

**TUESDAY WORK SESSION AGENDA**  
**December 5, 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 and limited to 3 minutes) |
|           | 3. APPROVE MINUTES OF November 28, 2023                             |
|           | 4. APPEAL FOR PLANNING FILE CU 23-06 – Eric Knudson                 |
|           | 5. COALITION AGAINST BIGGER TRUCKS PRESENTATION – Josh Collins      |
|           | 6. 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.

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**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**  
**November 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 MORDHORST MOVED, COMMISSIONER POPE  
SECONDED TO APPROVE THE MINUTES OF November 21, 2023**

**MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.**

**4. STAR RECOGNITION AWARD**

The Board and staff would like to give Special Thanks and Recognition to Abby Warren who was nominated for the STAR Recognition program for FY2023-2024 Q1. Commissioner Gordon read aloud his nomination and thanked her for all of her hard work. Ms. Warren was presented with a signed certificate and a gift basket. The STAR Recognition program allows for department heads to nominate an employee for recognition each quarter.

**5. WEST VALLEY HOUSING AUTHORITY UPDATE**

Jessica Blakely & Christian Edelblute, West Valley Housing Authority, provided the Board and staff with an update. Their update went over the following items: The mission of the WVHA, their traditional core programs and the number of vouchers that have been distributed. Mr. Edelblute talked about the process with issuing vouchers and shared some challenges that they are seeing with people being able to use the vouchers. Commissioner Pope asked Mr. Edelblute what the acronyms in the power point slide meant. Mr. Edelblute answered his questions. Next Mr. Edelblute went over their public housing program units, their family self-sufficiency program and affordable housing. He concluded his presentation with going over acquisition and development to help get more affordable housing within Polk County, capacity building and strengthening partnerships. Ms. Blakely provided her input and perspective from the WVHA Board on what they have been working on towards moving forward. She also explained why she is stepping down from her role as Board Chair beginning in January. Commissioner Mordhorst asked a question about the data that was provided and Mr. Edelblute answered his question. Commissioner Pope shared his main takeaways from their presentation today. Commissioner Gordon asked a question about the RAD conversions and Mr. Edelblute answered his question. Commissioner Gordon also asked a question about the process and how are people notified when they are being pulled off of the waitlist in order to get a voucher. Mr. Edelblute answered his question and provided an example. Commissioner Gordon asked if they have worked with or reached out to Polk Community Development Corporation (Polk CDC.) Mr. Edelblute stated that he has not reached out to them recently but would love to have an opportunity to work with them. Commissioner Gordon thanked them both for being here today. Mr. Edelblute wanted to express to the Board of Commissioners his gratitude for Ms. Blakely and all of her hard work on the WVHA Board.

**6. NON-LISTED ITEMS** - (Pursuant to ORS 192.640, the Board of Commissioners considered the below identified non-listed items.)  
None.

Commissioner Gordon adjourned the meeting at 10:35 a.m.

Minutes: Nicole Pineda  
Approved: December 5, 2023



# POLK COUNTY

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

COMMUNITY DEVELOPMENT

AUSTIN M<sup>C</sup>GUIGAN  
Director

## MEMORANDUM

**TO:** Polk County Board of Commissioners  
**FROM:** Eric Knudson, Associate Planner  
**DATE:** November 30, 2023  
**SUBJECT:** Appeal for Planning File CU 23-06  
**OWNER/APPLICANT:** Randy and Mary Oberg  
**APPELLANT:** Randy and Mary Oberg

### Tuesday, December 5, 2023 Agenda

#### RECOMMENDATION:

After reviewing the full record and appeal of the Polk County Planning Director's decision on Planning File CU 23-06, the Board of Commissioners 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 November 29, 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 Conditional Use permit to operate a dog kennel (CU 23-06) on the property located at 4860 South Kings Valley Highway, Dallas, Oregon (T8S, R5W, Section 19, Tax Lot 1003). 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 November 30, 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 February 15, 2023, a Code Enforcement investigation request was submitted to the Polk County Community Development alleging that dogs were being bred and puppies sold on the subject property. On May 9, 2023, as a result of the Polk County Code Enforcement Officer's investigation, the property owners submitted a conditional use application proposing to authorize a dog kennel within the Acreage Residential-Five Acre (AR-5) Zoning District. The AR-5 zone permits a dog kennel as a conditional use, which includes a facility that is operated for the production or sheltering of dogs which are to be offered

for commercial sale. The application was deemed complete on October 2, 2023. On November 17, 2023 the Polk County Planning Director approved the proposed dog kennel, subject to nine (9) conditions of approval. On November 17, 2023, the Planning Director's decision was mailed to surrounding property owners pursuant to PCZO 111.240(A). On November 29, 2023, the appellant filed a timely appeal of the Planning Director's decision to approve the conditional use dog kennel (CU 23-06).

The appellants are the applicants, and although the application was approved, the appeal identified objections to Conditions of Approval No. 1 and No. 2, which state:

1. The proposed dog kennel shall be operated within the existing single-family dwelling and dog-run located on the subject property. The property owners shall enclose the existing dog run with a door and walls on all four (4) sides of the structure. The improvements for enclosing the dog-run structure shall be subject to compliance with the engineering requirements of the Oregon Structural Specialty Code (OSSC) and shall have an approved exterior wall covering, which is defined in OSSC Chapter 14.
2. Dogs shall not continue to be bred until all of the conditions of approval required by this Decision are met, including enclosing the dog-run structure.

The Planning Director found that with the nine (9) imposed conditions, the applicant met the applicable review and decision criteria and approved the application.

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.