



# POLK COUNTY

POLK COUNTY COURTHOUSE \* DALLAS, OREGON 97338  
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COMMUNITY DEVELOPMENT

AUSTIN M'GUIGAN  
Director

## MEMORANDUM

**TO:** Board of Commissioners  
**FROM:** Michael Burns, Associate Planner  
**DATE:** September 14, 2023  
**SUBJECT:** Initiation of a Legislative Amendment to amend the text of the Polk County Zoning Ordinance Chapter 177

**Tuesday, September 19, 2023**

### **RECOMMENDATION:**

Direct staff to initiate a Legislative Amendment process to evaluate updates to the text of Polk County Zoning Ordinance (PCZO) Chapter 177 including changes to bring the chapter into compliance with in State law.

### **ISSUE:**

Should Polk County initiate a Legislative Amendment process to change the text of Polk County Zoning Ordinance Chapter 177, which pertains to the Timber Conservation (TC) Zoning District?

### **BACKGROUND:**

Oregon Revised Statute (ORS) 197.646 states that when new land use statutes, statewide land use planning goals, or rules implementing the statutes or the goals are enacted, counties must either adopt amendments to their local code to implement the changes to State law or apply those changes directly to land use applications. Currently, the Planning Division applies certain sections of ORS and Oregon Administrative Rules (OAR) directly to land use applications. Some changes in State law are not mandated to be adopted by the local government but rather allow the local government the opportunity to be more restrictive than State law. The proposed legislative amendment is intended to 1) provide conformity between the PCZO and land use regulations found in State law where required and 2) consider optional changes to PCZO Chapter 177. This legislative amendment would also include minor non-substantive changes to the local ordinance to provide parity with State law.

Below are some of the sections of PCZO Chapter 177 that may be changed by this Legislative Amendment. It should be noted that this is not an exhaustive list of all changes that would be considered:

- General Review Standards for the TC zone.
- Private Seasonal Accommodations for Fee Hunting Operations.
- Private Accommodations for Fishing.
- Land Divisions.
- Permanent facilities for the primary processing of forest products.
- Private Parks and Campgrounds.

- Temporary Medical Hardship Dwellings.
- Transportation Improvements.

Initiating this legislative amendment would provide the Planning Commission (PC) and the Board of Commissioners (BOC) an opportunity to amend PCZO Chapter 177 to be consistent with State law and consider potential optional changes to the PCZO. Upon initiation of this legislative amendment, public hearings before the PC and the BOC would be scheduled in order to receive testimony and make a final local decision regarding the legislative amendment.

Staff concludes that updating PCZO Chapter 177 to be consistent with changes to ORS would be in the public interest and would be of general public benefit because the proposed amendments would align requirements in State law with provisions in PCZO Chapter 177.

**DISCUSSION / ALTERNATIVES:**

1. Determine that the proposed text amendments would be in the public interest and would be of general public benefit and initiate the legislative amendment process to make these changes; or
2. Other.

**FISCAL IMPACTS:**

Fiscal impacts to Polk County include staff time necessary to prepare an ordinance and updated sections of the PCZO.