



WASHINGTON COUNTY PLANNING COMMISSION MINUTES OF WEDNESDAY, JUNE 17, 2020

ALL PUBLIC MEETINGS ARE RECORDED

1. CALL TO ORDER: 6:30 p.m. Zoom Virtual meeting

The meeting was called to order by Chair Petrillo.

2. ROLL CALL

Present: Mark Havener, Deborah Lockwood, Anthony Mills, Jeff Petrillo, Sushmita Poddar and Matt Wellner; Absent: Ian Beaty and Eric Urstadt.

Staff: Andy Back, Planning and Development Services (PDS); Theresa Cherniak, Carine Arendes, Todd Borkowitz and Susan Aguilar, Long Range Planning (LRP) and Jacquilyn Saito-Moore, County Counsel.

3. DIRECTOR'S REPORT

Andy Back, Manager of PDS:

- Former LUT Senior Planner Stephen Shane was named the Current Planning group's Principal Planner. His new role became effective June 13, 2020.
- Staff will initiate a one-month recruitment starting in July for the District 3 PC position vacated by Bart Dickson. More details will follow.
- The Oregon Chapter of the American Planning Association's (OAPA) planning commissioner training is scheduled for Sept. 16 from 5:30 to 7:30 p.m. Registration details will be available soon. A PC meeting is scheduled for this time and staff does not yet know whether there will be PC agenda items scheduled for that date. Please let staff know if you have interest in attending the training. The County will cover registration costs.
- Per the PC's request, and to improve transparency and accessibility for the PC and members of the public, staff will post PDFs of all staff PowerPoint presentations (PPT) to the PC online after each meeting.

Today's Work Session Briefings

- Hearing on Ordinance No. 864 – Cider Business and Farm Brewery Standards
- Short term rentals update

Upcoming PC meetings

July 1 (via Zoom; 1:30 p.m. start):

- Staff does not have items scheduled for this date and recommend cancellation unless there are briefings on other topics of interest to the PC that you'd like to consider for that date.

July 15 (via Zoom; 6:30 p.m. start):

- Briefings on upcoming ordinances, likely including:
 - Safe parking ordinance
 - Significant Natural Resources related ordinances

4. ORAL COMMUNICATIONS

(none)

5. WORK SESSION

a. Short term rentals (STRs) update

Suzanne Savin, Senior Planner with the LRP Community Planning group provided a PPT on this topic. The PC was briefed on January 2020 prior to publication of the issue paper on STRs. The County does not regulate STRs, but LRP staff and the Board of Commissioners (Board) received multiple complaints about how some STRs are operated and requests for STR regulation since 2014. The issue paper summarizes public comments on this topic and how other local jurisdictions in Oregon regulate STRs. It recommends the County develop a licensing process versus alternatives like maintaining the status quo, increasing regulations, requiring a land use permit and outright prohibiting.

Next steps

- Develop draft regulations to establish a license (summer/fall 2020) to be included in the Washington County Code (not a land use ordinance). Some possible CDC changes might be proposed, which *would* be a land use ordinance.
- Host an online open house and survey the public on draft regulations.
- Finalize regulations and prepare an ordinance.
- Hold briefings and hearings at the PC and Board.

PC comments and questions

- Does the private host compliance company collect fees on behalf of local jurisdictions?
- Is a transient room tax collected by cities in the region?
- When a STR property has a pause between rentals, wouldn't the land use also temporarily end?
- What are implications for licensing STRs?
- A broader diversity of public feedback on STRs is needed from a larger number of County residents.
- People who are impacted most should be intentionally prioritized in future outreach.
- Will the state be defining STRs and establishing parameters on their use?
- Will accessory dwelling units (ADUs) be allowed to accommodate STRs?

6. PUBLIC HEARING

a. Ordinance No. 864 – Cider Business and Farm Brewery Standards

Carine Arendes, Associate Planner with the LRP Community Planning group provided a PPT on the proposed ordinance. State law now requires counties to permit cider business (Senate Bill (SB) 677; 2017) and farm breweries (SB 287; 2019). Staff was tasked in the 2020-21 LRP Work Program with proposing an amendment to the Community Development Code (CDC) to apply new standards to Exclusive Farm Use (EFU) and Agricultural and Forest (AF-20) districts, including production thresholds, income caps and related activities; uses and income restrictions; event conditions: and allowed uses potentially requiring approval from other agencies.

Staff recommendation

- Conduct the public hearing
- Recommend approval of Ordinance No. 864 to the Board.

Oral testimony

- Emily Ritchie, Executive Director of the Northwest Cider Association (NCA);) indicated that NCA consists of 100 cideries ranging from Oregon, Montana and British Columbia. The cider industry has an economic impact in Oregon of about \$400 million and produces numerous jobs for Oregonians. The NCA is in favor of Ordinance No. 864, particularly given that the proposed regulations are modeled after the County’s current winery regulations, which have proven successful in supporting and helping grow that industry.
- Jim Long, Chair of Community Planning Organization (CPO) 4 (10655 SW Hall Blvd., Tigard) advocated for the hearing to be continued to a future date to allow for more public involvement.

PC deliberation

- Does the proposed 25 percent income cap apply to both promotional and agritourism events? Are there effective ways to monitor and enforce the proposed income cap?
 - Staff noted that proposed income caps are intended to assure that accessory uses are secondary to the primary use, and state statutes on cider businesses and breweries include a mechanism for tracking income information.
 - County Counsel acknowledged that obtaining evidence of compliance with such income restrictions is often difficult.
- Statutory provisions:
 - The acreage and production thresholds seem arbitrary.
 - Other agricultural buildings are not required to maintain 100foot setbacks.
 - The Board may wish to debate nuances in ordinance provisions more thoroughly.
- Are AF-20 and EFU in special district areas?
 - Staff clarified that “special district areas” relate to fire protection districts and noted that most areas designated AF-20 or EFU are within a fire protection district.

Final vote

Commissioner Mills made a motion to recommend approval of Ordinance No. 864 to the Board. Commissioner Lockwood seconded the motion. **Vote: 6 – 0. Motion passed.**

Yes: Havener, Lockwood, Mills, Petrillo, Poddar and Wellner (unanimous).

7. PLANNING COMMISSION COMMUNICATION

Vote

A motion was made by Commissioner Mills to recommend the Board pursue action to eliminate the ordinance season so that it is continuous throughout the calendar year. Commissioner Wellner seconded the motion. **Vote: 6 – 0. Motion passed.**

Yes: Havener, Lockwood, Mills, Petrillo, Poddar and Wellner (unanimous).

PC comments and questions

- PC members recapped the reason for the motion, including concerns with time constraints, that it is an artificial barrier and that the County is the only jurisdiction with such a limitation. Additionally, it doesn't allow for flexibility to address circumstances such as COVID-19 which may affect timelines.

Commissioner Petrillo moved to cancel the July 1, 2020 PC meeting. Vote: 6 – 0. **No objection, motion passed.**

Yes: Havener, Lockwood, Mills, Petrillo, Poddar and Wellner (unanimous).

8. ADJOURN: 8:50 p.m.

Jeff Petrillo, Chair
Washington County Planning Commission

Andy Back, Secretary
Washington County Planning Commission

Minutes approved this _____ day of _____, 2020

Submitted by LRP Staff