

POLK COUNTY BOARD OF COMMISSIONERS

DATE: November 5, 2025
TIME: 9:00 a.m.
PLACE: Polk County Courthouse, Dallas, Oregon

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

PAGE: **AGENDA ITEMS**

- 1. CALL TO ORDER AND NOTE OF ATTENDANCE**
- 2. ANNOUNCEMENTS**
 - (a)** Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. Each meeting is held in the Courthouse 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 may consider and take action on subjects that are not listed on the agenda. The Board also holds a department staff meeting at 9:00am on every Monday in the Commissioners Conference Room at 850 Main Street, Dallas, Oregon.
- 3. COMMENTS (for items not on this agenda and limited to 3 minutes. We encourage all community members to engage with public comments to the Board of Commissioners. However, out of respect for our audience and a general sense of decorum please refrain from vulgar, threatening or inappropriate language.)**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF THE MINUTES FROM October 29, 2025**
- 6. APPEAL FOR PLANNING FILE RD 25-10 – Eric Knudson**

CONSENT CALENDAR

N/A

**THE BOARD OF COMMISSIONERS WILL MEET IN EXECUTIVE SESSION
PURSUANT TO ORS 192.660.**

ADJOURNMENT

POLK COUNTY PUBLIC MEETINGS AND PUBLIC HEARINGS
GUIDELINE FOR CITIZENS

REGULAR MEETING AGENDA

Regular meetings of the Polk County Board of Commissioners convene at 9 a.m. each Wednesday morning. Any person wishing to bring a matter before the Board at one of these meetings may do so by mailing or delivering written notice, concisely describing the nature of the item, to the Board of Commissioners, Polk County Courthouse, Dallas, Oregon 97338, by noon on the preceding Thursday. Unless otherwise announced, meetings are held in the Main Conference Room of the Courthouse.

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.

PUBLIC HEARING FORMAT
Land Use

1. Chairman opens hearing.
 - a. Reading of hearing request or appeal statement.
 - b. Call for abstentions (ex parte contact or conflict of interest).
2. County staff presents background, summary and its recommendation (20-minute limit).
3. Applicant (Appellant) presents his/her case (15-minute limit).
4. Public testimony. Note that all testimony and evidence must be directed toward the applicable factual and legal criteria as identified in the record and/or during this hearing. Do not repeat previous testimony. Simply note for the record that you are in agreement with that earlier testimony. Your time to present testimony is limited. FAILURE TO RAISE AN ISSUE IN THIS HEARING, IN PERSON OR BY LETTER, OR FAILURE TO PROVIDE ADEQUATE SPECIFICITY TO AFFORD THE BOARD AN OPPORTUNITY TO RESPOND TO THE ISSUE MAY PRECLUDE LATER APPEAL TO LUBA ON THAT ISSUE.
 - a. Individuals in favor of the application or appeal.
 - b. Individuals against the application or appeal. At the discretion of the Chairman, an attorney, consultant, or other designated representative of two or more individuals may be allowed the combined time for each represented individual who does not speak, not to exceed 20 minutes. The Chairman may require proof of designation.
5. Rebuttal by Applicant (Appellant) (10-minute limit).
6. Questions from Board (discussion limited to individuals questioned by the Board).
 - a. Staff.
 - b. Applicant (Appellant).
 - c. Individuals testifying.
7. Chairman closes hearing and announces closing of Record.
8. Chairman announces date for deliberation and decision.
9. The Board's decision is deemed the final decision of Polk County. It may be appealed to LUBA within 21 days of its issuance in written form. The address and phone number of LUBA may be obtained from the Polk County Community Development Department and will also appear on the Notice of Decision which will be mailed to all persons who testify, submit comments, or print their name and address on the hearing attendance sheet at the back of the hearing room.

POLK COUNTY BOARD OF COMMISSIONERS
MINUTES October 29, 2025

1. CALL TO ORDER & ATTENDANCE

At 9:00 a.m., Commissioner Mordhorst declared the meeting of the Polk County Board of Commissioners to be in session. Commissioner Gordon was present and Commissioner Pope was absent.

Staff present: Greg Hansen, Administrative Officer
Morgan Smith, County Counsel
Matt Hawkins, Administrative Services Director

2. ANNOUNCEMENTS

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The Polk County Board of Commissioners will be attending the Polk County Local Public Safety Coordinating Council meeting on November 3, 2025 at 12:00 p.m., located at 850 Main St., Dallas, OR 97338

3. COMMENTS

Commissioner Gordon recapped a meeting he recently had with food share vendors and other interested parties. Commissioner Gordon said as most already know, the SNAP benefits are going to be cut off beginning November 1, 2025. Next, he shared the data for the Polk County residents who are going to be impacted by this.

4. APPROVAL OF AGENDA

MOTION: COMMISSIONER GORDON MOVED, COMMISSIONER MORDHORST SECONDED, TO APPROVE THE AGENDA.

**BOTH VOTED YES.
MOTION PASSED BY VOTE OF THE QUORUM.**

5. APPROVAL OF MINUTES OF October 22, 2025

MOTION: COMMISSIONER MORDHORST MOVED, COMMISSIONER GORDON SECONDED, TO APPROVE THE MINUTES OF October 22, 2025.

**BOTH VOTED YES.
MOTION PASSED BY VOTE OF THE QUORUM.**

6. APPROVAL OF CONSENT CALENDAR

MOTION: COMMISSIONER GORDON MOVED, COMMISSIONER MORDHORST SECONDED, TO APPROVE THE CONSENT CALENDAR.

**BOTH VOTED YES.
MOTION PASSED BY VOTE OF THE QUORUM.**

The following items were approved by Motion under **5. APPROVAL OF CONSENT CALENDAR:**

- a) Polk County Contract No. 25-185, Criminal Justice Commission,
(Jodi Merritt, Community Corrections Director)
- b) Polk County Order No. 25-12, Fair Board Appointment
(Nicole Pineda, Executive Assistant to the BOC)
- c) Polk County Contract No. 25-198, Klamath County
(Rosana Warren Rivera, Public Health)
- d) Polk County Contact No. 25-200, Salem Health West Valley
(Rosana Warren Rivera, Public Health)

There no need for an executive session and Commissioner Pope adjourned the meeting at 9:05 a.m.

POLK COUNTY BOARD OF COMMISSIONERS

Craig Pope, Chair

Jeremy Gordon, Commissioner

Lyle Mordhorst, Commissioner



POLK COUNTY

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

COMMUNITY DEVELOPMENT

AUSTIN M'GUIGAN
Director

MEMORANDUM

TO: Polk County Board of Commissioners
FROM: Eric Knudson, Senior Planner
DATE: October 24, 2025
SUBJECT: Appeal for Planning File RD 25-10
OWNER/APPLICANT: Lee Lamers
APPELLANT: Lee Lamers
**APPELLANT'S
REPRESENTATIVE:** Wallace Lien

Tuesday, October 28, 2025 Agenda

RECOMMENDATION:

After reviewing the full record and appeal of the Polk County Planning Director's decision on Planning File RD 25-10, 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 the 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 October 23, 2025 a timely appeal with the appropriate fee was submitted to the Polk County Community Development Department of the Planning Director's denial of a "replacement dwelling" application (Planning File RD 25-10) on the property located at 11290 Monmouth Highway, Monmouth (T8S, R5W, Section 35, Tax Lot 302 and a portion of Tax Lot 301). 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 October 24, 2025, 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 2, 2025 the applicant submitted a land use application proposing to establish a replacement dwelling on an approximately 81.4 acre parcel located within the Timber Conservation (TC) Zoning District. On June 27, 2025, staff deemed the application incomplete and requested additional

information from the applicant. On September 17, 2025, the applicant provided the missing information and requested staff to accept the application as complete, with written notice that no other information would be provided.

The applicable review and decision criteria found in PCZO 177.035(B) require, in part, that the dwelling proposed to be replaced is a lawfully established dwelling. The dwelling proposed to be replaced was originally established in 1986 as a family farm help dwelling, and was accessory to a primary dwelling located at 11300 Monmouth Highway (T8S,R5W, Section 35, Tax Lot 304). Although the applicant's dwelling was originally lawfully established, staff found that the dwelling was no longer accessory to the primary dwelling and had not been subsequently authorized to remain on the property as a primary dwelling. For this reason, staff determined that the dwelling was no longer lawful and thereby was not eligible for replacement under PCZO 177.035(B). On October 16, 2025, the Planning Director found that the application did not meet all of the applicable review and decision criteria and denied the application. On October 16, 2025 the Planning Director's decision was mailed to surrounding property owners and other interested parties pursuant to PCZO 111.240(A). On October 23, 2025, the appellant filed a timely appeal of the Planning Director's decision.

In this appeal, the appellant is also the applicant and property owner. The appellant is asserting that Polk County has no authority in its code, or using any interpretation of any State statute, to take away the right that the property owner has to a dwelling on their property. They assert that the dwelling proposed to be replaced was lawfully established and that once a dwelling is lawfully established, that status is vested and cannot be taken away. They further contend that subsequent land use decisions on the subject property or adjoining properties cannot *de facto* take away the vested right of that which has already been lawfully established. Planning staff addressed each of these points within the staff report.

Planning staff will prepare an additional 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. Due to the narrow quasi-judicial scope and technical nature of the appeal, and because the appeal is not a matter of county-wide policy, staff recommends that the Board of Commissioners set the matter for a hearing before the Polk County Hearings Officer.

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.