



# POLK COUNTY

POLK COUNTY COURTHOUSE \* DALLAS, OREGON 97338  
(503) 623-9237 \* FAX (503) 623-6009

COMMUNITY DEVELOPMENT

AUSTIN M'GUIGAN  
Director

## MEMORANDUM

**TO:** Board of Commissioners  
**FROM:** Sidney Mulder, Planning Manager  
**DATE:** November 16, 2021  
**SUBJECT:** Initiation of a Legislative Amendment to amend the text of the Polk County Zoning Ordinance

**Tuesday, November 23, 2021**

### RECOMMENDATION:

Direct staff to initiate a Legislative Amendment process to change the text of Polk County Zoning Ordinance Section 127.020(G)(5) to allow properties within the Suburban Residential zone, that are located outside of an Urban Growth Boundary, to be exempt from the three-car garage limitation.

### ISSUE:

Should Polk County initiate a Legislative Amendment process to change the text of Polk County Zoning Ordinance Section 127.020(G)(5)?

### BACKGROUND:

Jordan Winters has requested a Legislative Amendment to change the text of Polk County Zoning Ordinance (PCZO) Section 127.020(G)(5), which pertains to the Suburban Residential (SR) zone. PCZO 127.020(G)(5) currently states:

**127.020. USE. Within any SR, Suburban Residential Zone, no building, structure or premises shall be used, arranged or designed to be used, erected, structurally altered or enlarged, except for one or more of the following uses:**

**(G) Accessory uses and structures:**

- (5) Garages and parking areas for the storage and protection of the automobiles of the residents of the dwelling, including a private garage for not more than three (3) motor vehicles for each single-family dwelling on the same lot with or within the dwelling to which it is accessory and in which no garage, business or industry is conducted;**

Pursuant to PCZO 110.240, a private garage is defined as, "A detached accessory building or portion of a main building for the parking or temporary storage of automobiles in which no business, occupation, or service is provided for or is in any way conducted." Currently within the SR zone, private garages for the storage and protection of the resident's automobiles are limited to no more than three (3) motor vehicles for each single-family dwelling. The SR zone has a limit on the amount of garage allowed for the storage of motor vehicles, but does not have a limit on the number or size of residential accessory buildings for private use. Therefore, it is reasonable to qualify an accessory structure's ability to store motor vehicles based on the number and/or size of bay doors. Accessory structures can be used for a number of uses, including personal storage, and a bay door is the

distinguishing feature that differentiates a garage from other types of accessory structures. Accessory structures that are entered through a man door instead of a bay door are not subject to these same limitations. Based on this reasoning, the size and number of bay doors is currently evaluated to determine whether or not an accessory structure looks and functions as a private garage.

The proposed text amendment would exempt these requirements for SR zoned properties that are located outside of an Urban Growth Boundary (UGB). It is not uncommon for SR zoned properties that are located outside of the UGB to be larger acreage properties that require equipment for property maintenance. Currently, the three-car garage limitation could make it difficult for some property owners to construct an accessory structure for the equipment needed to maintain their property, such as a tractor, riding lawn mower, or other equipment that needs a bay door to be accessible.

The proposed text amendments would not apply to SR zoned properties that are located within an UGB. Properties within an UGB are intended to eventually be annexed into City limits to be developed at urban levels. The intent of the three-car garage limitation is to maintain the residential character of neighborhoods and to ensure that properties are not developed with a predominance of garage structures. For this reason, staff finds that the proposed text amendments should be limited to only SR zoned properties that are outside of an UGB.

### **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:**

The application fee for a Legislative Amendment is \$2,575.00 (the applicant has paid this amount). Fiscal impacts to Polk County for administering a legislative amendment process would include the cost of staff time; copies and materials; notice publications and postage for the process; and limited data collection.