

TUESDAY WORK SESSION AGENDA
September 19, 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

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| 9:00 a.m. | 1. CALL TO ORDER – PLEDGE OF ALLEGIANCE |
| | 2. COMMENTS (for items not on this agenda and limited to 3 minutes) |
| | 3. APPROVE MINUTES OF September 12, 2023 |
| | 4. APPEAL FOR PLANNING FILE LUD 23-34 – Hannah Brickner |
| | 5. APPEAL FOR PLANNING FILE VAR 23-06 – Hannah Brickner |
| | 6. INITIATION OF A LEGISLATIVE AMENDMENT TO AMEND THE TEXT OF
PCZO CHAPTER 177 – Michael Burns |
| | 7. 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 Grand Ronde Sanitary District Board is meeting on September 20, 2023 at 9:15 a.m. The meeting will take place in the Polk County Courthouse, 850 Main Street, Dallas, OR, 97338.

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
September 12, 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. HEALTH SERVICES DEPARTMENT UPDATE:

Noelle Carroll, Health Services Director, provided a department update to the Board and staff. Before Ms. Carroll's update, she went over Contract 23-182 which will be on tomorrow's consent calendar and provided some background information. Commissioner Pope asked who is on the negotiation team for these contracts and Ms. Carroll along with Morgan Smith answered his question. Commissioner Pope stated his concerns for the funds on these contracts and stated that he would like the Commissioners to get all the same information that is given to Ms. Carroll.

Next, Ms. Carroll presented her update which went over the following items: Program Developments, CCO Membership and Redetermination Impacts, Developmental Disability Service Updates, and Public Health Updates. Commissioner Pope asked what the reporting process looks like and Ms. Carroll answered his question. Commissioner Pope asked if it was possible to get a report on how much is spent on costs per individual and the impacts that are being made with the BHRN programs related to Measure 110. Commissioner Mordhorst is also curious about how do the individuals get into the BHRN program. Ms. Carroll answered their questions and stated that she can get that data to the Commissioners at a later time. Commissioner Gordon mentioned that he thinks it is pretty early to assess these programs due to the fact that funding wasn't released until summer 2022. Ms. Carroll agrees. Commissioner Gordon asked about Polk County being less represented versus Marion County in CCO Membership. Commissioner Pope stated it would be because of the population. Commissioner Gordon stated if that was the case it would be 25%/75%, not 15%/85%. Ms. Carroll stated she can look more into that information for him. Commissioner Mordhorst asked about PCHS staffing levels overall and Ms. Carroll answered his question. Commissioner Pope asked to circle back to Contract No. 23-182 and asked about the amount of \$1,729,017.28. He asked if that was the total amount since the first contract or if that was a new amount. Ms. Carroll answered his question. Commissioner Pope stated his concerns on contracts coming last minute to the Board and would like to have more time to review and understand these contracts. Commissioner Gordon agrees with Commissioner Pope.

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

None.

At 9:37 a.m. County Counsel announced that the meeting was recessed to Executive Session pursuant to ORS 192.660(2)(n) to discuss information about County security protocols.

Commissioner Gordon adjourned the meeting at 10:50 a.m.



POLK COUNTY

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

COMMUNITY DEVELOPMENT

AUSTIN M^CGUIGAN
Director

MEMORANDUM

TO: Polk County Board of Commissioners
FROM: Hannah Brickner, Associate Planner
DATE: September 14, 2023
SUBJECT: Appeal for Planning File LUD 23-34
OWNER: Willamette White Wine, LLC
APPLICANT: Caveau Selections Oregon, LLC; Mark Royer (MGR)
APPELLANT: Dennis Peseau and Shelby Perkins

Tuesday, September 19, 2023 Agenda

RECOMMENDATION:

After reviewing the full record and appeal of the Polk County Planning Director's decision on Planning File LUD 23-34, the Board must determine the hearing body and direct Staff to set the matter for a public hearing. Due to the narrow quasi-judicial scope and technical nature of the appeal, Staff recommends that the Board of Commissioners set this matter for a hearing before the Polk County Hearings Officer, which, pursuant to Polk County Zoning Ordinance (PCZO) 111.280, would constitute the final local decision that would then be ratified by the Board of Commissioners.

ISSUE:

On September 11, 2023, a timely appeal with the appropriate fee was submitted to the Polk County Community Development Department of the Planning Director's approval of a winery application (LUD 23-34) on the property located at 5897 Orchard Heights Road NW, Salem, Oregon (T7S, R4W, Section 11, Tax Lot 503). On receiving an appeal of a land use decision made by the Planning Director, the Community Development Department shall deliver to the Board of Commissioners the application and all other documents constituting the entire record of the action under appeal.

On September 14, 2023, the Community Development Department provided to the Board of Commissioners the entire record for this matter. Pursuant to PCZO 111.280, the Board of Commissioners must determine the hearings body and direct Staff to set the matter for a public hearing.

BACKGROUND:

On June 9, 2023, the applicant submitted a land use application to establish a winery (LUD 23-34) within the Exclusive Farm Use (EFU) Zoning District, under the criteria found in PCZO Chapter 117. The application was deemed complete on July 31, 2023 when the applicant submitted additional information into the record, including an application for an administrative variance (VAR 23-06) in order to use an existing attached garage for wine production.

The appeal identified concerns primarily related to potential impacts on an existing shared private road and easement, terms of the existing easement agreement, costs associated with road maintenance, and fire safety. The Planning Director found that the applicant met the applicable review and decision criteria and approved the application. On August 30, 2023, the Planning Director's decision was mailed to surrounding property owners pursuant to PCZO 111.240(A). On September 11, 2023, the appellant filed a timely appeal for the Planning Director's decision for the winery application (LUD 23-34).

Planning Staff will prepare a memorandum addressing the appeal issues that are applicable to the review and decision criteria, after the Board of Commissioners determines the hearing body and directs Staff to set the matter for a public hearing.

DISCUSSION/ALTERNATIVES:

The Board of Commissioners' alternatives in this matter include the following:

1. Direct Staff to schedule a public hearing before the Polk County Hearings Officer pursuant to PCZO 111.280 and provide notice; or
2. Direct Staff to schedule a public hearing before the Polk County Board of Commissioners pursuant to PCZO 111.280 and provide notice; or
3. Other.

FISCAL IMPACTS:

No fiscal impacts to the County have been identified other than the costs associated with the public hearing, notice and processing.

EXHIBITS:

The full record and appeal materials are available for your review in the Board of Commissioners Office under the care of Polk County Legal Counsel.



POLK COUNTY

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COMMUNITY DEVELOPMENT

AUSTIN M^cGUIGAN
Director

MEMORANDUM

TO: Polk County Board of Commissioners
FROM: Hannah Brickner, Associate Planner
DATE: September 14, 2023
SUBJECT: Appeal for Planning File VAR 23-06
OWNER: Willamette White Wine, LLC
APPLICANT: Mark Royer
APPELLANT: Dennis Peseau and Shelby Perkins

Tuesday, September 19, 2023 Agenda

RECOMMENDATION:

After reviewing the full record and appeal of the Polk County Planning Director's decision on Planning File VAR 23-06, the Board must determine the hearing body and direct Staff to set the matter for a public hearing. Due to the narrow quasi-judicial scope and technical nature of the appeal, Staff recommends that the Board of Commissioners set this matter for a hearing before the Polk County Hearings Officer, which, pursuant to Polk County Zoning Ordinance (PCZO) 111.280, would constitute the final local decision that would then be ratified by the Board of Commissioners.

ISSUE:

On September 11, 2023, a timely appeal with the appropriate fee was submitted to the Polk County Community Development Department of the Planning Director's approval of an administrative variance application (VAR 23-06) requesting less than 20% relief from the required winery setback standard in order to use an existing attached garage for a winery production facility on the property located at 5897 Orchard Heights Road NW, Salem, Oregon (T7S, R4W, Section 11, Tax Lot 503). On receiving an appeal of a land use decision made by the Planning Director, the Community Development Department shall deliver to the Board of Commissioners the application and all other documents constituting the entire record of the action under appeal.

On September 12, 2023, the Community Development Department provided to the Board of Commissioners the entire record for this matter. Pursuant to PCZO 111.280, the Board of Commissioners must determine the hearings body and direct Staff to set the matter for a public hearing.

BACKGROUND:

On June 9, 2023, the applicant submitted a land use application to establish a winery (LUD 23-34) within the Exclusive Farm Use (EFU) Zoning District. The application was deemed complete on July 31, 2023 when the applicant submitted an application for an administrative variance (VAR 23-06) in

order to use an existing attached garage for wine production. The variance application was submitted to address criteria found in PCZO 117.110 which requires all winery structures to have a setback of at least 100 feet from all property lines. The existing structure that the applicant proposed to use for wine production is approximately 86 feet from the front, southern property line.

The appeal identified concerns primarily related to the proximity and impact of the proposed activities on an existing shared private road and easement, the necessity of the variance, and the consistency of the variance with the Comprehensive Plan and purpose of the Zoning District. The Planning Director found that the applicant met the applicable review and decision criteria and approved the application. On August 30, 2023, the Planning Director's decision was mailed to surrounding property owners pursuant to PCZO 111.240(A). On September 11, 2023, the appellant filed a timely appeal for the Planning Director's decision for the administrative variance application to reduce the winery setback standard (VAR 23-06).

Planning Staff will prepare a memorandum addressing the appeal issues that are applicable to the review and decision criteria, after the Board of Commissioners determines the hearing body and directs Staff to set the matter for a public hearing.

DISCUSSION/ALTERNATIVES:

The Board of Commissioners' alternatives in this matter include the following:

1. Direct Staff to schedule a public hearing before the Polk County Hearings Officer pursuant to PCZO 111.280 and provide notice; or
2. Direct Staff to schedule a public hearing before the Polk County Board of Commissioners pursuant to PCZO 111.280 and provide notice; or
3. Other.

FISCAL IMPACTS:

No fiscal impacts to the County have been identified other than the costs associated with the public hearing, notice and processing.

EXHIBITS:

The full record and appeal materials are available for your review in the Board of Commissioners Office under the care of Polk County Legal Counsel.



POLK COUNTY

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COMMUNITY DEVELOPMENT

AUSTIN M^CGUIGAN
Director

MEMORANDUM

TO: Board of Commissioners
FROM: Michael Burns, Associate Planner
DATE: September 14, 2023
SUBJECT: Initiation of a Legislative Amendment to amend the text of the Polk County Zoning Ordinance Chapter 177

Tuesday, September 19, 2023

RECOMMENDATION:

Direct staff to initiate a Legislative Amendment process to evaluate updates to the text of Polk County Zoning Ordinance (PCZO) Chapter 177 including changes to bring the chapter into compliance with in State law.

ISSUE:

Should Polk County initiate a Legislative Amendment process to change the text of Polk County Zoning Ordinance Chapter 177, which pertains to the Timber Conservation (TC) 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 between the PCZO and land use regulations found in State law where required and 2) consider optional changes to PCZO Chapter 177. This legislative amendment would also include minor non-substantive changes to the local ordinance to provide parity with State law.

Below are some of the sections of PCZO Chapter 177 that may be changed by this Legislative Amendment. It should be noted that this is not an exhaustive list of all changes that would be considered:

- General Review Standards for the TC zone.
- Private Seasonal Accommodations for Fee Hunting Operations.
- Private Accommodations for Fishing.
- Land Divisions.
- Permanent facilities for the primary processing of forest products.
- Private Parks and Campgrounds.

- Temporary Medical Hardship Dwellings.
- Transportation Improvements.

Initiating this legislative amendment would provide the Planning Commission (PC) and the Board of Commissioners (BOC) an opportunity to amend PCZO Chapter 177 to be consistent with State law and consider potential optional 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 amendment.

Staff concludes that updating PCZO Chapter 177 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 177.

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; or
2. Other.

FISCAL IMPACTS:

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