and Farm Dwellings (EFU).
 - (e) Type III Lot Line Adjustments (EFU).
 - (f) Homestead Exception.
 - (g) Recommend Plan changes - text and map; Quasi-judicial.
 - (h) Recommend Zone changes - text and map; Quasi-judicial.

- (i) Lot-of-Record Determinations on high-value farmland.
- (j) Alterations to a non-conforming building or use (Chapter 114 of the Zoning Ordinance).
- (k) All matters referred to the Hearings Officer by the Planning Director pursuant to Section 111.260 of the Zoning Ordinance.

(3) The Planning Director, subject to appeal to the Board of Commissioners, shall have jurisdiction as follows:

- (a) Conditional Use Permits (except as specified by the Zoning Ordinance).
- (b) Minor/Major Partitions.
- (c) Lot-of-Record Determinations (except as specified by the Zoning Ordinance).
- (d) Lot Line Adjustments.
- (e) Sign Permits.
- (f) Home Occupations (Chapter 116 of the Zoning Ordinance).
- (g) Farm Dwellings.
- (h) Forest Dwellings.
- (i) Administrative Variances.
- (j) Administrative Review - Hardship Manufactured Homes.
- (k) Administrative Review - Manufactured Homes in the Suburban Residential (SR) Zoning District.
- (l) Land Use Determinations.
- (m) Similar Use Determinations.

(4) The Board on its own motion, or any member thereof, may call up for review any decision rendered under subsection (2) or (3) of this section.

21.310 ORDINANCES SUPERSEDED.

Sections 21.210 to 21.320 supersede any conflicting provisions in the Polk County Zoning Ordinance (Ord. No. 78). It is the intent of the Board of Commissioners, by ordinance, to correct and clarify superseded provisions in the Polk County Zoning Ordinance.

21.320 SEVERABILITY.

The Board of Commissioners intends all provisions of Sections 21.210 to 21.320 to be severable. If any part of Sections 21.210 to 21.320 is held unconstitutional, or otherwise invalid, the remaining parts shall remain effective, unless incomplete and incapable of execution. It is the specific intent of the Board that Sections 21.210 to 21.290 and 21.300 are severable.

Note: Sections 21.210 to 21.300 were adopted by Ord. No. 88-19.

Cross Reference: Zoning Ordinance revision, Ord. No. 88-21.

ORS References:

Conduct of land use hearings, ORS 197.763
County Planning and Zoning, ORS Chapter 215