



## WASHINGTON COUNTY PLANNING COMMISSION MINUTES OF WEDNESDAY, MARCH 6, 2019

### ALL PUBLIC MEETINGS ARE RECORDED

#### 1. CALL TO ORDER: 1:30 P.M. Charles D. Cameron Public Services Building - Auditorium

The meeting was called to order by Chair Vial.

#### 2. ROLL CALL

Planning Commission (PC) members present: Jeff Petrillo, Ian Beaty, Deborah Lockwood, Anthony Mills (in and out of the PC meeting to attend BOPTA board; he was absent for the Ordinance No. 846 vote) Eric Urstadt, and Matt Wellner. PC absent members: A. Richard Vial, Ed Bartholemy, and Tegan Enloe.

Staff present: Andy Back, Theresa Cherniak, Suzanne Savin, and Susan Aguilar, Long Range Planning (LRP); Sean Harrasser and Paul Schaefer, Current Planning; Rock Brown; Engineering and Construction Services; and Jacquilyn Saito-Moore, County Counsel.

#### 2. DIRECTOR'S REPORT

Andy Back, Manager for the Planning and Development Services Division, provided the PC with updates:

- The 2019 –2020 Long Range Planning (LRP) Work program comment period ended Feb. 21. A total of 73 comments were received: 38 – Significant Natural Resources and tree code, eight – short-term rentals (with a petition containing 26 signatures), and the remainder a variety of transportation or land use related issues. A staff report will be available before the March 26 Board meeting, when the work program will be adopted.
- An Aloha Tomorrow open house is scheduled for April 3 from 5:30 p.m. – 8:00 p.m. at the Aloha Grange.
- A Volunteer Recognition event is scheduled for April 10
- Issue papers:
  - Telecommunications Facilities Located in the Right-Of-Way (ROW) was just released and comments will be received until April 2
  - Issue papers pending : Marijuana Implementation status report and the Significant Natural Resources Regulations Assessment

#### Future PC topics

- March
  - March 20 –Ordinance No. 849 – Washington County –Tualatin Urban Planning Area Agreement (UPAA), and Ordinance No. 850 Washington County – Wilsonville UPAA, and a possible Work Session.

- April
  - April 17: Schmidlin Plan Amendment and Work Session: Aloha Tomorrow-land use regulations implementing the Aloha Tomorrow report adopted Dec. 2017.

### 3. ORAL COMMUNICATIONS

A.W. Stuart- A.W. Stuart Law, 11450 NE Kuehne Rd, Carlton, Aloha (attorney for Western Oregon Dispensary) in his comments referred to a letter on the Work Program that was sent by his office dated Feb. 20 concerning a request on behalf of Western Oregon Dispensary. The letter is requesting a procedural change that will allow them to have a commercial kitchen to make edibles at one of their facilities.

Sherril Ralston-Western Oregon Dispensary, 760 NW Dale Ave, Portland – Ms. Ralston provided the PC with statistical information on the number of processing licenses issued in the State of Oregon and indicated that there aren't many. Ms. Ralston mentioned that Washington County (County) is the second largest county and has 11 processing licenses (only three have commercial kitchens), Lane County (Co.) has 27, Clackamas Co. has 32 and Multnomah Co. has 52. Western Oregon Dispensary is requesting a license for a cannabis kitchen. Because of zoning in the County, it is impossible or difficult Ms. Ralston indicated, for anyone including marijuana businesses to pursue additional licenses for commercial kitchens. Currently, Western Oregon Dispensary has a commercial kitchen at its dispensary location. She has hopes that the County will review and update the zoning in place.

Mary Manseau, 5230 NW 137<sup>th</sup> Ave, Portland – Ms. Manseau commented on three items. The first item was that the April 17 PC meeting conflicts with the State of the County that's scheduled from 5:00 to 7:00 p.m. on that date. Second, Ord. No. 846 underscores the need to address the ordinance season deadline. Third, Ms. Manseau indicated that the Bethany Community Plan that is posted online needs to be updated. She indicated that it is difficult to track an ordinance if the public has to deal with an outdated online document.

### 4. PUBLIC HEARING

- a. **Ordinance No. 845 – Federal Emergency Management – Flood Plain Regulations update / Ordinance No. 847 – Flood Plain Management Regulations update – Article VII**

Theresa Cherniak, Principal Planner from the Community Planning section of LRP, provided a PowerPoint presentation to the PC regarding Ordinance Nos. 845 and 847. Staff indicated that the two ordinances were presented together because of their related subject matter regarding federal floodplain management compliance. Staff provided background regarding the ordinances in conformance with the Federal Emergency Management Agency's (FEMA) mandated request and in order for the County to remain in the National Flood Insurance Program (NFIP).

Ordinance No. 845 was filed proposing amendments to Articles I, II, and III of the Community Development Code (CDC). The County has been working with FEMA to update maps and regulations to meet their requirements over the past several years. Ordinance No. 840, adopted last year, incorporated specific references in the CDC to FEMA maps. The County received a letter from FEMA in Sept. of last year that required additional text changes and adoption of these regulations by Oct. 19, 2018. The County was able to conform to FEMA's mandate by adopting these regulations through a Resolution and Order process, and these regulations are now in effect. The Board also committed to carrying through an ordinance with those same changes in 2019. These are the changes proposed in Ordinance No. 845.

The changes in Ordinance No. 845 are considered minor and are mainly to match terms that FEMA uses. FEMA has requested that the County use the exact language they use. Community Development Code (CDC) Section 421 was amended to reorganize and clarify language, as well as match other requirements. Both FEMA and the County regulate development in the area with a one percent chance of flooding in any given year (formerly known as the 100-year floodplain). County regulations also address drainage hazard areas (DHA), defined as those areas with a four percent chance of flooding in a given year (formerly known as the 25-year floodplain). FEMA doesn't regulate development in the DHA, but the County does through application of the CDC, Section 421 requirements. The CDC also contains floodplain regulations in Article VII.

Ordinance No. 847 included related changes to Article VII, (Public Transportation Facilities) Section 709 as they relate to floodplain and DHAs. Staff indicated that these changes were not mandated by FEMA but were required for consistency with Ordinance No. 845.

#### Recommendation

- Conduct the public hearing
- In separate motions, recommend approval of Ordinance Nos. 845 and 847 to the Board of Commissioners (Board).

#### PC questions

- Clarification of definition changes
- Did the FEMA mandated changes affect the base flood elevation?
- Explanation of changes to the exemption for recreational vehicles, agriculture buildings in the flood zone and the 1974 map series
- Clarification on the various transportation projects referenced in Section 709 of the CDC

#### Final vote

Commissioner Wellner moved to recommend to the Board, adoption of Ordinance No. 845. Commissioner Beaty seconded motion. **Vote: 6 – 0. Motion passed.**

Commissioner	Vote
Bartholemy	Absent
Beaty	Yes
Enloe	Absent
Lockwood	Yes
Mills	Yes
Petrillo	Yes
Urstadt	Yes
Vial	Absent
Wellner	Yes

Final vote

Commissioner Beaty moved to recommend to the Board, approval of Ordinance No. 847. Commissioner Wellner seconded motion. **Vote: 6 – 0. Motion passed.**

Commissioner	Vote
Bartholemy	Absent
Beaty	Yes
Enloe	Absent
Lockwood	Yes
Mills	Yes
Petrillo	Yes
Urstadt	Yes
Vial	Absent
Wellner	Yes

**a. Ordinance No. 846 – Limited Amendments to the North Bethany Main Street Urban Design Plan**  
 Senior Planner Suzanne Savin provided the PC with a Power Point presentation on Ordinance No. 846. Staff provided an overview and indicated that the purpose of the ordinance is to make limited amendments to the North Bethany Subarea Plan and the Community Development Code (CDC) related to the N. Bethany Main Street area. The proposed ordinance corrects an inconsistent plan reference to the North Bethany civic use and remedies an unintentional omission of CDC amendments from A-Engrossed Ordinance No. 838 (North Bethany Main Street Urban Design Plan). Staff summarized the ordinance amendments requested in a letter from Otak on behalf of West Hills Development and discussed additional changes to the ordinance recommended by staff.

Recommendation

- Conduct the public hearing
- Recommend engrossment of Ordinance No. 846 to the Board to include:
  - Staff recommended changes, and
  - West Hills Development’s request that the Neighborhood Commercial Mixed Use (NCMU) District’s minimum dimensional standards not apply to parcels intended to be non-buildable for purpose of open space, storm water treatment or utility placement
  - Consider direction on the remainder of West Hills Development’s requests

Verbal testimony provided on March 6, 2019

- Dan Grimberg, West Hills Development, 3330 NW Yeon Ave, Portland – Mr. Grimberg discussed the requests sent on their behalf by Otak. He testified that West Hills Development is requesting that the depth of lots be 50 feet instead of 85 feet to provide more flexibility. He mentioned that their consultants are advising them that the 80 feet in lot depth is not needed. He mentioned that the lot width is the street frontage that creates the street character that the County is looking for, and that lot depth doesn't affect street character.
- Mary Manseau had originally signed in to testify, but indicated her question or comment was answered.

Written Testimony

- A letter received on Feb. 21 from Otak (808 SW Third Ave, Ste 300, Portland) on behalf of West Hills Development

PC questions and comments

- A question regarding the requirements for the residential area north of Primary Street P4 within the Main Street area
- Questions about the requirements for the Main Street gateways
- Questions about proposed amendments in the filed ordinance.
- A concern about the number of engrossments being proposed for the ordinance, and whether the public review process and notification will be sufficient.
- Questions about West Hills Development's intentions regarding the development of their site within the Main Street area

Final Vote

Commissioner Beaty moved to recommend to the Board adoption of Ordinance No. 846 as written to include staff's proposed amendments and West Hills Development's requests that: proposed NCMU minimum dimensional standards not apply to parcels intended to be unbuildable for purpose of open space, storm water treatment or utility placement; proposed NCMU district minimum lot area be reduced from 8,500 to 6,000 square feet; and proposed NCMU district minimum lot depth be reduced from 85 to 50 feet. Commissioner Wellner seconded motion. **Vote: 5 – 0. Motion passed.**

Commissioner	Vote
Bartholemy	Absent
Beaty	Yes
Enloe	Absent
Lockwood	Yes
Mills	Absent
Petrillo	Yes
Urstadt	Yes
Vial	Absent
Wellner	Yes

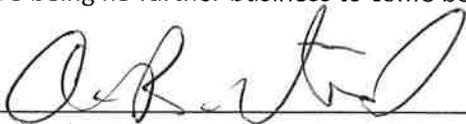
**5. CONSIDERATION OF MINUTES**

Commissioner Beaty moved to approve the Dec. 5, 2018 PC meeting minutes to include the added sentence. Commissioner Mills seconded motion. **Vote: Motion passed.**

Commissioner	Vote
Bartholemy	Absent
Beaty	Yes
Enloe	Absent
Lockwood	Yes
Mills	Yes
Petrillo	Yes
Urstadt	Yes
Vial	Absent
Wellner	Absent

**6. ADJOURN: P.M.**

There being no further business to come before the Planning Commission, the meeting was adjourned.



A. Richard Vial  
Chairman, Washington County  
Planning Commission



for Andrew Singelakis  
Secretary, Washington County  
Planning Commission

Minutes approved this 17 day of April, 2019

Submitted by LRP Staff