

**POLK COUNTY PLANNING COMMISSION  
JULY 18, 2023 AT 6:00 P.M.  
POLK COUNTY COURTHOUSE  
FIRST FLOOR CONFERENCE ROOM  
850 MAIN STREET  
DALLAS, OREGON**

The following are the minutes of the Polk County Planning Commission Public Hearing held on July 18, 2023 in Dallas, Oregon:

**1. CALL TO ORDER AND NOTE OF ATTENDANCE**

Chris Patoine called the Planning Commission Public Meeting to order at 6:00 P.M.

**Present:** Michael Burton, Zachary Steele (arrived at 6:34 P.M.), Timothy Klarr, Ronald Lewis, Tom Finegan, Michael Schilling and Chris Patoine

**Absent:** None

**Staff:** Austin McGuigan, Eric Knudson and Sidney Mulder.

**Public:** None.

**2. MINUTES OF JUNE 6, 2023**

Chris Patoine asks if there are any comments on the minutes from the June 6, 2023 Planning Commission Public Hearing. None are presented. Michael Schilling makes the motion to approve the minutes, Ronald Lewis seconds. Motion passed.

**3. PLANNING COMMISSION PUBLIC HEARING**

Patoine asks if everyone received their notifications regarding LA 23-02. Patoine asks if anyone needs to declare potential conflicts of interest. Timothy Klarr states he is on the board of Salem Electric and there's possible conflict on three of the amendments. McGuigan asks if Klarr plans to vote on the recommendation. Klarr will abstain from voting. Patoine opens the Public Hearing at 6:05 P.M.

Eric Knudson provides background for LA 23-02, the legislative amendment proposal to update the text of Polk County Zoning Ordinance Chapter 136 that pertains to the Exclusive Farm Use Zoning District. 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. Many of the proposed text amendments are required to be adopted by Polk County in order to be in conformance with State law but are not substantive changes. Knudson then explains the optional changes to PCZO 136.050 where the county can be more restrictive than State law.

Staff recommends adopting optional changes to the following uses: home occupations, commercial dog kennels, mineral and aggregate operations, solid waste disposal sites, commercial generator power facilities, commercial wind power facilities and private parks and playgrounds. Staff also recommends adopting provisions for the following uses: equine therapeutic counseling facilities and childcare facilities.

Currently, temporary medical hardship dwellings are authorized to be established in the EFU zone within a manufactured dwelling, RV, or an existing building converted to residential use. Staff recommends not adopting any additional language and have the current code language remain as is.

Polk County does not currently allow but could permit Aerial Fireworks Businesses. Staff is unaware of any fireworks businesses that have exist. For this reason staff recommends not adopting this use.

Polk County could also allow Agri-Tourism and other Commercial Events that are not in conjunction with a winery, cider business, or farm brewery. Polk County already allows agri-tourism and other commercial events that are in conjunction with an existing farm operation subject to a conditional use permit. For the reasons described in the Staff report, staff recommends not adopting this use.

Staff provided all Planning Commission members a memorandum with findings demonstrating compliance with criteria. Notice of tonight's public hearing was published in the Itemizer Observer newspaper on June 27, 2023. All supporting documents were also made available on the Polk County's Planning Division website.

Patoine asks for public testimony. No public present but two letters were submitted. One letter addresses concerns about notifications. Process was done per State law. Second letter was from 1000 Friends of Oregon. Concur with staff recommendations.

Patoine opens for discussion/questions from the Planning Commission.

Finegan asks about Medical Hardships and if it's changed to Conditional Use does it have the same restrictions. McGuigan explains the differences in providing notice to area property owners in conditional use vs. administrative review. McGuigan also explains eliminating steps once the hardship is no longer needed and converting the manufactured dwelling into another permitted use. Finegan states concerns about when hardships are done and then other family moves in. McGuigan states the legal criteria is still the same, has to be converted to a non-dwelling and an approved use.

Burton requests further clarification on the 750 feet notification area. McGuigan responds that what's changing is sending out the notice when an application is received instead of when the Decision is being sent out.

Lewis asks for clarification on the 1000 Friends of Oregon letter. McGuigan explains they do support the recommendation, but they don't want the County to adopt the other optional changes that pertain to equine therapy facilities, daycare facilities and Agri-Tourism. McGuigan also explains that Staff does recommend the changes to these optional changes. Knudson further explains the State codes for daycare facilities. Planning Commission discusses the process and criteria for daycare facilities.

Burton asks for clarification on the mineral and aggregate and the significant resource inventory and what the update process entails. McGuigan explains how the inventory works.

Patoine asks if anyone wants a continuance. None given. Patoine asks if anyone wants to leave the record open. None given.

Schilling moves to recommend adopting legislative amendments as the Staff recommends for all mandatory and findings for all optional amendments. Finegan seconds.

Patoine asks if there is any further discussion.

Lewis asks about commercial power facilities on farm land. McGuigan responds.

Patoine calls for a vote. Unanimous vote in favor with the exception of Klarr, who abstained from voting. Motion is approved.

Patoine officially closes the Public Hearing at 6:50 P.M.

#### **4. WORK SESSION**

Sidney Mulder introduces the agenda for the work session to prioritize long-range planning projects. The first two priorities are related to ODOT transportation projects, the OR 18/OR 22 interchange and the OR 51/OR 22 project. Mulder states both of these projects are not quite ready to be presented to the BOC.

Patoine asks if the OR 18/OR 22 interchange has some funding.

McGuigan responds about the funding and notifying the public. McGuigan further states that the OR 51/OR 22 may not need to go before the BOC and could possibly be done as a Conditional Use permit.

Patoine and McGuigan further discuss the costs.

Mulder continues the agenda for the work session. States the third and fourth priorities would be a legislative amendment process pertaining to the Timber Conservation, Farm/Forest and Farm Forest Overlay Zones, Chapters 177 and 138 of the Zoning Ordinance. Priority five is regarding rural ADU's, which is an optional use that is not required by the State. The sixth priority is related to development standards for the NPC-C Zone. The seventh priority is updating the non-conforming buildings and uses chapter. The eighth priority is related to what types of structures can be occupied temporarily during construction. The ninth priority is related to updating the Floodplain Ordinance. The tenth and eleventh priorities are the zoning ordinance audit and any other matters the Planning Commission and/or the Board of Commissioners want to discuss.

McGuigan opens up for discussion for the Planning Commission to discuss how they would recommend prioritizing the work session list.

Steele questions item #8 and what type of structure you can occupy while you are building. McGuigan responds. Steele gives examples from an insurance perspective and how this would be a priority in that industry.

Patoine opens up discussion regarding ADU's. Mulder responds with background information regarding SB 644 and the State adopting a wildfire risk map. Through a Legislative Amendment process the County can develop their standards for rural ADU's. Mulder asks for feedback from the Planning Commission.

Burton asks if this is unrelated to Hardship Dwellings. Mulder confirms and further clarifies which zones allow ADU's.

The Planning Commission further discusses ADU's.

Burton brings up possible impacts for allowing ADU's in rural areas and the impact on traffic. McGuigan responds with where the current AR-5 zones are located in the county

and that there is only about 11,000 acres total for the rural residential zone. It's not to be used for vacation occupancy.

Burton asks what the time commitment is for the Planning staff to implement these changes. McGuigan responds it will be a big project.

Finegan asks what needs to be accomplished with the priority list. McGuigan responds and requests input on the list and if anything needs to be removed or moved around as far as top priority.

Finegan likes the list. Recommends moving item eight up on the list of priorities. Patoine agrees.

Burton states items one and two involve a lot of money and should remain top priority. Finegan concurs.

McGuigan discusses items three and four. Recommends putting item eight up in the fifth spot. Planning Commission agrees.

McGuigan further clarifies why the Planning staff chose the order of priorities based on what they see applications for.

McGuigan clarifies that one, two, three and four stay the same. Move eight up to where five is. Everything else stays the same going down. Planning Commission agrees.

Mulder states that there may be some open houses the Planning Commission will be invited to for the ODOT projects.

The work sessions are approved.

**5. COMMUNICATIONS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

Patoine asks if there is any further communication from the public. None are presented.

**6. COMMUNICATIONS FROM THE PLANNING COMMISSION**

Patoine asks if there is any further communication from the Planning Commission. None are presented.

**7. COMMUNICATIONS FROM THE PLANNING STAFF**

Patoine asks if there is any further communication from the Planning Staff. None are presented.

**8. ADJOURNMENT**

Patoine adjourned the meeting at 7:29 P.M.