



Knudson, Eric <knudson.eric@co.polk.or.us>

Comments on 7.18.2023 PC Hearing Agenda Item 3 | LEGISLATIVE AMENDMENT LA 23-02: UPDATES TO PCZO CHAPTER 136

blair@friends.org <blair@friends.org>
To: knudson.eric@co.polk.or.us
Cc: Andrew Mulkey <andrew@friends.org>

Tue, Jul 18, 2023 at 2:46 PM

Dear Eric,

On behalf of 1000 Friends of Oregon, please accept these comments into the record of Legislative Amendment 23-02.

We only received notice of the optional proposed changes yesterday. The notice posted on DLCD's website had suggested only that the changes the staff report lists as mandatory were being considered. We therefore regret we do not have time to provide the detailed comments and suggestions we'd like. Following is an outline of our concerns at this time:

- 1000 Friends appreciates that in the past Polk County has opted for keeping its EFU zone stronger than required by state law. We know the county has strong support within the agricultural community for effective protection of Polk County's limited supply of agricultural land. We hope the county will continue to go above and beyond the limited requirements of state law and urge the county to reject any proposed weakening of Polk County's EFU zone.
- We support the staff recommendations to **NOT** adopt the optional changes for temporary hardship dwellings, aerial fireworks, and agri-tourism.
- We would also recommend the county **NOT** to adopt any of the other optional changes that would increase the cumulative impacts of nonfarm uses in the EFU zone.
- We also encourage the county to **further strengthen** the provisions for home occupations and commercial activities in conjunction with farm use to avoid the kind of nonfarm related businesses and large events that have been approved under these provisions in Marion, Yamhill and other Oregon counties. These approvals have led to negative impacts on area agriculture and expensive and time-consuming litigation.

If there were more time to work with staff, we would be happy to share alternative language that could incorporate some of the existing case law that interprets these provisions and provides better guidance on how to implement them at the local level.

Please let us know if you have any question, or need additional information. Thank you for the opportunity to comment.

Blair Batson
Staff Attorney
503.783.8093



Knudson, Eric <knudson.eric@co.polk.or.us>

LA 23-02 Attn:Planning Comm.

K Phillips <westcvo4rent@gmail.com>

Tue, Jul 18, 2023 at 4:18 PM

To: "Knudson, Eric" <knudson.eric@co.polk.or.us>

TO: Planning Commission &
Eric Knudson:

FROM:

Interested party representative, K.J.Phillips

*** Please enter this email & comments into the official Records of the Public Hearing on this date, for LA 23-02

*** The County Planning dept scheduled a deadline for Citizens to get their written comments placed in agenda packet and in front of the Planning Commissioners, 11 DAYS BEFORE the Hearing, and, even BEFORE the Staff Report was published & available to Citizens, for their use to give 'sufficient specificity', information, and guidance for their comments. The 11 days is excessive, inhibits Citizens Involvement and not consistent with the spirit of State Goals to promote Citizen Involvement.

[Written comments received by 5:00 PM on July 7, 2023 will be included in the staff report to the Planning Commission. Comments received after this time, but prior to the hearing, will be provided to the Planning Commission at the hearing.]

The significant FAILURE is Not having a 'Hearing LA 23-02 Sign-ups Sheet for Interested Citizens' in Hearing room, for the Record, and, to 'make-up appeal rules' that a "decision maker has to have an opportunity to respond", OR, a Citizen can't file a LUBA appeal on 'that issue'...(from today's Hearing?) It's not good to mix Planning Hearing rules & a Recommendation, with later BOC decisions, as it's confusing, and, does not help Citizens Involvement Goals.

Good luck...K.J.Phillips

[Failure of an issue to be raised in person or by letter, 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. A decision may be appealed to LUBA within 21 days after the mailing of the decision. Contact LUBA or the Polk County Planning Division for LUBA appeal procedures.]

768 SW Church St. #897
 Dallas, OR 97338
 August 22, 2023

Polk County Board of Commissioners
 c/o Polk County Community Development
 850 Main St.
 Dallas, OR 97338

Dear Commissioners:

As you consider amendments to the Polk County Zoning Ordinance, Chapter 136, Exclusive Farm Use (EFU) Zoning District, under proposed Legislative Amendment 23-02, please allow me to suggest a revision for your attention.

This revision is addressed to definition of non-qualifying golf course, as presented in the proposed amendments:

~~(FFII)~~ Golf Courses and accessory uses [ORS 215.283(2)(f) and OAR 660-033-0130(20)], subject to compliance with Sections 136.060 and 136.065. A new golf course and accessory uses may be approved on a tract of land determined not to be high-value farmland, as defined in ORS 195.300(10), or on land determined to be high-value farmland described in ORS 195.300(10)(c) if the land is not otherwise described in ORS 195.300(10), is surrounded on all sides by an approved golf course, and is west of U.S. Highway 101, consistent with Section 136.060. An existing golf course on all farmlands may be maintained, enhanced, or expanded, up to 36 holes on the same tract, consistent with Section 136.060 and OAR 660-033-0130(18). In addition, new golf courses or the expansion of existing golf courses within three miles of an urban growth boundary shall be subject to the standards listed in Section 136.065.

As used in this paragraph:

- (1) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or 18 regulation golf course holes, or a combination 9 and 18 holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards, consistent with the following:
 - (a) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.
 - (b) A regulation ~~nine~~ 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.
 - (c) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this rule, including, but not limited to, executive golf course, Par three golf courses, pitch and putt golf courses, miniature golf courses, and driving ranges.

Please consider adding to the illustrative list of non-regulation golf courses in proposed subsection (c) another item to the effect of:

“...frisbee, disc, or similar courses...”

I believe this would further the intent of the proposed section to provide clarity on what uses would be non-regulation. It also arises from an actual situation that has occurred recently near my home on Sunnyside Road. It came to the attention of myself and neighbors that a potential real estate buyer was interested in establishing a disc “golf” course on EFU-zoned land in the area. Our understanding was that this activity would include competition-style events that would draw large crowds, with attendant impacts, into a decidedly rural area with only a single-lane, unpaved road and no other facilities or amenities.

I and my neighbors were concerned about possible effects of such a development, and the county planning staff kindly advised of the LA 23-02 proceeding as possibly relevant.

It would seem that even without this suggested language, the proposed new language in subsection (c) could be read such that a frisbee, or disc, course would not meet the definition of regulation golf course. However, explicitly citing a frisbee, or disc, course would remove any ambiguity, create a more comprehensive description, and thus provide clearer communication to all.

I respectfully request that you incorporate language to this effect into your proposed draft.

Thank you for your consideration.

Sincerely yours,

Christopher H. Schmitt

August 22, 2023

Polk County Board of Commissioners
c/o Polk County Community Development
850 Main St.
Dallas, OR 97338

Dear Commissioners:

As you consider amendments to the Polk County Zoning Ordinance, Chapter 136, Exclusive Farm Use (EFU) Zoning District, under proposed Legislative Amendment 23-02, we write to suggest a clarification to the section on "Golf Courses and accessory uses." Specifically, we would like to see definitive language added to Section (1), Subsection (c) that would call out disc, frisbee or similar courses as types of non-regulation golf courses.

We believe that this clarification will leave no doubt that these types of courses are not appropriate for farmland. We were recently made aware by a neighbor that such a situation is being considered by a prospective buyer for a tract of land currently for sale on Sunnyside Road where we reside. The buyer has expressed interest in establishing a disc "golf" course with activities that would include competition events that could draw large crowds, which we believe would negatively impact our rural area, not to mention the adverse effects it would have on a single-lane, unpaved road.

While it is possible that even without this clarification, the proposed amendment changes of Subsection (c) would mean that frisbee or disc courses do not meet the definition of a regulation golf course. However, we believe adding definitive language regarding such courses will be more clear-cut and transparent.

We thank you for your consideration regarding incorporating this clarification into your proposed draft.

Sincerely,

Tomika Anne Dew
Paul W. Thimm
Oak Trace Farm
13245 Sunnyside Rd
Dallas, OR 97338



~~Knudson, Eric <knudson.eric@co.polk.or.us>~~

Public comment

Tory Bollne <tory_bollne@hotmail.com>
To: "knudson.eric@co.polk.or.us" <knudson.eric@co.polk.or.us>

Fri, Aug 25,

Hey,
I would like to agree to the comment written by Christopher Schmitt on this matter.
I would like to suggest to add "frisbee golf or disc golf or similar" to the list of non-regulatory golf courses therefore not allowed.
Thanks,
Tory

NOTICE OF PUBLIC HEARING

PROPOSED AMENDMENTS TO THE POLK COUNTY ZONING ORDINANCE: The Polk County Board of Commissioners will hold a public hearing concerning potential text amendments to Polk County Zoning Ordinance (PCZO) Chapter 136, which pertains to the Exclusive Farm Use (EFU) Zoning District. The proposed text amendments are intended to bring PCZO Chapter 136 into compliance with State law, and to consider adopting optional changes for uses that could be permitted within the EFU zone.

FILE NUMBER:	LA 23-02
DATE AND TIME OF PUBLIC HEARING:	September 6, 2023 at 9:00 AM
LOCATION OF MEETING:	First Floor Hearing/Conference Room, Polk County Courthouse, 850 Main Street, Dallas, Oregon 97338
APPLICABLE REVIEW AND DECISION CRITERIA:	Polk County Zoning Ordinance Sections 111.215 (C), 115.040 and 115.060.
STAFF CONTACT:	Eric Knudson: (503) 623-9237; knudson.eric@co.polk.or.us

The location of the hearing is handicapped accessible. Please advise the Community Development Department at (503) 623-9237 if you will need any special accommodations to attend or participate in this meeting. The applicable criteria and files are available for inspection at no cost and copies may be obtained at a reasonable cost. A copy of the staff report will be available for inspection at least seven days prior to the hearing.

The Board of Commissioners will hold a public hearing to consider the Planning Commission's recommendation, receive testimony, and make a final local decision on this matter. Any person desiring to speak for or against these proposals may do so either in person or by representative at the public hearing. Written comments may be directed to the Planning Division of the Polk County Community Development Department, 850 Main Street, Polk County Courthouse, Dallas, Oregon 97338-1922. Written testimony may be submitted prior to the hearing at the Polk County Planning Division. Please include a reference to file number LA 23-02 in all correspondence. Oral and or written testimony may be rendered at the public hearing.

Written comments received by 5:00 PM on August 25, 2023 will be included in the staff report to the Board of Commissioners. Comments received after this time, but prior to the hearing, will be provided to the Board of Commissioners at the hearing.

Failure of an issue to be raised in person or by letter, 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. A decision may be appealed to LUBA within 21 days after the mailing of the decision. Contact LUBA or the Polk County Planning Division for LUBA appeal procedures.

Tory Boline
503-991-6783