

TUESDAY WORK SESSION AGENDA
April 11, 2023
Courthouse Conference Room

THE LOCATION OF THIS MEETING IS ADA ACCESSIBLE. PLEASE ADVISE THE BOARD OF COMMISSIONERS (503-623-8173)
AT LEAST 24 HOURS IN ADVANCE IF YOU NEED SPECIAL ACCOMMODATIONS TO ATTEND OR TO PARTICIPATE IN THE
MEETING VIRTUALLY.

**Approximate
Time**

AGENDA

- | | |
|-----------|--|
| 9:00 a.m. | 1. CALL TO ORDER – PLEDGE OF ALLEGIANCE |
| | 2. COMMENTS (for items not on this agenda) |
| | 3. APPROVE MINUTES OF March 28, 2023 |
| | 4. INITIATION OF A LEGISLATIVE AMENDMENT TO AMEND THE TEXT OF THE
POLK COUNTY ZONING ORDINANCE CHAPTER 136 – Eric Knudson |
| | 5. NON-LISTED ITEMS (Pursuant to ORS 192.640) |

Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. The meetings are held in the Board of Commissioners' conference room, 850 Main Street, Dallas, Oregon. Each meeting begins at 9:00 a.m., and is conducted according to a prepared agenda that lists the principal subjects anticipated to be considered. Pursuant to ORS 192.640, the Board of Commissioners may consider and take action on subjects that are not listed on the agenda. The Board also holds a department staff meeting at 9:00 a.m. on Every Monday in the Commissioners Conference Room at 850 main Street, Oregon.

The Polk County Board of Commissioners will be attending the Polk County Local Public Safety Coordinating Council meeting on April 10, 2023 at 12:00 p.m., located at 850 Main St., Dallas, OR 97338.

The Homeless Prevention Advisory Council meeting on April 12, 2023 has been canceled.

APPEARANCE OF INTERESTED CITIZENS

The Board sets aside a time at each regular meeting for comment by the public on subjects not appearing on the Agenda. Individuals may come forward and make any statement they wish, but not to exceed three (3) minutes in length, except as is required to give concise answers to questions from Board members. If the subject will require a lengthier presentation, or merits inclusion as an item on the Agenda of a future meeting, the Board shall schedule it accordingly.

POLK COUNTY BOARD OF COMMISSIONERS
TUESDAY MEETING MINUTES
March 28, 2023

1. At 9:00 a.m., Commissioner Gordon declared the Tuesday meeting of the Polk County Board of Commissioners in session and led the Board and attending audience in the Pledge of Allegiance. Commissioner Pope and Commissioner Mordhorst were present.

2. COMMENTS (for items not on this agenda):

None.

3. MINUTES: **COMMISSIONER GORDON MOVED, COMMISSIONER POPE
SECONDED TO APPROVE THE MINUTES OF March 14, 2023**

MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.

4. CHILD ABUSE PREVENTION PROCLAMATION:

Abby Warren, Family & Community Outreach, and Bonnie Dryer, CASA Polk County updated the Board with everything that is happening in the month of April for Child Abuse Prevention Month. They also gave an update to the programs they are offering to be involved in the Polk County community. Commissioner Gordon read aloud Polk County Proclamation 23-02 which declares the month of April 2023 as Child Abuse Prevention Month.

PROCLAMATION 23-02 APPROVED BY CONSENSUS OF THE BOARD.

5. DISTRICT ATTORNEY'S OFFICE UPDATE:

Aaron Felton, Polk County District Attorney, provided an update for his department to the Board of Commissioners. DA Felton provided an update on their current staffing levels and shared some information about two new hires for his department. Next DA Felton discussed some legislation that is going through Salem right now. Commissioner Gordon thanked DA Felton for his hard work and his advocacy for the Public Safety Levy.

6. NON-LISTED ITEMS - (Pursuant to ORS 192.640, the Board of Commissioners considered the below identified non-listed items.)

Commissioner Pope presented a letter that he drafted that writes in support of HB 2199 and is asking for the Commissioners to sign it along with him. Commissioner Pope provided some background information on HB 2199 and explained why he supports this bill.

APPROVED BY CONSENSUS OF THE BOARD.

Commissioner Gordon adjourned the meeting at 9:21 a.m.



POLK COUNTY

POLK COUNTY COURTHOUSE * DALLAS, OREGON 97338
(503) 623-9237

COMMUNITY DEVELOPMENT

AUSTIN M^CGUIGAN
Director

MEMORANDUM

TO: Board of Commissioners
FROM: Eric Knudson, Associate Planner
DATE: April 6, 2023
SUBJECT: Initiation of a Legislative Amendment to amend the text of the Polk County Zoning Ordinance

Tuesday, April 10, 2023

RECOMMENDATION:

Direct staff to initiate a Legislative Amendment process to evaluate updates to the text of Polk County Zoning Ordinance (PCZO) Chapter 136 in order to bring the chapter into compliance with inconsistencies found in State law.

ISSUE:

Should Polk County initiate a Legislative Amendment process to change the text of Polk County Zoning Ordinance Chapter 136, which pertains to the Exclusive Farm Use (EFU) Zoning District?

BACKGROUND:

Oregon Revised Statute (ORS) 197.646 states that when new land use statutes, statewide land use planning goals or rules implementing the statutes or the goals are enacted, counties must either adopt amendments to their local code to implement the changes to State law or apply those changes directly to land use applications. Currently, the Planning Division applies certain sections of ORS and Oregon Administrative Rules (OAR) directly to land use applications. Some changes in State law are not mandated to be adopted by the local government but rather allow the local government the opportunity to be more restrictive than State law. The proposed legislative amendment is intended to 1) provide conformity to the PCZO and land use regulations found in State law where required and 2) consider potential changes to PCZO Chapter 136 where Polk County's local ordinance is currently more restrictive than State law.

Below is a summary of changes to ORS 215.283 that the county is required to adopt as part of PCZO Chapter 136. It should be noted that this legislative amendment also includes minor changes to the local code that are intended to provide parity with State law, but are not substantive changes. This summary is not an exhaustive list of all changes, but rather highlights the most substantial changes to local code, which include:

- Removing siting standard requirements for farm product processing facilities that are under 2,500 square feet in size.
- Modifying the standards for the replacement of historic dwellings.
- Removing some restrictions on the expansion of nonconforming public and private schools.

This legislative amendment also includes evaluating changes to State law that counties may adopt as part of their local code, but are not required to do so. Below is a summary of changes to State law that

the Board of Commissioners (BOC) may consider adopting. It should be noted that this is not an exhaustive list of all changes, but rather highlights the most substantial changes that could be made to the local code, which include:

- Allowing commercial dog kennels to be established on high-value farmland.
- Allowing for the maintenance, enhancement, or expansion of existing Solid Waste Disposal Sites on high-value farmland.
- Changing the review process for temporary medical hardship dwellings from administrative review to conditional use review.
- Specifying the requirements for the propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species
- Permitting aerial fireworks businesses to be operated subject to a conditional use review.
- Permitting equine therapeutic and counseling activities subject to a conditional use review.
- Updating the standards for commercial power generating facilities to provide more clarity as to what specific uses are permitted under PCZO 136.050(Z).
- Updating the standards for commercial wind power generation facilities to provide more clarity as to what specific uses are permitted under PCZO 136.050(AA).
- Updating the standards for commercial photovoltaic solar power generation facilities subject to a conditional use review.
- Adopting specific standards for child care facilities subject to a conditional use review.
- Permitting agri-tourism and other commercial events, subject to a multi-year license and/or multi-year permit.

Initiating this legislative amendment would amend PCZO Chapter 136 to be consistent with State law and would provide the Planning Commission (PC) and the BOC an opportunity to consider potential changes to the PCZO. Upon initiation of this legislative amendment, public hearings before the PC and the BOC would be scheduled in order to receive testimony and make a final local decision regarding the legislative amendments.

Staff concludes that updating PCZO Chapter 136 to be consistent with changes to ORS would be in the public interest and would be of general public benefit because the proposed amendments would align requirements in State law with provisions in PCZO Chapter 136.

DISCUSSION / ALTERNATIVES:

1. Determine that the proposed text amendments would be in the public interest and would be of general public benefit and initiate the legislative amendment process to make these changes;
2. Other.

FISCAL IMPACTS:

Fiscal impacts to Polk County include staff time necessary to prepare an ordinance and updated sections of the PCSO.