



POLK COUNTY

COMMUNITY DEVELOPMENT

POLK COUNTY COURTHOUSE * DALLAS, OREGON 97338
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AUSTIN M'GUIGAN
Director

MEMORANDUM

TO: Board of Commissioners
FROM: Sidney Mulder, Planning Manager
Polk County Community Development
DATE: December 15, 2020
SUBJECT: Comprehensive Plan Amendment PA 18-01 and Zone Change ZC 18-02

December 23, 2020 Consent

ISSUE:

Should Polk County adopt the Order that would deny Plan Amendment PA 18-01 and Zone Change ZC 18-02?

RECOMMENDATION:

Staff recommends that the Board of Commissioners adopt Order Number 20-17, thereby denying applications PA 18-01 and ZC 18-02 and adopting the Polk County Hearings Officer's findings and conclusions.

BACKGROUND:

The subject properties consist of seven (7) contiguous parcels adjacent to Best Road NW, Salem (Assessment Map T7S, R4W, Section 14, Tax Lots 601, 602, 603, 604 and 605 and T7S, R4W, Section 23, Tax Lots 100 and 101).

The Polk County Hearings Officer conducted a duly noticed public hearing on October 15, 2019 and issued a recommendation of denial on June 1, 2020. On July 22, 2020, the Board of Commissioners held a duly noticed public hearing. An opportunity was provided for members of the public to submit oral and written testimony. The record was left open for additional testimony to be submitted into the record until August 19, 2020, at which time the record closed. The Board was originally scheduled to deliberate on October 7, 2020. However, at the October 7, 2020 meeting the Board re-opened the record in response to ex parte communication that occurred when Commissioner Mordhorst was individually contacted by a constituent after record was closed. The record remained open until November 5, 2020. The Board of Commissioners deliberated at the December 9, 2020 meeting and voted 2-1 to deny Plan Amendment PA 18-01 and Zone Change ZC 18-02.

These applications were submitted together and are dependent on each other. Denial of only the Comprehensive Plan map amendment but not the zone change, or the zone change but not the Comprehensive Plan amendment would create a situation where the zoning of the property does not implement the Comprehensive Plan designation of the property, and vice versa. If one of these applications is appealed, the appeal should act to stay the implementation of the other application.

DISCUSSION / ALTERNATIVES:

1. Adopt Order Number 20-17 including the referenced findings and conclusions.
2. Direct staff to amend and return to the Board for adoption.
3. Other.

FISCAL IMPACTS:

No fiscal impacts to the County have been identified.