

NOTICE OF NEW OPEN RECORD PERIOD AND RE-SCHEDULED DELIBERATION DATE

APPLICATIONS: The Polk County Board of Commissioners was scheduled to deliberate on October 7, 2020 regarding planning files PA 18-01 and ZC 18-02, which are applications affecting approximately 228 acres of land, comprised of seven (7) parcels, located in the Exclusive Farm Use Zone (EFU) Zone. These applications consist of the following:

1. Comprehensive Plan Map Amendment to change the designation of the subject parcels from Agriculture to Rural Lands.
2. Exception to Statewide Planning Goals 3 and 4 to justify the change from an Agriculture Comprehensive Plan designation to a Rural Lands Comprehensive Plan designation.
3. Zoning Map amendment to change the zoning of the subject parcels from Exclusive Farm Use (EFU) to Agriculture and Forestry-Ten Acre (AF-10).

APPLICANT: Wallace W. Lien

OWNERS: Christopher and Kimberly Gray
Kevin Stone
Jonathan and Tamara Pugmire
Simmons Family Properties, LLC

PROPERTY LOCATION: Seven contiguous parcels adjacent to Best Road NW, Salem, OR
(Assessment Map T7S, R4W, Section 14, Tax Lots 601, 602, 603, 604 and 605 and T7S, R4W, Section 23, Tax Lots 100 and 101).

FILE NUMBERS: PA 18-01 & ZC 18-02

REVIEW AND DECISION CRITERIA: Polk County Zoning Ordinance (PCZO) Sections 111.275 and 115.050

STAFF CONTACT: Sidney Mulder; Phone: (503) 623-9237, Email: mulder.sidney@co.polk.or.us

At a public meeting held on October 7, 2020, Commissioner Ainsworth and Commissioner Pope moved to re-open the record to allow additional testimony in response to an ex parte communication that occurred when Commissioner Mordhorst was individually contacted on September 26, 2020 by a constituent after the record was closed. The narrative of the ex parte communication is included on the reverse side of this notice.

OPEN RECORD PERIOD

TIMELINE: New evidence and testimony to rebut the context of the ex parte communication: October 15, 2020 – October 22, 2020 at 5:00 PM
Rebuttal of any new evidence that was submitted during the first week of this open record period: October 29, 2020 at 5:00 PM
Applicant's final arguments on the ex parte communication: November 5, 2020 at 5:00 PM, at which time the record will close.

RE-SCHEDULED DELIBERATION DATE

AND TIME: December 9, 2020 at 9:00 AM

LOCATION: Hearing/Conference Room, First Floor, Polk County Courthouse, 850 Main Street, Dallas, Oregon

The location of this public meeting is handicapped accessible. Please advise the Community Development Department at 503-623-9237 if you will need any special accommodations to attend the meeting.

A copy of all documents and evidence relied upon in making this decision, and the applicable criteria, are available for inspection at no cost and will be provided at the Community Development Department for the cost of copying. Failure of an issue to be raised during the open record period, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Written comments will be included in the record and provided to the Board of Commissioners prior to the scheduled deliberation date. Testimony may be submitted in writing to the Community Development Department as specified in the above open record period timeline. Testimony must address the applicable criteria. Please include file numbers PA 18-01 and ZC 18-02 in all correspondence regarding these applications. Correspondence may be submitted to:

Polk County Community Development, Polk County Courthouse, 850 Main Street, Dallas, OR 97338.

Narrative of Ex Parte Communication to Commissioner Lyle Mordhorst:

On Saturday Sept 26th, 2020, Kathy Hadley contacted me by phone and expressed her concern with the pending land use application before the County Board of Commissioners concerning Simmons Property that will be deciding soon. She expressed her concern about the water availability for neighboring properties. It is her belief that the local creeks which used to run year-round now dry up every year since the initial development of homes that are currently in place. She was concerned that additional development would increase the stress on the existing water in the area and further limit available water to neighboring properties. Kathy also stated she is concerned about the infringement on farm ground in the area and that developing additional residential parcels in the area will affect the neighboring farmland as the two uses tend to be incompatible on adjacent lands.