

1 **BEFORE THE BOARD OF COMMISSIONERS**
2 **FOR THE COUNTY OF POLK COUNTY, STATE OF OREGON**

3 In the Matter of the Polk)
4 County Citizen Involvement)
5 Program of the Polk County)
6 Comprehensive Plan)

7 **ORDINANCE NO. 01-01**

8 WHEREAS, the Chair of the Polk County Planning Commission / Committee for Citizen
9 Involvement appointed an ad hoc committee to review the citizen involvement program. The ad hoc
10 committee met, proposed changes to the Polk County Citizen Involvement Program, and made a
11 recommendation to the Planning Commission / Committee for Citizen Involvement.

12 WHEREAS, the Planning Commission / Committee for Citizen Involvement (PC / CCI) held
13 several public work sessions and conducted a public hearing on May 16, 2000. The PC / CCI
14 recommended to the Board of Commissioners that changes be made to the Citizen Involvement Goals and
15 Policies of the Comprehensive Plan.

16 WHEREAS, the Polk County Board of Commissioners held a public hearing on August 2, 2000
17 to consider the recommendation of the Planning Commission. The Board of Commissioners continued
18 the public hearing to September 6, 2000 to allow additional testimony from Area Advisory Committees
19 (AAC) and the Planning Commission on the AAC Bylaws. The Board of Commissioners continued the
20 hearing again to October 11, 2000, received testimony, and directed staff to prepare a change to the AAC
21 Bylaws that would establish a decision-by-consensus provision. The hearing was continued to October
22 18, 2000. The Board of Commissioners approved the Citizen Involvement Program changes to the
23 Comprehensive Plan and remanded the portion of the AAC Bylaws concerning decision-by-consensus to
24 the Planning Commission and continued the public hearing to November 29, 2000.

25 WHEREAS, the Polk County Board of Commissioners conducted a public hearing on
26 November 29, 2000, held final deliberations and adopted amendments to the Area Advisory Committee
Bylaws as Ordinance Number 00-15 as part of the Citizen Involvement Program in Polk County.

WHEREAS, the Board of Commissioners received the recommendations in support of Plan
Amendment file number PA 00-3 from the Polk County Planning Commission based upon the Planning
Commission public hearing deliberations held on May 16, and Board of Commissioners hearings from
August and into November, 2000; and

WHEREAS, the Board of Commissioners received the recommendations in support of Plan
Amendment PA 00-3, from the Polk County Planning staff; and

Polk County Courthouse - Dallas, Oregon 97338
Tel: 503-623-8173

1 WHEREAS, the Board of Commissioners received comments, testimony, and recommendations
from interested citizens and Area Advisory Committees in support of Plan Amendment 00-3; and

2 WHEREAS, the Board of Commissioners on November 29, 2000, publicly announced the closure
of the Record in this matter, and is fully advised in the premises; now therefore,

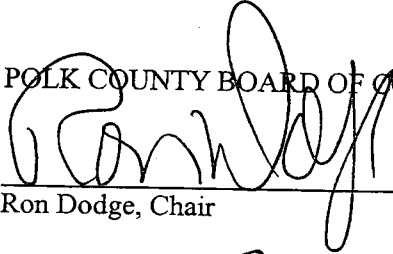
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4 THE POLK COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:


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6 Sec.1. That the Citizen Involvement element of Polk County Comprehensive Plan is amended as
shown on Exhibit "A."

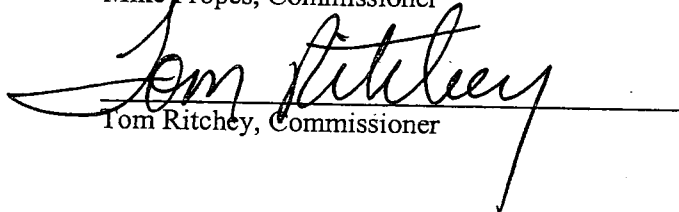
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8 Sec.2. That portion of the Planning Commission ordinance that empowers the Planning
Commission as the Committee for Citizen Involvement is amended, as shown on Exhibit "B."

9 Dallas, Oregon, January 24, 2001.

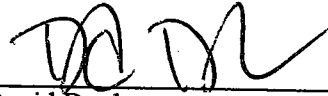
10 POLK COUNTY BOARD OF COMMISSIONERS

11 
12 _____
13 Ron Dodge, Chair

14 
15 _____
16 Mike Propes, Commissioner


17 
18 _____
19 Tom Ritchey, Commissioner

20 Approved as to form:

21 
22 _____
23 David Doyle
24 County Counsel

25 First Reading: 1-17-01

26 Second Reading: 1-24-01

Recording Secretary: 

Telephone: 623-8173

GOALS AND POLICIES

Citizen Involvement

Mission Statement

The mission of the Polk County Citizens Involvement Program is to direct and encourage active, broad based citizen participation in all aspects of land use planning in Polk County.

Vision Statement

The citizen involvement program is the cornerstone for sound land use planning in Polk County. The citizen involvement program complies with and successfully implements Statewide Planning Goal 1: Citizen Involvement. The citizen involvement program is an integral element in the Polk County Comprehensive Plan. The citizen involvement program expresses the firm commitment of the people and elected officials in Polk County to provide meaningful opportunities for citizens to participate in the planning and development of Polk County.

Through careful planning, competent administration and adequate funding, the citizen involvement program affords all citizens in Polk County – property owners, land use applicants and the general public with a range of opportunities to obtain current information, provide meaningful input into decisions and learn about the technical aspects of land use planning. A dedicated Committee for Citizen Involvement and active Area Advisory Committees cooperate closely to regularly advise the County Planning Commission and Board of Commissioners on all matters associated with citizen participation in land use planning in Polk County. Based on a schedule in the comprehensive plan, the citizen involvement program is periodically evaluated, and as needed, revised in order to respond to changing conditions and the needs of citizens in Polk County.

As a result of the citizen involvement program, county residents and the public are afforded opportunities to participate early and often in the adoption, amendment and implementation of the Polk County comprehensive plan and land use regulations. Citizens are able to judge the effect of proposed land use policies and actions on their properties, neighborhoods and communities. Public notice of county land use decisions, pending applications and Planning Commission and Board of Commissioner meetings and hearings are issued in a timely, understandable manner and are readily accessible through postings, regular mail and the county's web page.

As a result of adhering to the citizen involvement program, contentious land use proceedings are less likely to occur because citizens have participated in plan

and ordinance development and therefore understand and support the standards and requirements for reviewing land use applications. This in turn promotes continued interest in land use planning in Polk County and means that there are fewer instances where neighbors and adjoining land owners have to bear the expense and hostility often generated by contested land use hearings and appeals.

Elements of the Polk County Citizen Involvement Program

The Polk County Citizen Involvement Program shall consist of the following elements:

- 1. Goals and Policies adopted by the Board of Commissioners.*
- 2. The Citizen Involvement Committee appointed by the Board of Commissioners.*
- 3. An Annual Implementation Plan approved by the Board of Commissioners.*

Background

In 1973, the Oregon State Legislature adopted Senate Bill 100, and for the first time, citizen participation in the local decision-making process became mandatory. It is now the right of every citizen to be involved in the preparation of plans, to have his/her ideas considered by decision-makers, and to have decision-makers respond to these ideas on local land-use and comprehensive planning. It is also the responsibility of every citizen to exercise these rights.

A strong citizen involvement program is felt to be essential to the success of the Polk County planning process. During the development of the comprehensive plan, citizen involvement was at its zenith for maximum participation. There were seven area advisory committees fully functioning and active. Subsequently, the number of these committees dwindled to two, then to one and finally, for a few months, there weren't any that were active. Since 1998, reactivation of some of these committees, interest in providing an outreach to inform more interested citizens and direction from the Committee for Citizen Involvement directed that a review of the Citizen Involvement Goals and Policies be undertaken. Upon revision of the goals and policies, new program elements were adopted in order to implement the goals and policies.

In recognition of the necessity and value of participation by its citizenry in the local government decision-making process, Polk County adopts the following goals and policies:

GOALS and POLICIES

- 1. GOAL 1. To provide for a wide range of opportunities for citizens to be involved in all public phases of the planning process in Polk County. For the purposes of the Polk County Citizen Involvement Program, the term "citizen" shall mean property owners, land use applicants and the general public.**
 - 1.1. Polk County will adopt and maintain a citizen involvement program that complies with Statewide Planning Goal 1 – Citizen Involvement.
 - 1.2. Private property rights of land owners and applicants for land use actions must be recognized as an important element in the land use planning process.
 - 1.3. Polk County will strive to permit those uses that have little or no impact on neighboring properties without requiring a land use determination or limited land use determination.
 - 1.4. Polk County will establish and maintain a system of Area Advisory Committees (AAC) representing all areas of Polk County.
 - 1.5. Polk County will provide for a designated representative Committee for Citizen Involvement (CCI) to monitor, evaluate and make periodic recommendations on the structure and implementation of the Polk County citizen involvement program.
 - 1.6. Polk County will provide notice to those citizens that may be affected by proposed and adopted land use decisions and actions including but not limited to: amendments to the comprehensive plan and implementing regulations, zone changes, land use determinations, variances, conditional use permits, dwelling approvals, land divisions and subdivisions.
 - 1.7. Polk County will strive to encourage organizations, special districts, cities and affected local, state, tribal and federal government agencies to utilize the Polk County citizen involvement program to solicit and receive the views of the public concerning plans, programs and action affecting land use planning in Polk County.
 - 1.8. Polk County will coordinate with Area Advisory Committees to ensure timely opportunities for AAC participation and comment in the development, review, adoption and implementation of land use decisions and actions in Polk County.

- 2. GOAL 2. To make land use information readily available to the public in an understandable form and provided in a timely manner.**
 - 2.1. Polk County will prepare and make available to the public upon request clear and concise information reports, and supporting findings of fact and conclusions of law to citizens regarding County land use decisions and actions.
 - 2.2. Polk County will, as required by law provide public notices of proposed and approved land use decisions that sufficient and concise information to enable citizens to provide timely, informed comments.
 - 2.3. Polk County will employ a variety of methods to communicate land use information to citizens, government agencies and interested organizations including the news media, direct mailings, electronic means and public meetings, workshops and briefings.
 - 2.4. Polk County will develop and employ a land use information and education program to increase the knowledge, awareness and understanding about all phases of land use planning in Polk County.
- 3. GOAL 3. To provide for an effective two-way communication on land use matters between citizens and Polk County officials, county departments and advisory bodies.**
 - 3.1 Polk County will provide information and procedures about how to communicate with the AACs, the County Planning Commission, county staff and the Board of County Commissioners concerning County land use issues, decisions and actions.
 - 3.2 Polk County will make available to the public timely responses from county staff, advisory bodies and elected officials regarding County land use actions and decisions.
- 4. GOAL 4. To provide funding and staff support for the citizen involvement program.**
 - 4.1 Polk County will make reasonable effort to provide staff and possible financial resources to assist with implementation of the Polk County Citizen Involvement Program.
 - 4.2 Polk County will provide notice and opportunity for the public, AACs and CCI to participate in the budget process concerning implementation of the Polk County Citizen Involvement Program.
 - 4.3 Polk County will consider the interests and recommendations of the AACs and CCI regarding financial and staff support for the Polk County Citizen Involvement Program.
- 5. GOAL 5. To periodically evaluate and, as necessary, revise the citizen involvement program in response to changing conditions and needs of the citizens of Polk County.**

- 5.1 On a time frame established by the Board of Commissioners, but not less than annually, the Committee for Citizen involvement will prepare a report to the Board of County Commissioners evaluating the citizen involvement program and making any recommendations for changes or needed improvements.
- 5.2 Polk County's Citizen Involvement Program will contain evaluation criteria and procedures to guide the CCI and Board of Commissioners in evaluating citizen involvement in Polk County.
- 5.3 The CCI will submit an annual implementation plan to the Planning Commission for a recommendation to the Board of Commissioners. This plan will identify and prioritize items that will implement the adopted plan. This plan will be used in developing budget recommendations.

January 2001

CHAPTER 21

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.

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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 which 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.
- (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.

Note: Section 21.300(1)(d) was amended by Ord. No. 01-01.

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