



POLK COUNTY

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COMMUNITY DEVELOPMENT

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Director

MEMORANDUM

TO: Polk County Planning Commission/Committee for Citizen Involvement

FROM: Sidney Mulder, Planning Manager

DATE: January 18, 2022

SUBJECT: Selecting Planning Commission Vice Chair; and
Legislative Amendment 21-03: Text Amendment of Polk County Zoning Ordinance
Section 127.020(G)(5)

I. SELECT THE VICE CHAIR FOR THE PLANNING COMMISSION/ COMMITTEE FOR CITIZEN INVOLVEMENT

BACKGROUND:

Until recently, the Chairman for the Planning Commission/Committee for Citizen Involvement (CCI) was Michael Schilling and the Vice Chairman was Bill Farmer. Michael Schilling was temporarily having difficulty making meetings, so on January 4, 2022, the Board of Commissioners (BOC) appointed Chris Patone to be the new Chairman. Bill Farmer has resigned from the Planning Commission/CCI. The BOC has elected to have the Planning Commission/CCI appoint the Vice Chair.

RECOMMENDATION:

Staff recommends that the Planning Commission appoint Michael Schilling to be the Vice Chair for the Planning Commission/CCI. Michael Schilling has stated that he would be willing to serve as Vice Chair.

PLANNING COMMISSION ACTION:

The Planning Commission's options include the following:

- (1) Move to appoint Michael Schilling to be the Planning Commission/CCI Vice Chair; or
- (2) Move to appoint a different Planning Commissioner to be the Vice Chair.

II. LEGISLATIVE AMENDMENT (LA) 21-03

The Polk County Planning Commission and the Polk County Board of Commissioners will hold separate public hearings to receive testimony and consider a text amendment to the Polk County Zoning Ordinance (PCZO). The proposed amendments would eliminate a three (3) car private garage limitation for properties that are located outside of an urban growth boundary (UGB), within the Suburban Residential (SR) zone.

The Planning Commission will conduct a public hearing on January 25, 2022 at 6:00 P.M. After holding a public hearing, the Planning Commission will make a recommendation to the Polk County Board of Commissioners. The Board of Commissioners will hold a public hearing on March 2, 2022 at 9:00 A.M. and make a final local decision.

BACKGROUND:

On November 11, 2021, the Community Development Department received an application requesting the Board of Commissioners (BOC) to initiate a Legislative Amendment process to evaluate proposed changes to the text of Polk County Zoning Ordinance (PCZO) Section 127.020(G)(5), which pertains to a development standard for garages and parking areas in the Suburban Residential (SR) zone. On November 21, 2021, the BOC determined that the proposed text amendment would be in the public interest and would be of general public benefit. The BOC initiated the legislative amendment process and directed staff to move forward with the public hearings process to make these amendments.

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;

The above criteria specifies two (2) mutually exclusive uses/criteria, as follows:

- 1) "Garages and parking areas for the storage and protection of the automobiles of the residents of the dwelling..."; and
- 2) "...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;

The following definitions from PCZO Chapter 110 distinguish the differences between garages, private parking areas, public parking areas, private garages, and public garages.

110.430. PARKING AREA, PRIVATE. An open area, building or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

110.435. PARKING AREA, PUBLIC. An open area, building or structure, other than a private parking area, street, or alley used for the parking of automobiles, trucks, and other motor vehicles and available for use by the public or by persons patronizing a particular building or establishment.

110.235. GARAGE. A building or portion thereof in which a motor vehicle is stored, repaired or kept.

110.240. GARAGE, PRIVATE. A detached accessory building or portion of a main building for the parking or temporary storage of automobiles in which no business, occupation, or services is provided for or is in any way conducted.

110.245. GARAGE, PUBLIC. A building, other than private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked or stored for compensation, hire, or sale.

The first part of PCZO 127.020(G)(5) is inclusive, using the terms "garages and parking areas", but then becomes more narrow, specifying "for the storage and protection of the automobiles of the residents of the dwelling." This specificity essentially excludes public garages and public parking areas as being outright permitted uses. Further, permitting public parking areas as a Home Occupation conditional use permit may not be possible. The Home Occupation criteria found in PCZO 116.030

states, "...traffic attracted to the premises be kept at a minimum". This criteria makes it clear that a public parking lot may not be compatible with the Home Occupation criteria. Conversion of a garage to a public garage as part of a Home Occupation would require compliance with the Home Occupation criteria and approval of a conditional use permit.

The second part of PCZO 127.020(G)(5) is more specific and states, "...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". The proposed text amendments are only intended to exclude this limitation if the property is located outside of an adopted UGB of a city.

The SR zone has a limit to the capacity of a private 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 as the primary metric 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 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 private 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 private 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, the proposed text amendments are limited to only SR zoned properties that are outside of an UGB.

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing and make a recommendation to the Board of Commissioners to adopt the amendments to the PCZO included as Exhibit A of the Staff Report.

PLANNING COMMISSION ACTION:

After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

- (1) Move to recommend that the Board of Commissioners approve Legislative Amendment 21-03, which consists of:
 - (a) Adopting the PCZO amendments presented in Exhibit A of the Staff Report; or
 - (b) As further amended by the Planning Commission (state revisions).
- (2) Continue the public hearing:
 - (a) To a time certain, or
 - (b) Indefinitely.
- (3) Close the public hearing and take no action on the proposed amendments.