

**POLK COUNTY PLANNING COMMISSION
MARCH 1, 2022 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 March 1, 2022 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: Ronald Lewis, Michael Burton, Tim Klarr, Zachary Steele, Tom Finegan, Michael Schilling and Chris Patoine.

Absent: None.

Staff: Austin McGuigan and Sarah Buhler.

Public: Tammy Simmons.

2. MINUTES OF JANUARY 25, 2022

Chris Patoine asks if there are any comments on the minutes from the January 25, 2022 Planning Commission Public Hearing. Zach Steele makes the motion to approve the minutes, Michael Schilling seconds. Motion passed.

3. PLANNING COMMISSION PUBLIC HEARING

Patoine opens the first public hearing for the application for open space land, planning file #22-01. Asks if there are any issues with notifications, procedures or authority. None are presented.

Patoine asks for staff background from McGuigan. McGuigan presents background for file SA22-01, an application from the Confederated Tribes of the Grand Ronde Community of Oregon, for a special assessment on a tax assessment. States they are applying for the open space special assessment. This is not a land use decision, but it does require a review of the criteria in ORS 308 and that the uses comply with the allowed uses in ORS 215. McGuigan further explains the 665.1 acres in question and refers to the legal criteria presented in the staff report. Based on the analysis performed, staff concludes that the existing conservation easement and tribal lands management strategy accomplishes the objectives of the open space land designation. If approved, the open space must be identified in order for the Assessor to collect any additional taxes. The applicant has made it clear that they do not intend to put the land to a use such as a park or other recreational open space use. Staff recommends that the board find that the use is a native habitat open space/non recreational use.

Patoine opens up for public testimony at 6:06 pm. Applicant is not present. No public testimony presented. No testimony presented in favor or opposed.

Patoine opens the discussion for questions of the Planning Department.

Klarr asks McGuigan about the difference between an open space and a wildlife special assessment. McGuigan states that's a tax question and not a planning question.

Klarr asks if the properties have structures on them. McGuigan responds that yes they do but no dwellings. McGuigan further clarifies what open space means.

Lewis asks if they can add buildings. McGuigan explains that's a taxing issue with the Assessor.

Steele asks about the fiscal impact. McGuigan clarifies what they are paying in annual property taxes since they are at market value now vs. being in special assessment.

Steele asks if the property is owned by the Nature Conservancy or CTGR. McGuigan responds it's owned by CTGR.

Finnegan further explains conservation easements and how they work.

Patoine asks for any further questions. None are presented. Any request for a continuance? None are presented. Any requests to hold the record open? None are presented. Applicant rebuttal? None presented since applicant is not present.

Klarr questions the verbiage presented. McGuigan states in his analysis he recommends native habitat open space/non-recreational.

Schilling makes a motion that the Planning Commission recommends to the Polk County Board of Commissioners approval of the application to apply an open space lands special assessment to the 665.1 acres. Burton seconds the motion. Motion is passed with no dissent.

Patoine closes the first public hearing at 6:25 pm.

4. PLANNING COMMISSION PUBLIC HEARING (2)

Patoine opens the second public hearing for the application for open space land, planning file #22-02. Asks if there are any issues with notifications, procedures or authority. None are presented.

Patoine asks for staff background from McGuigan. McGuigan presents background for file SA22-02, a piece of property that is approximately 104 acres. It's an application from the Confederated Tribes of the Grand Ronde Community of Oregon, for an open space special assessment. Based on the analysis performed, staff concludes that the existing conservation easement and tribal lands management strategy accomplishes the objectives of the open space land designation. If approved, the open space must be identified in order for the Assessor to collect any additional taxes.

Patoine opens up for public testimony at 6:28 pm. Applicant is not present. Asks for public testimony.

Tammy Simmons of 6330 Harmony Rd. in Sheridan comes forward with a question. Simmons owns neighboring property and asks if property will stay the same. McGuigan answers that he can't say with absolute certainty what their management strategy will be, however the CTGR has a fish and wildlife

department that manages the property. They have not presented an actual management plan. They will be required to leave it as native, open space. The question was if they would be bringing the public in. And if they did that would require a zoning application for that use.

Simmons asks what the purpose of the next meeting is. Patoine clarifies it is for the Planning Commission to make their recommendation to the Board of Commissioners.

Patoine asks for rebuttal from the applicant. No one is present.

Patoine asks for any questions from the Planning Commission.

Steele asks for further clarification for what uses are permitted in this special assessment. McGuigan explains the special assessment is a tax break. There is a conservation easement that may limit the uses.

Patoine states that the CTGR said they want to enhance habitat for wildlife.

Finnegan states the conservation easement puts sidelines on what they can do.

Schilling asks if the habitat/open space is the same as the last time the tribe was here. McGuigan confirms.

Klarr asks what the taxes are on this property. McGuigan states it's Ag/Forest.

Burton states that since they are already under special assessment there is no fiscal impact. McGuigan confirms there will be no back taxes.

Klarr asks if there are no dwellings on the property. McGuigan confirms.

Patoine asks for any further questions. None are presented. Any request for a continuance? None are presented. Any requests to hold the record open? None are presented. Applicant rebuttal? None presented since applicant is not present.

Schilling makes a motion that the Planning Commission recommends to the Polk County Board of Commissioners approval of the application to apply an open space lands special assessment to the 104 acres. Finnegan seconds the motion. Motion is passed with no dissent.

Patoine closes the second public hearing at 6:40 pm.

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

None are presented.

6. COMMUNICATIONS FROM THE PLANNING COMMISSION

Patoine asks if there is any further communication from the Planning Commission. Klarr asks if there are any updates on the historic house. McGuigan states Miranda Muller contacted them, Dave responded to McGuigan and he had not had time to connect with him.

7. COMMUNICATIONS FROM THE PLANNING STAFF

McGuigan states the next big project coming is the interchange at Hwy 18 and Hwy 22. There is an application in from ODOT.

8. ADJOURNMENT

Patoine adjourned the meeting at 6:43 P.M.