



PUBLIC MEETING NOTICE
FOR THE
WASHINGTON COUNTY PLANNING COMMISSION

CHARLES D. CAMERON PUBLIC SERVICES BUILDING AUDITORIUM
155 N FIRST AVENUE, HILLSBORO, OR 97124

WEDNESDAY, JUNE 19, 2019

PUBLIC MEETING 6:30 PM

Prior to scheduled public hearing items, the Planning Commission schedules time to receive briefings from county staff as work session items. These briefings provide the Planning Commission an opportunity to conduct informal communications with each other, review the agenda, and identify questions they may ask before taking action on the agenda items during the public meeting. No public testimony is taken on work session items.

Following work session briefings, the Planning Commission considers items published in their agenda, including scheduled public hearing items and consideration of minutes. The public is welcome to speak during the public hearing portions of the meeting. The public may also speak on any item not on the agenda during the Oral Communications section of the agenda.

Upon request, the county will endeavor to arrange provision of the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. If you need a sign language interpreter, assistive listening device, or a language interpreter, please call 503- 846-3519 (or 7-1-1 for Telecommunications Relay Service) by 5:00 p.m. on the Monday preceding the meeting date.

A handwritten signature in black ink, appearing to read "Andy Back", is written over a horizontal line.

Andy Back

Planning and Development Services Division Manager

WASHINGTON COUNTY PLANNING COMMISSION

CHARLES D. CAMERON PUBLIC SERVICES BUILDING AUDITORIUM

The Planning Commission welcomes your attendance at the Public Meeting. If you wish to speak on a public hearing agenda item or during Oral Communications, please feel free to do so. Time is generally limited to five minutes for individuals and 10 minutes for an authorized representative of a Citizen Participation Organization (CPO). The Chair may adjust the actual time limits. However, in fairness to others, we respectfully ask your cooperation on the following:

Please follow sign-in procedures located on the table by the entrance to the auditorium.

- When your name is announced, please be seated at the table in front and state your name and home or business address for the record.
- Groups or organizations wishing to make a presentation are asked to designate one spokesperson in the interest of time and to avoid repetition.
- When more than one citizen is heard on any matter, please avoid repetition in your comments. Careful attention to the previous speakers' remarks will be helpful in this regard.
- If you plan to present written testimony at the hearing, please bring 15 copies for distribution to Commission members and staff.

PUBLIC MEETING DATES

BOARD OF COMMISSIONERS WORK SESSIONS

8:30 a.m. 1st and 3rd Tuesdays

2:00 p.m. 4th Tuesday

BOARD OF COMMISSIONERS MEETINGS

10 a.m. 1st and 3rd Tuesdays

6:30 p.m. 4th Tuesday

PLANNING COMMISSION MEETINGS

1:30 p.m. 1st Wednesday

6:30 p.m. 3rd Wednesday

Note: Occasionally it may be necessary to cancel or add a meeting date.



**PUBLIC MEETINGS BEFORE THE PLANNING COMMISSION
CHARLES D. CAMERON PUBLIC SERVICES BUILDING**

WEDNESDAY JUNE 19, 2019 6:30 PM

AGENDA

CHAIR: A. RICHARD VIAL
VICE-CHAIR: JEFF PETRILLO
COMMISSIONERS: ED BARTHOLEMY, IAN BEATY, TEGAN ENLOE, DEBORAH LOCKWOOD,
ANTHONY MILLS, ERIC URSTADT, MATT WELLNER

PUBLIC MEETING (AUDITORIUM)

- 1. CALL TO ORDER – 6:30 PM**
- 2. ROLL CALL**
- 3. DIRECTOR'S REPORT**
- 4. ORAL COMMUNICATIONS (Limited to items not on the agenda)**
- 5. WORK SESSION**
 - a. Issue Paper 2019-02: Status Report on County Regulation of Recreational Marijuana**
- 6. PUBLIC HEARING**
 - a. Ordinance No. 853 – Community Development Code (CDC) amendment**
An ordinance amending the CDC relating to Planned Developments
- 7. CONSIDERATION OF MINUTES**
 - a. May 1, 2019**
 - b. May 15, 2019**
- 8. ADJOURN**



June 11, 2019

**LONG RANGE PLANNING
ISSUE PAPER NO. 2019-02**

Status Report on County Regulation of Recreational Marijuana

Issue

Recreational marijuana use became legal in Oregon July 1, 2015, and production and sale became legal Jan. 4, 2016. The Oregon Legislature subsequently issued administrative rules to guide counties and cities in implementing reasonable regulations on recreational marijuana operations and defining requirements for commercial recreational marijuana facility operations.

The County enacted specific rules for recreational marijuana activities in October 2016. After three years, few changes have been made to these regulations since their adoption. This status report examines available multiyear data to convey the current state of implementation of recreational marijuana regulations in the County, state, and neighboring jurisdictions.

Report Outline

- I. Introduction: A Brief History of Marijuana Regulation
 - II. Oregon's Regulatory and Licensing System for Recreational Marijuana
 - III. Recreational Marijuana Regulation in Washington County
 - IV. Local and State Process for Commercial Marijuana Licensing
 - V. Data from Three Years of Legalized Recreational Marijuana Regulation
 - VI. Enforcement and Compliance with Recreational Marijuana Regulations
 - VII. Assessment of Current Recreational Marijuana Regulations
 - VIII. Possible Legislative Changes to Recreational Marijuana Regulations
 - IX. Conclusion
- Appendices (A thru G)

I. Introduction: A Brief History of Marijuana Regulation

In 1973, Oregon became the first U.S. state to decriminalize marijuana use,¹ reducing the penalty for personal possession of up to 1 ounce to a \$100 fine.² Over the years, other states followed Oregon's lead. Following multiple failed marijuana legalization attempts by various states,

¹ Decriminalization is a loosening of criminal penalties imposed for marijuana while the manufacture and sale of marijuana remains illegal.

² Heddleston, Thomas R. (June 2012). *From the Frontlines to the Bottom Line: Medical Marijuana, the War on Drugs, and the Drug Policy Reform Movement* (Thesis). UC Santa Cruz Electronic Theses and Dissertations.

including Statewide Ballot Measure 5 in 1986,³ California in 1996 became the first to legalize *medical* marijuana use. Nearly two decades later, Washington and Colorado became the first U.S. states to legalize marijuana use for *recreational* purposes. In the years following, Oregonians voted to legalize medical and then recreational marijuana use and associated production and sales.

All but three U.S. states currently allow some form of regulated marijuana use.⁴ *Medical* marijuana activities and use are legal in 33 states. Commercial *recreational* marijuana activities and use are now legal in 10 states, including Oregon, Washington, California, and Nevada, as well as the District of Columbia.

Medical Marijuana

Voters in Oregon, Washington, and Alaska passed ballot measures in November 1998 that legalized the use of marijuana for medical purposes. On the heels of the ballot measure's passage, the Oregon Legislature enacted the Oregon Medical Marijuana Act (OMAA), which established a state-controlled permit system, providing patients with qualifying medical conditions the legal right to use marijuana in Oregon.⁵ The OMAA delegated to the Oregon Health Authority (OHA) the responsibility to oversee and administer the new Oregon Medical Marijuana Program (OMMP).

In March 2014, passage of Senate Bill 1531 by the Oregon Legislature amended the state's medical marijuana dispensary law. It authorized local jurisdictions to adopt reasonable regulations on medical marijuana dispensaries – including hours of operation, facility siting, development standards, and other regulations – and added provisions for limited moratoria on medical marijuana dispensaries until local regulations governing them could be established.

Recreational Marijuana

Two years after voters in Washington and Colorado legalized recreational marijuana use and activities, Oregon voters in November 2016 approved Statewide Ballot Measure 91. The measure allowed for limited personal possession, cultivation, and use of marijuana and marijuana-derived products for recreational purposes by people 21 years and older. It also tasked the Oregon Liquor Control Commission (OLCC) with creating and maintaining a regulatory and licensing system for growing, processing, distribution, and sales of marijuana products for recreational purposes. These Statewide Ballot Measure 91 provisions were separate from and did not amend elements of the OMAA.

³ According to ballotpedia.org, the Oregon Marijuana Legalization for Personal Use Act, or Oregon Statewide Ballot Measure 5, was on the ballot in Oregon Nov. 4, 1986. The measure would have legalized the possession and growing of marijuana for personal use by persons 18 years and older. It was defeated by Oregon voters 74% to 26%.

⁴ Marijuana possession for any use or purpose remains illegal in Idaho, Nebraska, and South Dakota.

⁵ The federal government considers marijuana an illegal substance under the Controlled Substances Act of 1970. The U.S. Department of Justice addressed this legal discrepancy through the Cole Memorandum in August 2013, which provided guidance on federal enforcement priorities related to marijuana activity in states “that have enacted laws legalizing marijuana in some form and that have also implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana.”

Revenue from Oregon's Recreational Marijuana Program

According to the OLCC, retail sales of recreational marijuana have generated \$198 million over about two years in state and local sales tax revenue since legalization.⁶ While funding for the OLCC Recreational Marijuana Program comes exclusively from fines and recreational marijuana-related license and permit fees,⁷ the Oregon Department of Revenue (DOR) collects Oregon Marijuana Tax revenue from recreational marijuana retailers and distributes it to the state, counties, and cities. Licensed recreational marijuana retailers in Oregon must charge a state tax of 17% on recreational marijuana sold. With local voter approval, municipalities can enact an additional tax of up to 3% on recreational marijuana sales.

As directed by the Oregon Legislature, net revenue from the Oregon Marijuana Tax must be allocated by the DOR as follows:

- 40% to Oregon's Common School Fund;
- 20% for mental health treatment or for alcohol and drug abuse prevention, early intervention, and treatment;
- 15% to the Oregon State Police;
- 10% to cities for enforcement of Measure 91;
- 10% to counties for enforcement of Measure 91; and
- 5% to the OHA for alcohol and drug abuse prevention.

Despite having the authority, the County does not impose a local tax on recreational marijuana sales. However, the County's decision to allow recreational marijuana businesses enables it to receive a share of Oregon Marijuana Tax revenue. Since October 2017, the County received over \$3.4 million from the Oregon Marijuana Tax program for mental health treatment, alcohol and drug services, and local enforcement of recreational marijuana regulations. State law limits reporting of marijuana tax statistics at the local level, so additional county- and city-specific data are unavailable.

See Appendix G for OLCC market data on commercial marijuana sales in Oregon.

II. Oregon's Regulatory and Licensing System for Recreational Marijuana

In October 2015, the OLCC released temporary rules for regulating recreational marijuana activities. It defined responsibilities for tracking production and processing, specified the number of mature marijuana plants that may be grown at a single address, and identified various site requirements, including canopy size, fencing, security, and other health and safety measures. Under these rules, the production and sale of recreational marijuana became legal Jan. 1, 2016. In September 2016, then-temporary rules for recreational marijuana activities and use became permanent. Recreational marijuana regulation is codified in Oregon Revised Statutes (ORS) Chapter 475B and Oregon Administrative Rules (OAR) Chapter 845, Division 25.

⁶ Oregon Liquor Control Commission. *2019 Recreational Marijuana Supply and Demand Legislative Report*. Jan. 31, 2019.

⁷ Oregon Liquor Control Commission. *2019-21 OLCC Agency Request Budget*. 2019.

The administrative rules delegated administration of Oregon's marijuana regulations as follows:

- The OLCC regulates *recreational* marijuana businesses and worker permits. It is also responsible for enforcement actions against licensed businesses that grow, process, wholesale, and sell recreational marijuana and marijuana-derived products.
- The OHA regulates *medical* marijuana activities and dispensaries, and also develops standards and requirements for all marijuana testing.
- The Oregon DOR regulates taxation of marijuana and marijuana-derived products.
- The Oregon Department of Agriculture regulates marijuana-related commercial kitchens, scale certification, certain food handling activities, and pesticide use. It also implements a program for regulating industrial hemp.
- A 16-person Recreational Marijuana Rules Advisory Committee provides the OLCC ongoing subject matter expertise to evaluate impacts of draft rule updates on Oregon's recreational marijuana market.

The OLCC issues commercial marijuana licenses to do the following:

- **Produce:** Plant, cultivate, grow, harvest, and dry marijuana.
- **Process:** Process, compound, or convert marijuana into cannabinoid products, concentrates, and/or extracts.
- **Wholesale:** Purchase bulk marijuana products from other licensed facilities and sell them to OLCC-licensed retailers, processors, producers, other wholesalers, or researchers.
- **Retail:** Sell or deliver marijuana directly to consumers.
- **Research:** Study marijuana-related topics for the purpose of benefiting the state's cannabis industry, medical research, and/or public health and safety.
- **Laboratory work:** Test marijuana items for pesticides, solvents or residual solvents, concentrations, and microbiological or other contaminants.

OLCC regulations on licensed recreational marijuana businesses in part require that:

- With the exception of marijuana producers in the urban area, marijuana businesses not be located in areas zoned exclusively for residential use (rural residential areas, such as the County's RR-5, AF-5, and AF-10 land use districts, are not specifically addressed under existing state regulations);
- Licensees maintain separate addresses or suite/unit numbers for each recreational marijuana activity;
- Licensees not share a premises or address with a medical marijuana processor or dispensary;
- Producers abide by limits on maximum canopy size;
- Retailers be at least 1,000 feet from elementary and secondary schools (or 500 feet from these schools when a geographic or physical barrier impedes a direct path);
- Licensees maintain a log of employees and enter employee information into the OLCC's cannabis tracking system;
- Licensees occupying but not owning the premises of a licensed recreational marijuana business provide verification that the business is allowed by the property owner; and
- On-site marijuana consumption is prohibited.

Local Regulation

Oregon law provides that cities and counties may establish “reasonable regulations,” as defined in ORS Chapter 475B.486, regarding the time, place, and manner for recreational marijuana operations and develop requirements for limited public access to licensed recreational marijuana businesses. The OLCC ensures through site visits and inspections that licensees adhere to what was approved by the Commission for a given location. Cities and counties may undertake policymaking and enact land use regulations that reflect the time, manner, and place allowances under Oregon statute.

Local jurisdictions may also choose to prohibit recreational marijuana business activities (commercial producers, processors, wholesalers, and/or retailers) by referring to local voters any proposed ban on the type(s) of marijuana business they wish to restrict. As of January 2019, 15 counties and 81 cities in Oregon – including Gaston, Sherwood, and Wilsonville – had enacted such prohibitions.⁸

III. Recreational Marijuana Regulation in Washington County

Oregon Senate Bill 1531 allowed local jurisdictions to enact reasonable regulations on the creation and operation of medical marijuana facilities. In response, the County adopted a temporary moratorium on establishing medical marijuana dispensaries until regulations could be created. Six months later, the County amended the Community Development Code (CDC) to allow medical marijuana dispensaries as a Special Use within certain land use districts, and required that medical marijuana dispensaries be at least 2,000 feet apart. The ordinance simultaneously repealed the moratorium.

After Oregon’s legalization of recreational marijuana business activities and OLCC issuance of temporary rules for recreational marijuana facilities, the County extended existing regulations for medical marijuana to recreational marijuana activities.

During the initial period of County regulation of recreational marijuana activities (Jan. 4. to Nov. 29, 2016) the County approved OLCC-required Land Use Compatibility Statements (LUCS) for qualified applicants but did not require standard land use reviews. A LUCS is used to determine whether a land use proposal is consistent with local comprehensive plans and regulations. LUCS approval is required for all recreational marijuana businesses in Oregon.

This action resulted in roughly 56 recreational marijuana businesses (primarily producers) operating as of January 2019 that didn’t undergo the land use review process now required for all marijuana businesses in unincorporated Washington County. Of these, four marijuana wholesale businesses operate in EFU, EFC, and AF-20 rural land use districts and two marijuana production businesses are in the FD-20 Future Development district.

In October 2016, the Board adopted land use regulations specifically for recreational marijuana activities in unincorporated Washington County, and only limited changes have been made since.

⁸ The OLCC maintains a list of Oregon jurisdictions that prohibit the establishment of recreational marijuana business activities.

The following table summarizes state and County land use regulation of marijuana activities:

Table 1: Summary of State and County Land Use Regulation of Marijuana Activities

Legislation	Year	Description
Oregon Senate Bill 1531	March 2014	Authorized cities and counties to adopt reasonable regulations on medical marijuana dispensaries, and allowed local jurisdictions to adopt moratoria on medical marijuana dispensaries through May 1, 2015.
Ordinance No. 781	April 2014	Implemented a temporary moratorium on medical marijuana dispensaries until County regulating rules could be adopted; effective May 22, 2014.
A-Engrossed Ordinance No. 792	October 2014	Adopted regulations for medical marijuana dispensaries and ended the moratorium imposed by Ordinance No. 781; effective Nov. 28, 2014.
Statewide Ballot Measure 91	November 2014	Allowed personal use and possession of recreational marijuana subject to Oregon law; the OLCC was tasked with developing and implementing state regulations for recreational marijuana activities and use.
Oregon House Bill 3400	June 2015	Provided guidance to the OLCC in formulating rules that addressed requirements of Statewide Ballot Measure 91.
OLCC Temporary Rules	October 2015	Established a regulatory framework for the recreational marijuana industry, covering the supply chain from growers to retailers; effective Jan. 1 to June 28, 2016.
A-Engrossed Ordinance No. 804	October 2015	Amended the CDC to allow recreational marijuana retail facilities in the same land use districts as medical marijuana dispensaries, applying identical regulatory standards; required minimum buffers between recreational marijuana retail businesses and also from designated youth-oriented recreational facilities.
OAR 845, Division 25	September 2016	Established permanent rules for governing the legal market for recreational marijuana products in Oregon.
B-Engrossed Ordinance No. 810	October 2016	Established land use regulations for recreational marijuana businesses, including the prohibition of commercial marijuana production for recreational purposes in urban residential districts and all commercial recreational marijuana activity in Future Development (FD) districts; effective Nov. 25, 2016.
Ordinance No. 833	August 2018	Added language to the CDC regarding recreational marijuana processing, including a definition for “alternating proprietor,” allowing multiple processors to use the same lot of record on alternating basis.
OLCC Division 25 Bill and Technical Package	December 2018	Ended the issuance of new licenses to processors as alternating proprietors (shared kitchens) on the same licensed premises for applications received after Jan. 1, 2019, but grandfathering all current alternating proprietorships; effective Dec. 28, 2018.

State Legislation/Action County Ordinance

Current County Regulations

Key provisions of current land use regulations on recreational marijuana activities include:

- Land use districts and process requirements for the specific type of activity proposed;
- Reasonable time, place, and manner requirements, particularly for recreational marijuana retail activities (see Appendix D);
- Recreational marijuana businesses are prohibited in urban residential districts;

- Recreational marijuana production (manufacture, planting, cultivation, growing, or harvesting of marijuana for commercial purposes) is allowed in most nonresidential districts;
- Type II⁹ land use review is required for new structures used to grow marijuana in nonresidential districts inside the UGB; and
- Outdoor marijuana production is allowed as a Type I¹⁰ use in nonresidential land use districts in the UGB, except FD-10 and FD-20.

The following table shows permitted recreational marijuana uses by County land use district:

Table 2: Permitted Recreational Marijuana Uses by County Land Use District*

Land Use District	Production (Indoor)	Production (Outdoor)	Processing	Wholesale	Retail	Research or Testing Lab
Neighborhood Commercial (NC)	II	I	N	N	N	N
Office Commercial (OC)	II	I	N	N	N	II
Community Business District (CBD)	II	I	N	N	II	N
General Commercial (GC)	II	I	N	II	II	N
Industrial (IND)	II	I	II	II	II	II
Institutional (INST)	II	I	N	N	N	N
Exclusive Farm Use (EFU)	I	I	II	N	N	N
Exclusive Forest and Conservation (EFC)	I	I	N	N	N	N
Agriculture and Forest (AF-20)	I	I	II	N	N	N
Agriculture and Forest (AF-10)	I	I	N	N	N	N
Agriculture and Forest (AF-5)	I	I	N	N	N	N
Rural Residential - Five Acre Minimum (RR-5)	I	I	N	N	N	N
Rural Commercial (R-COM)	II	I	N	N	II	N
Rural Industrial (R-IND)	II	I	II	II	N	N
Land Extensive Industrial (MAE)	II	I	II	II	N	II
Transit Oriented Retail Commercial (TO:RC)	II	I	N	N	II	N
Transit Oriented Employment (TO:EMP)	II	I	II	N	II	II
Transit Oriented Business (TO:BUS)	II	I	N	N	II	N
Bethany – Neighborhood Corner Commercial (NCC NB)	II	I	N	N	N	N
Bethany – Neighborhood Commercial Mixed Use (NCMU NB)	II	I	N	N	II	N

I = Type I Review; II = Type II Review; N = Not Allowed

* Limited recreational marijuana uses and activities are allowed only in land use districts listed above. They are not allowed in any land use district not listed in the table. Recreational marijuana production was allowed in urban residential and Future Development (FD) districts between Jan. 4 and Nov. 29, 2016 (effective date of Ordinance No. 810).

⁹ Type II actions generally involve uses or development for which review criteria are reasonably objective, requiring limited discretion. Impacts on nearby properties may be associated with these uses, which may necessitate imposition of specific conditions of approval to minimize the impacts or ensure compliance. Type II reviews include notice to neighboring properties.

¹⁰ Type I actions involve permitted uses or development governed by clear and objective review criteria. They do not include discretionary land use decisions. No public review or notice is required.

IV. Local and State Process for Commercial Marijuana Licensing

Applicants seeking to create a recreational marijuana business in Oregon must obtain a LUCS approval from the appropriate county or city for each proposed marijuana activity, regardless of whether or not the activity includes development of a physical structure. Local governments are responsible for receiving, evaluating, and approving/denying LUCS applications within their jurisdiction. The OLCC will not issue a commercial marijuana license without a LUCS approval.

County Review Process

Before applying for a LUCS approval, applicants in unincorporated Washington County must submit a land use review application with associated documentation and fees. Either a Type I or Type II review is performed, depending on the land use district and recreational marijuana activity proposed (see Table 2). After the application is deemed complete, the County has 150 days to review projects outside the UGB and 120 days to review projects inside the UGB, but decisions are typically rendered much sooner. Once the land use review application is approved, the County has up to 21 additional days to make a determination on the LUCS request.

LUCS applications are first reviewed by the County's Department of Health and Human Services (HHS) to determine whether or not existing water and sewer connections are adequate to serve the proposed development. Applications are then shared with the Sheriff's Office to enable tracking of commercial marijuana activity. Land Use & Transportation (LUT) then reviews LUCS applications and, if in conformance with County regulations, issues a LUCS approval letter that applicants provide to the OLCC.

As indicated, between Jan. 4 and Nov. 29, 2016, the County reviewed LUCS applications for recreational marijuana activities only for conformance with state law and did not require additional land use review. Since then, all applications for projects in unincorporated Washington County have required both a land use approval and LUCS. All recreational marijuana-related land use and LUCS applications submitted to the County that met the applicable submittal requirements at the time of submittal have been approved by LUT. This demonstrates that applicants requesting County approval for new recreational marijuana businesses have generally been successful in understanding and applying CDC standards to obtain approvals.

OLCC Review Process

Applicants can choose to begin the OLCC licensing process either before a LUCS decision is rendered, or once the land use and LUCS approval is obtained. The OLCC then assigns a state inspector to review an application and LUCS approval for conformance with Oregon law and administrative rules. Once these requirements are met, the inspector performs an on-site inspection to determine compliance with physical standards for safety and operation. The OLCC will not issue a commercial marijuana license until the permitted construction is completed and approved, and all licensing fees are paid in full.¹¹

¹¹ Applicants must pay a \$250 nonrefundable application fee. Licensees must pay an additional one-time license fee depending on the type of marijuana activity. Annual license renewal fees are \$250. Fees are defined in OAR Section 845-025-1060.

Temporary Pause on Application Processing

In June 2018, the OLCC began a temporary pause in processing recreational marijuana license applications. Applications are still being accepted by the OLCC but will not be processed until further notice.

According to the OLCC, this pause is due primarily to a reprioritization of the Commission’s workload given its nine-month application review backlog. Some have speculated that Oregon’s oversupply of recreational marijuana, potentially harming the legal market and leaking into the black market, may be contributing to the OLCC’s temporary pause.¹² However, the OLCC recently concluded that the, “unpurchased supply remains tracked and contained within the legal, regulated market.”¹³

V. Data from Three Years of Legalized Recreational Marijuana Regulation

The OLCC maintains recreational marijuana license databases, including active and approved licenses, license applications yet to be processed, and licenses surrendered or expired. Licenses must be renewed annually or risk expiration. Table 3 shows the number and status of commercial marijuana license applications, by license type, reviewed by the OLCC statewide. As shown in Table 3, as of Jan. 7, over 2,100 applications from across the state have been approved and remain active – the vast majority, nearly 88%, for marijuana production. Statewide, approximately 9% of total OLCC approved commercial marijuana licenses have either been surrendered or expired. The data show there is significant backlog of license applications yet to be processed by the OLCC, nearly equal in number to licenses approved.

Table 3: OLCC Commercial Marijuana Licenses - Statewide

(Jan. 4, 2016, to Jan. 7, 2019)

License Status	Production	Processing	Wholesale	Retail	Research	Testing	Total
Active and Approved	1,121	210	146	607	0	22	2,106
Yet to Be Processed by OLCC	1,127	371	204	334	4	10	2,050
Surrendered/Expired	127	13	11	48	0	6	205

Source: OLCC Recreational Marijuana Program

The OLCC also tracks at the statewide level the number of workers employed at recreational marijuana businesses. The Commission’s data indicate over 58,000 active and approved worker permits in Oregon, with approximately 2,400 additional permit applications under OLCC review. County level worker permit data is not available.

OLCC and County Approvals

OLCC data for unincorporated Washington County (Table 4) show that 80 commercial marijuana licenses were approved and remain active, are yet to be approved by the OLCC or the County, or were for a change in business name or ownership.

¹² This concern was shared in the Staff Measure Summary of Senate Bill (SB) 218-A, a bill proposed in the 2019 Oregon Legislature that would allow the OLCC to refuse issuance of new marijuana production licenses based on market demand and other factors. See Section XII for more details of SB 218-A.

¹³ Oregon Liquor Control Commission. *2019 Recreational Marijuana Supply and Demand Legislative Report*. Jan. 31, 2019.

Table 4 shows that recreational marijuana production facilities comprise the majority of OLCC commercial marijuana license approvals in unincorporated Washington County – more than 80% of all licenses in this area. At nearly all jurisdictional levels (statewide, most other Oregon counties, and Washington County overall and unincorporated areas), the majority of OLCC commercial marijuana licenses are for production. The unincorporated area contains seven OLCC-licensed commercial marijuana retail facilities, with all but one located in the urban area, and four licensed recreational marijuana wholesale facilities, all in the rural area. No OLCC-licensed marijuana research or testing facilities exist in unincorporated Washington County.

The 61 active marijuana licenses in unincorporated Washington County comprise approximately 4% of the statewide total.

Table 4: Status of OLCC Commercial Marijuana Licenses - Unincorporated Washington County (Jan. 4, 2016, to Dec. 21, 2018)

License Status	Production	Processing	Wholesale	Retail	Research	Testing	Total
Active and Approved	51	0	3	7	0	0	61
Surrendered/Expired**	10	0	0	0	0	0	10
County Approval Pending	0	1*	0	0	0	0	1*
Change of Name/Ownership	6	0	0	2	0	0	8
Total	67	1*	3	9	0	0	80*
Yet to Be Processed by OLCC	8	0	1	1	0	0	10
Never Established ***	168	3	1	3	0	0	175

Sources: OLCC Recreational Marijuana Program and Washington County LUT

- * The difference in the total number of approvals between the OLCC and the County is due to one “county approval pending” application, as of Jan. 7, 2019, that was approved by the OLCC.
- ** While 14% of businesses in unincorporated Washington County that obtained OLCC marijuana license approval are no longer operating due to license surrender or expiration, this percentage is less than the typical failure rate for all business types. The U.S. Bureau of Labor and Statistics reports that nationwide, 20% of all private businesses fail within two years of establishment and nearly 40% fail within the first four years.
- *** Includes marijuana businesses that obtained County land use review and/or LUCS approval but were never approved for an OLCC commercial marijuana license.

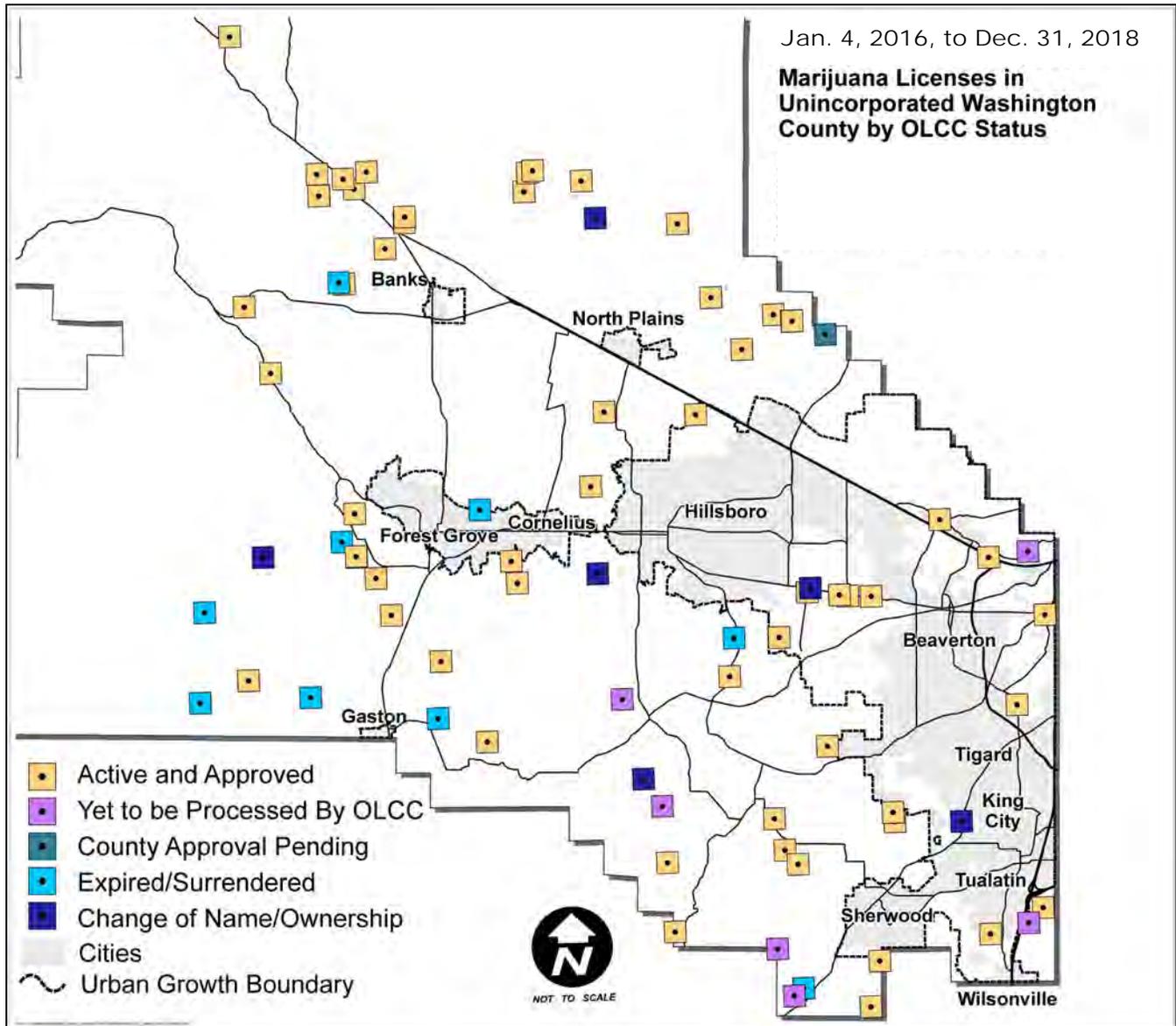
Between Jan. 4, 2016, and Dec. 31, 2018, the County received 259 commercial marijuana business applications for land use review and/or LUCS approval.¹⁴ Nearly 66% of applicants that obtained land use review and/or LUCS approval from the County did not end up acquiring license approval from the OLCC. Some of these applications likely obtained LUCS approval early in the process soon after legalization. As completed facility construction and successful final inspection are required for OLCC commercial marijuana licensure, stringent regulations and construction financing challenges could present barriers for applicants seeking to establish a licensed commercial marijuana business. These may offer some credible explanation.

¹⁴ Land use reviews for commercial marijuana businesses were not required by the County between Jan. 4 and Nov. 29, 2016 (effective date of Ordinance No. 810).

The following map shows the geographic distribution of marijuana licenses by OLCC status in unincorporated Washington County.

Map 1: Marijuana Licenses by OLCC Status in Unincorporated Washington County

(Jan. 4, 2016, to Dec. 31, 2018)



Source: Washington County LUT

Also of interest is how OLCC-licensed commercial marijuana businesses are distributed across County land use districts. The following table shows OLCC license approvals in unincorporated Washington County by land use district:

Table 5: OLCC Marijuana License Approvals by Land Use District - Unincorporated Washington County* (Jan. 4, 2016, to Dec. 31, 2018)

Land Use District	Production	Processing	Wholesale	Retail	Research or Testing Lab	Total OLCC Approvals	Percent of Total Approvals
Future Development 20-Acre District (FD-20)	2					2	2.5%
Neighborhood Commercial (NC)							-
Office Commercial (OC)	1					1	1.3%
Community Business District (CBD)				5		5	6.3%
General Commercial (GC)							-
Industrial (IND)	1			1		2	2.5%
Institutional (INST)							-
Exclusive Farm Use (EFU)	21		1			22	27.8%
Exclusive Forest and Conservation (EFC)	14		2			16	20.3%
Agriculture and Forest (AF-20)	11		1			12	15.2%
Agriculture and Forest (AF-10)	7					7	8.9%
Agriculture and Forest (AF-5)	8					8	10.1%
Rural Residential - Five Acre Minimum (RR-5)							-
Rural Commercial (R-COM)				1		1	1.3%
Rural Industrial (R-IND)							-
Land Extensive Industrial (MAE)							-
Transit Oriented Retail Commercial (TO:RC)				2		2	2.5%
Transit Oriented Employment (TO:EMP)							-
Transit Oriented Business (TO:BUS)				1		1	1.3%
Bethany – Neighborhood Corner Commercial (NCC NB)							-
Bethany – Neighborhood Commercial Mixed Use (NCMU NB)							-
Total OLCC Approvals	65	0**	4	10	0	79**	
Percent of Total Approved	82.3%	-	5.0%	12.7%	-		

Source: Washington County LUT

Allowed
 Not Allowed
 # Allowed between Jan. 4, and Nov. 29, 2016
 Total
 Percentage
 Grand Total

* Includes OLCC marijuana licenses currently active, as well as expired/suspended licenses, those awaiting County approval, and/or had a change in business name or ownership. See Table 4, Page 10 for a breakdown of OLCC license status by commercial marijuana activity for unincorporated Washington County.

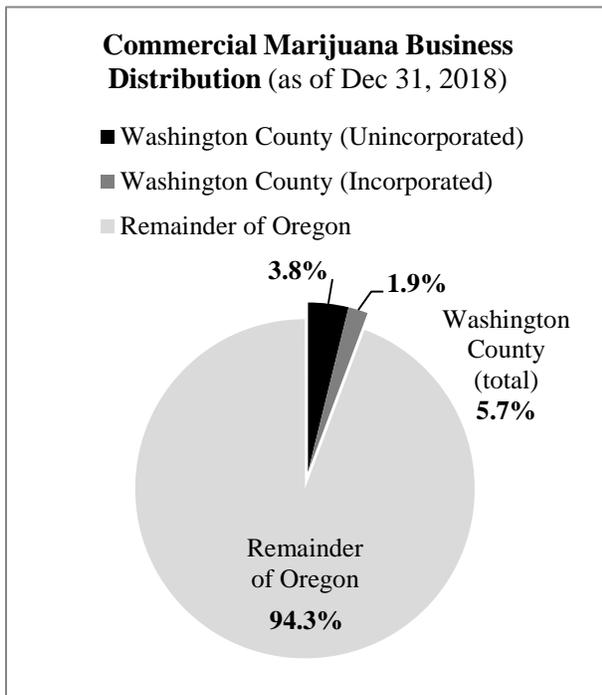
** The difference in the total number of approvals between the OLCC and the County is due to one “county approval pending” application, as of Jan. 7, 2019, that was approved by the OLCC.

Comparison of OLCC License Approvals

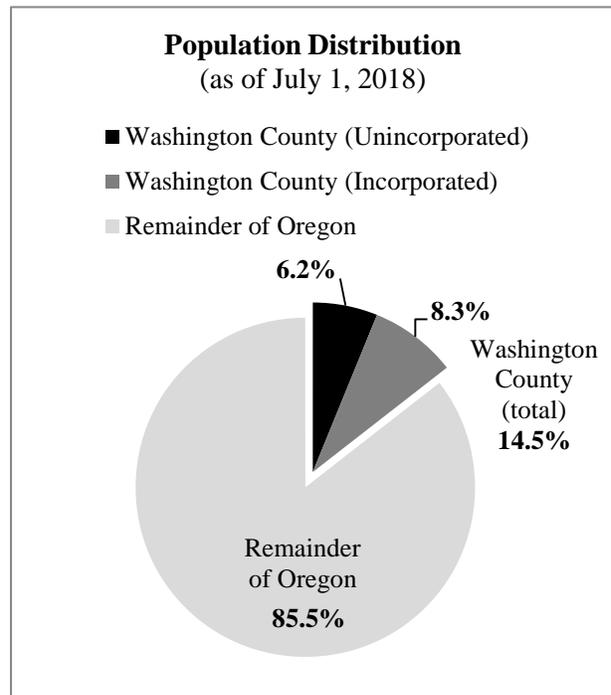
Of the 4,376 license applications for proposed commercial marijuana businesses received by the OLCC from across Oregon, nearly half were approved (see Appendix C, Table C-2). Of the 289 license applications received from throughout all of Washington County, 41.5% were approved.

OLCC commercial marijuana licenses issued in all of Washington County comprise 5.7% of the total issued across Oregon. Marijuana licenses in unincorporated Washington County comprise 3.8% of the total issued statewide.¹⁵ As these areas, respectively, represent 14.5% and 6.2% of Oregon’s total population,¹⁶ there are fewer OLCC-licensed, commercial marijuana businesses per capita in Washington County - both overall and in the unincorporated areas - than elsewhere in Oregon.

Figure 1: County Share of Licensed Commercial Marijuana Businesses and Population



Source: OLCC Recreational Marijuana Program



Source: Population Research Center, Portland State University

¹⁵ While 3.8% of the statewide approvals represent 81 marijuana businesses, OLCC marijuana licenses for 15 of these businesses were surrendered or expired as of Dec. 21, 2018. Sixty-six of these businesses remain active, thereby resulting in a lower percentage.

¹⁶ Based on population as of July 1, 2018, provided by the Population Research Center at Portland State University.

VI. Enforcement and Compliance of Recreational Marijuana Regulations

Local law enforcement is generally responsible for issues related to criminal behavior at licensed commercial marijuana facilities and for illegal marijuana activities elsewhere. The OLCC is responsible for enforcement, compliance, and determining punitive actions against businesses it licenses. Both the Washington County Sheriff's Office and the OLCC provided useful feedback for this update on marijuana-related enforcement and compliance in Washington County.

Feedback from the Washington County Sheriff's Office

Prior to County adoption of recreational marijuana regulations in 2016, Sheriff Pat Garrett voiced concerns about marijuana production allowed at the time in urban residential land use districts. In written testimony to the Board on Ordinance No. 810, dated May 12, 2016, Garrett stated his opposition to "massive grows in residential areas" and highlighted many negative externalities of marijuana production in residential land use districts that neighboring counties considered when developing their own recreational marijuana activity regulations. Regulations adopted through Ordinance No. 810 disallowed commercial marijuana production in urban residential land use districts.

For this report, LUT staff reached out to the Sheriff's Office to better understand impacts on law enforcement since legalization of recreational marijuana and County implementation of land use regulations allowing commercial marijuana activities.

In a letter dated Jan. 15, 2019, included as Appendix F, Garrett noted that in 2018, there were 99 calls-for-service for incidents related to *legal* recreational marijuana businesses in unincorporated Washington County. Generally these involved "investigative follow-ups, after hours alarm responses, reports of suspicious persons or vehicles, unwanted persons, thefts and burglaries." Garrett indicated that law enforcement continues to see *illegal* marijuana manufacturing, distribution, and sales, but not necessarily related to *legal* recreational marijuana businesses.

Three years into OLCC implementation of the Recreational Marijuana Program and County regulation of recreational marijuana businesses, Garrett remains concerned with the public safety threat from "*illicit* [emphasis added] marijuana-related manufacture and distribution in Oregon since state legalization." His letter highlights several examples in the past three years where *illegal* butane honey oil extraction labs exploded, causing significant burns to suspects, property damage, and risk to neighbors and family members.

Garrett's 2019 letter references a "marijuana summit" convened in February 2018 by U.S. Attorney Billy Williams of Oregon, that Garrett said showed "strong consensus among regional law enforcement and many in the marijuana industry that Oregon has dedicated insufficient resources to regulatory enforcement and oversight" of marijuana businesses. Garrett cited a vibrant export market from Oregon to states where marijuana remains illegal. According to Garrett, Williams reported that "large quantities of Oregon marijuana have been seized in 30 states and significant black market proceeds pour back into Oregon that fuel continued illicit marijuana exports and sales."

In response, Garrett would like to see “state and local [elected] officials advocate to increase Oregon’s regulatory oversight to an effective level to protect the community and enable informed answers to questions whether marijuana businesses comply with state regulations.”

OLCC Enforcement

The OLCC performs enforcement actions across Oregon to better ensure compliance with state statutes and rules by OLCC marijuana licensees. It also inspects the premises of applicant facilities prior to issuing commercial marijuana license approval and at renewal if a licensee is altering the licensed premises. Otherwise, most OLCC inspections of licensed marijuana businesses in Oregon are complaint-driven.

In 2018, the OLCC conducted decoy operations to better prevent minors from entering licensed retail businesses to purchase marijuana products. In November 2018, the Commission announced results from Operation Good Harvest, where OLCC inspectors made enforcement inspections on recreational marijuana producers. While these statewide actions resulted in some violations, they also affirmed that most marijuana businesses are generally compliant with OLCC regulations.

During Operation Good Harvest, the OLCC found that 259 of 354 inspections (73%) of outdoor commercial marijuana producer licensees did not identify any deficiencies or potential violations.¹⁷ An OLCC representative added that “quite a few” inspections were conducted on marijuana producers in unincorporated Washington County, but that no violations were found.¹⁸

As of December 2018, only three licensed recreational marijuana businesses in unincorporated Washington County have been cited for marijuana-related violations by the OLCC. Two commercial marijuana producers had multiple violations in 2016 and 2017 and have since surrendered their licenses. One business was cited for use of an OLCC commercial marijuana license other than for what is permitted, insufficient tracking, and improper harvest lot segregation. The other was cited for displaying improper tags, exceeding production size limits, and premises security issues. The third commercial marijuana business cited in unincorporated Washington County by the OLCC for a violation of recreational marijuana-related rules was by a currently active marijuana retailer cited once in 2018 for sale to a minor.

The OLCC indicates that throughout 2019 it will continue compliance activities in Oregon across all recreational marijuana business classifications.

VII. Assessment of Current Recreational Marijuana Regulations

There have been few complaints from applicants specific to County marijuana regulations beyond general comments on the time it takes to process standard land use applications. Testimony and comments received on past recreational marijuana ordinances have largely been resolved, through subsequent prohibitions on commercial marijuana activities in Future Development districts and recreational marijuana retail businesses near designated youth-oriented recreational facilities. Moreover, LUT employees identify few implementation

¹⁷ OLCC News Release, *OLCC’s “Good Harvest” Produces Promising Results*, Nov. 19, 2018.

¹⁸ LUT staff email correspondence with Amanda Borup, policy analyst with the OLCC Recreational Marijuana Program, Dec. 21, 2018.

challenges or concerns regarding recreational marijuana regulations in the CDC. In 2019, one request seeking to expand commercial marijuana activities in a specific land use district and one complaint from a business tenant about odor from a nearby hemp processing facility were received.

One notable exception is the case of a recreational marijuana retail facility once proposed in an existing building located in a Transit Oriented: Retail Commercial (TO:RC) land use district in the Cedar Hills – Cedar Mill Community Plan area. The applicant obtained a Type II land use approval from the County in June 2017, which was appealed. During the public comment period, the County received approximately 200 letters regarding the project, most in opposition. Concerns included incompatibility with the character of the neighborhood; proximity to a school; increased traffic; noncompliance with County standards; and increased risks to public health and safety. The LUT Director concluded the proposed development was compliant with the CDC and Community Plan and the Hearings Officer upheld the Director’s decision. The applicant later withdrew the application and chose to complete the project elsewhere.

OLCC Updates

In December 2018, the OLCC adopted minor regulatory changes for recreational marijuana. One notable modification was ending the issuance of new OLCC marijuana licenses to recreational marijuana processors operating as “alternating proprietors,” or shared kitchens, on the same licensed premises but at different times, in accordance with a schedule approved by the OLCC.¹⁹ Upon LUT inquiry, the OLCC indicated that not many licensees were interested and that the regulations were too burdensome to make the type of use worthwhile. The Commission also highlighted various issues for licensees involved with scheduling, testing, and other transfers.

As noted earlier, Ordinance No. 833, adopted in August 2018, added a new CDC definition of “alternating proprietor” and allowed recreational marijuana processors of cannabinoid edibles, topicals, and concentrates to share facilities with other recreational marijuana processors under certain conditions. The OLCC rule change ending issuance of new commercial marijuana licenses for alternating proprietors will halt new approvals under this business arrangement. While the Commission’s decision does not require the County to make immediate amendments to the CDC, LUT recommends that existing references to alternating proprietors added by Ordinance No. 833 be removed in a future omnibus ordinance.

Request for Change to CDC

One formal request to change the County’s recreational marijuana regulations was submitted in the past year and since County rules on commercial marijuana activities were adopted. A.W. Stuart Law, representing Western Oregon Dispensary, Inc. (WOD), requested a revision to the CDC to expand permitted uses in the Transit Oriented Retail Commercial (TO:RC) district. The request was specifically to allow processing of cannabinoid *edibles*, a sub-type of marijuana processing as defined by the OLCC, in a land use district where it is not currently allowed. While the OLCC distinguishes marijuana edibles processing from other sub-types of marijuana

¹⁹ Processor licensees in alternating proprietorships before Jan. 1, 2019, are grandfathered to rules that applied when licenses were granted.

processing, making it possible for cities and counties to distinguish between processing from a land use perspective, the CDC does not distinguish between types of marijuana processing.

WOD's request was addressed in the 2019-2020 Long Range Planning Work Program. LUT's review of allowances in neighboring jurisdictions for marijuana processing in commercial land use districts (Appendix E) helped inform analysis of this request. LUT ultimately recommended against moving forward with the proposed change, and the Board approved the Work Program without this request in March 2019.

Feedback from OLCC-Licensed Recreational Marijuana Businesses

In May 2019, LUT reached out to OLCC-licensed recreational marijuana producers, wholesalers, and retailers in unincorporated Washington County that had obtained both a County land use approval and LUCS. Licensees were asked about their experience with the County's development review process for commercial marijuana businesses and how it compares to similar processes in other jurisdictions. LUT also solicited feedback on how the process could be improved.

Respondents shared that their experiences with the County were generally positive. Most indicated the experience was better or equivalent to that in other jurisdictions. One respondent highlighted the great work of a particular LUT employee. Another indicated that the application process was handled efficiently.

Criticism and recommendations varied and often were project specific. Some shared frustrations about excessive processing time for applications. One respondent recommended allowing application review to start sooner and be done in parallel with other permitting activities. Another mentioned a perception that recreational marijuana wholesale businesses are treated differently from other small farm commercial operations.

Other specific comments included:

- Tailor application requirements to the size and anticipated impacts of commercial marijuana activities proposed.
- Waive the sight distance requirement for existing, rural recreational marijuana businesses proposing minimal changes.
- Update development standards for commercial marijuana dispensaries to enable growth of the industry so that more will get built. "There are too few in certain areas. Washington County is the second largest county in the state and they have less dispensaries than most any other county west of the mountains."²⁰
- Implement a countywide 3% local tax on recreational marijuana sales, as allowed by the OLCC Recreational Marijuana Program.

²⁰ LUT staff email correspondence with the owner of a licensed recreational marijuana retail businesses located in unincorporated Washington County, May 23, 2019.

VIII. Possible Legislative Changes to Recreational Marijuana Regulations

In 2019, the Oregon Legislature proposed several recreational marijuana-related bills. A few of these bills remain active, including the following:

1. **Senate Bill (SB) 218 C** would authorize the OLCC, based on supply of and demand for marijuana, to refuse to issue commercial marijuana production licenses for any amount of time that the Commission deems necessary. The bill would not apply to renewal of production licenses or the issuance or reissuance of marijuana production licenses due to a change in the location or ownership of a commercial recreational marijuana facility. The proposed bill would also allow the OLCC to determine whether to accept and process license applications for commercial marijuana production during a period when the Commission is not issuing new licenses for recreational marijuana production.

The Senate on April 29 voted 18-10 to pass SB 218 A and refer it to the House. The bill was referred to the House Committee on Economic Development as SB 218 B, where a public hearing was held May 8 and a work session May 22. The House Committee recommended passage of SB 218 B with amendments (C-Engrossed) on May 23.

The A-Engrossed and B-Engrossed versions include minor changes. C-Engrossed requires the OLCC to process new license applications for recreational marijuana production submitted with a LUCS within 21 days of the bill's effective date. It allows the OLCC to inactivate applications if a LUCS is not submitted in a timely manner; prohibits applicants from changing the application location or making a change of ownership of 51% or more; and requires the OLCC to study the effects of SB 218 C on the marijuana industry and report annually to the Legislative Assembly.

2. **Senate Bill (SB) 1012** would clarify that to qualify for a LUCS exemption, an applicant seeking a commercial license for marijuana production is not required to demonstrate continuous registration of a marijuana grow site prior to the date the application is submitted to the OLCC.

The Senate on April 2 voted 21-6 to pass SB 1012. The House on May 22 voted 45-10 to pass the enrolled bill, as introduced. SB 1012 will be sent to Gov. Kate Brown for signing.

3. **House Bill (HB) 2098 B** would establish a committee to advise the OLCC, OHA, and ODA on standards for testing potency of marijuana and marijuana items. The bill would allow licensed commercial marijuana producers to produce and transfer kief, the resinous trichomes of marijuana that accumulate or fall off when marijuana flowers are sifted.

The House on April 16 voted 49-9 to pass HB 2098 A. The Senate on May 22 voted 27-1 to pass HB 2098 B. The bill will be referred back to the House. The A-Engrossed version added new committee provisions as described above. B-Engrossed would allow pharmacists to dispense to patients certain prescription drugs that contain one or more cannabinoids. HB 2098 B would also clarify that applicants seeking to establish a

licensed commercial marijuana production business are not required to demonstrate continual registration as persons responsible for a medical marijuana grow site to qualify for a LUCS exemption.

IX. Conclusion

Over 2,300 new licensed marijuana businesses and over 58,000 associated jobs have been created in Oregon since regulated recreational marijuana activity became legal in 2016.²¹ Unincorporated Washington County alone has 61 active, licensed marijuana businesses, with many more applications still yet to be processed by the OLCC. Applicants in unincorporated Washington County have been successful in securing needed land use approvals, and licensees throughout the County have proven largely compliant with state and local laws and regulations.

Overall, the County's administrative oversight of recreational marijuana businesses has gone smoothly. Despite lingering concerns by County law enforcement, the County has received few complaints from the public and relatively positive feedback from commercial marijuana licensees. LUT does not recommend changes to CDC regulations for recreational marijuana at this time, but acknowledges the importance of monitoring updates to the OLCC Recreational Marijuana Program. LUT will also continue gathering, generating, and soliciting feedback from commercial marijuana businesses, LUCS applicants, and the general public, and will continue to periodically provide status reports to the Board on recreational marijuana activities in Washington County and across Oregon.

²¹ Based on OLCC data on statewide marijuana licenses and worker permits – Jan. 4, to Jan. 7, 2019

Appendix A: Supplemental Data of Land Use and LUCS Approvals

By Year

More than 82% of current OLCC marijuana licenses in unincorporated Washington County were obtained in 2016 (Table A-1). Applications approved subsequently are a significantly smaller percentage of total license approvals. Reasons for this difference may include initial heightened interest in starting a business in a new industry (and declining enthusiasm as the market matures), as well as a trend toward market and financial capital saturation.

Table A-1: OLCC Commercial Marijuana License Approvals by Year - Unincorporated Washington County* (Jan. 4, 2016, to Dec. 31, 2018)

Year	Production	Processing	Wholesale	Retail	Research or Testing Lab	Total Licenses Approved	Percent of Total Licenses Approved
2016	58	0	0	7	0	65	82.3%
2017	7	0	4	2	0	13	16.4%
2018	0	0	0	1	0	1	1.3%
Total Approved	65	0	4	10	0	79	
Percent Approved	82.3%	-	5.0%	12.7%	-		

Source: Washington County LUT

* Includes OLCC marijuana licenses currently active, as well as expired/suspended licenses, those awaiting County approval, and/or had a change of in business name or ownership (see Table 4, Page 10 for a detailed breakdown).

By Location

More than 83% of current OLCC-licensed recreational marijuana businesses in unincorporated Washington County are located outside the urban growth boundary, or UGB (Table A-2). A vast majority of licensed marijuana businesses in the rural area – 61 of 66 – are for recreational marijuana production. Inside the UGB, licensed marijuana businesses are primarily recreational marijuana retail establishments.

Table A-2: OLCC Commercial Marijuana License Approvals by Location - Unincorporated Washington County* (Jan. 4, 2016, to Dec. 31, 2018)

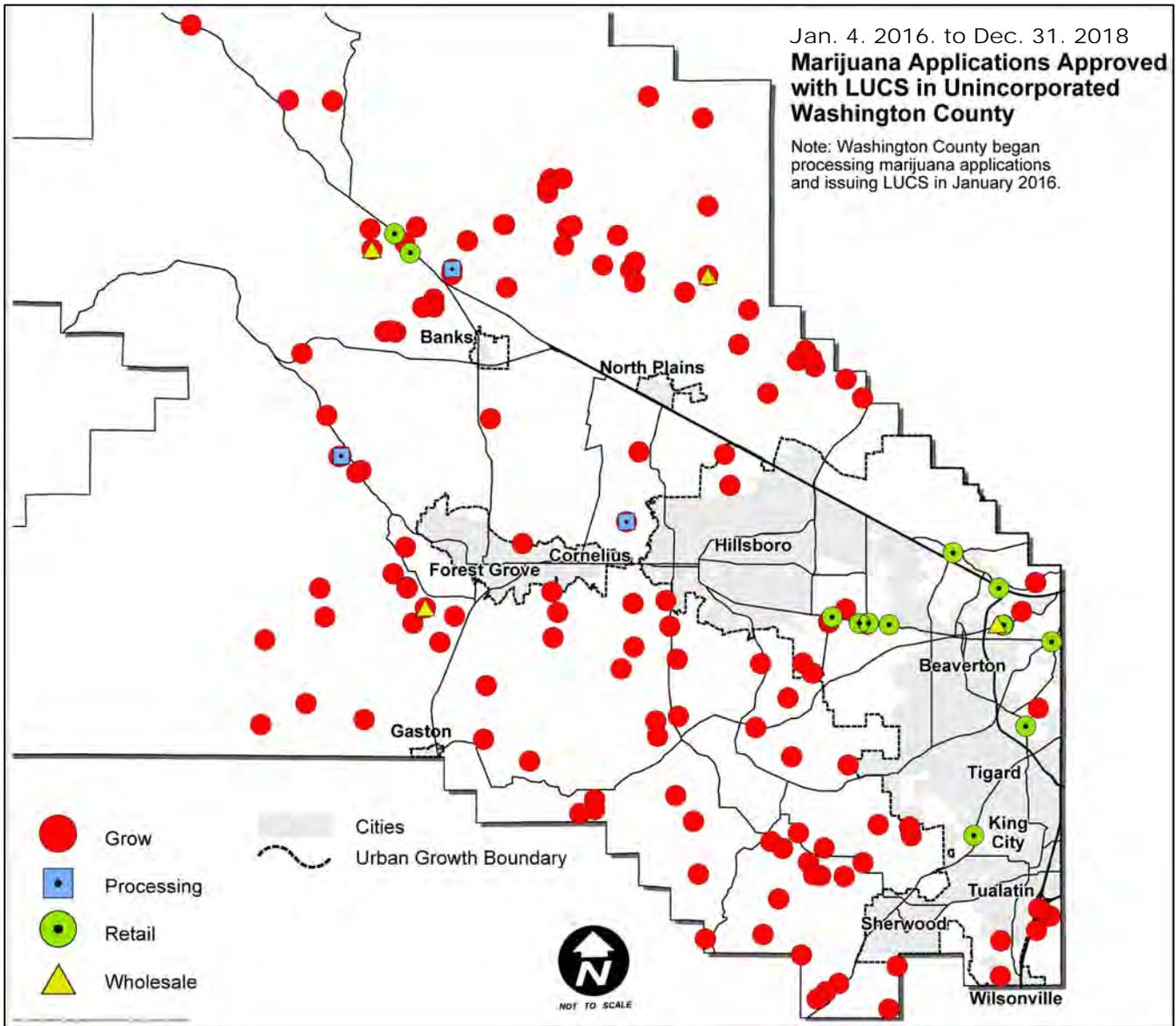
UGB Designation	Production	Processing	Wholesale	Retail	Research or Testing Lab	Total Licenses Approved	Percent of Total Licenses Approved
Urban: inside UGB	4	0	0	9	0	13	16.5%
Rural: outside UGB	61	0	4	1	0	66	83.5%
Total Approved	65	0	4	10	0	79	
Percent Approved	82.3%	-	5.0%	12.7%	-		

Source: Washington County LUT

* Includes OLCC marijuana licenses currently active, as well as expired/suspended licenses, those awaiting County approval, and/or had a change of in business name or ownership (see Table 4, Page 10 for a detailed breakdown).

Appendix B: Supplemental Maps of Land Use Review and LUCS Applications

Map B-1: Commercial Marijuana Applications Approved* in Unincorporated Washington County (Jan. 4, 2016, to Dec. 31, 2018)



Source: Washington County LUT

* Includes commercial marijuana businesses that obtained an OLCC license and commercial marijuana business applicants that obtained County land use review and/or LUCS approval but did not obtain an OLCC license.

Appendix C: Recreational Marijuana Applications Submitted to OLCC

Table C-1: Recreational Marijuana Applications Received by OLCC, by County
 (Jan. 4, 2016, to Jan. 7, 2019; unincorporated Washington County data (bottom row) as of Dec. 31, 2018)

County (includes both incorporated and unincorporated areas)	Production	Processing	Wholesale	Retail	Research	Testing Lab	Total Received	Percent of Total Received
Baker	5	2	4	6	1	0	18	0.4%
Benton	35	10	6	18	0	1	70	1.6%
Clackamas	341	85	35	43	0	4	508	11.6%
Clatsop	20	3	3	26	0	0	52	1.2%
Columbia	59	4	3	9	0	0	75	1.7%
Coos	35	7	4	35	0	0	81	1.9%
Crook	0	1	0	1	0	0	2	0.0%
Curry	20	3	0	15	0	0	38	0.9%
Deschutes	98	38	19	41	0	2	198	4.5%
Douglas	6	2	1	15	0	0	24	0.5%
Gilliam	2	0	0	0	0	0	2	0.0%
Grant	1	0	0	1	0	0	2	0.0%
Harney	1	0	0	2	0	0	3	0.1%
Hood River	28	8	1	8	0	1	46	1.1%
Jackson	458	77	38	68	1	5	647	14.8%
Jefferson	1	0	0	7	0	0	8	0.2%
Josephine	392	39	21	14	0	1	467	10.7%
Klamath	3	0	1	2	0	0	6	0.1%
Lake	1	0	0	3	0	0	4	0.1%
Lane	273	73	42	115	0	3	506	11.6%
Lincoln	23	7	1	32	0	1	64	1.5%
Linn	33	3	2	27	0	1	66	1.5%
Malheur	5	7	7	13	0	0	32	0.7%
Marion	43	28	20	83	0	1	175	4.0%
Multnomah	152	120	104	298	1	10	685	15.7%
Polk	73	5	1	12	0	1	92	2.1%
Tillamook	20	4	0	10	0	0	34	0.8%
Umatilla	2	0	0	5	0	0	7	0.2%
Wallowa	0	0	0	1	0	0	1	0.0%
Wasco	21	7	5	5	0	0	38	0.9%
Washington	147	40	32	62	1	7	289	6.6%
Yamhill	85	22	11	18	0	0	136	3.1%
Total Received	2,383	595	361	995	4	38	4,376	
Percent Received	54.5%	13.6%	8.2%	22.7%	0.1%	0.9%		

Unincorporated Washington County Only	75	1	4	10	0	0	90	2.1%
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Sources: The OLCC Recreational Marijuana Program and Washington County LUT

Metro Area County

Table C-2: Recreational Marijuana Applications Approved by OLCC, by County, Compared to Total Recreational Marijuana Applications Received by OLCC
 (Jan. 4, 2016, to Jan. 7, 2019; unincorporated Washington County data (bottom row below) as of Dec. 31, 2018)

County (includes incorporated and unincorporated areas)	Production	Processing	Wholesale	Retail	Research	Testing Lab	Total Approved	Percent of Total Approved	Total Received	Percent of Total Approved
Baker	1	2	2	4	0	0	9	0.4%	18	50.0%
Benton	22	6	2	9	0	1	40	1.9%	70	57.1%
Clackamas	155	32	9	25	0	1	222	10.5%	508	43.7%
Clatsop	9	0	0	16	0	0	25	1.2%	52	48.1%
Columbia	16	0	0	9	0	0	25	1.2%	75	33.3%
Coos	23	3	2	14	0	0	42	2.0%	81	51.9%
Crook	0	0	0	0	0	0	0	0.0%	2	-
Curry	7	1	0	10	0	0	18	0.9%	38	47.4%
Deschutes	32	18	11	25	0	2	88	4.2%	198	44.4%
Douglas	3	0	0	11	0	0	14	0.7%	24	58.3%
(data error)	1	0	0	1	0	0	2	0.1%	-	-
Gilliam	0	0	0	0	0	0	0	0.0%	2	-
Grant	0	0	0	0	0	0	0	0.0%	2	-
Harney	1	0	0	2	0	0	3	0.1%	3	100%
Hood River	19	2	1	6	0	1	29	1.4%	46	63.0%
Jackson	226	24	18	40	0	3	311	14.8%	647	48.1%
Jefferson	0	0	0	5	0	0	5	0.2%	8	62.5%
Josephine	166	11	6	10	0	0	193	9.2%	467	41.3%
Klamath	0	0	0	0	0	0	0	0.0%	6	-
Lake	1	0	0	2	0	0	3	0.1%	4	75.0%
Lane	149	27	21	87	0	2	286	13.6%	506	56.5%
Lincoln	13	4	0	24	0	0	41	1.9%	64	64.1%
Linn	9	1	1	13	0	0	24	1.1%	66	36.4%
Malheur	0	0	0	0	0	0	0	0.0%	32	-
Marion	21	7	6	52	0	0	86	4.1%	175	49.1%
Multnomah	77	56	53	174	0	7	367	17.4%	685	53.6%
Polk	35	0	0	9	0	0	44	2.1%	92	47.8%
Tillamook	11	0	0	10	0	0	21	1.0%	34	61.8%
Umatilla	1	0	0	3	0	0	4	0.2%	7	57.1%
Wallowa	0	0	0	0	0	0	0	0.0%	1	-
Wasco	10	4	2	5	0	0	21	1.0%	38	55.3%
Washington	68	8	9	30	0	5	120	5.7%	289	41.5%
Yamhill	44	4	2	12	0	0	62	2.9%	136	45.6%
Total Approved	1,120	210	145	608	0	22	2,105		4,376	48.1%
Percent Approved	53.2%	10.0%	6.9%	28.9%	0.0%	1.0%				

Sources: The OLCC
 Recreational Marijuana
 Program and Washington
 County LUT

Metro Area County

Total Received	2,383	595	361	995	4	38
Percent of Total Approved	47.0%	35.3%	40.2%	61.1%	0.0%	57.9%

Washington County Only

Total Received	147	40	32	62	1	7
Percent Approved	46.3%	20.0%	28.1%	48.4%	0.0%	71.4%

Approved - Only Unincorporated	67/75	1/1	3/4	9/10	0/0	0/0	80/90	4.2%	90	88.9%
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Appendix D: Time, Place, and Manner Requirements in the CDC for Recreational Marijuana Activities

Table D-1: CDC Time, Place, and Manner Requirements

CDC Section	Requirements
430-80.1	No more than one licensee for each recreational marijuana business activity (production, processing, wholesale, retail, and research/testing) may be established on the same lot of record.
430-80.2	Retail marijuana facilities are permitted subject to the following: <ul style="list-style-type: none"> A. All state requirements must be met; B. Hours of operation are limited to between 8 a.m. and 10 p.m.; C. Entrances and off-street parking areas for a retail marijuana facility must be well lit and not visually obscured from public view/right-of-way; D. In the Industrial (IND), General Commercial (GC), and Rural Commercial (R-COM) land use districts, the maximum allowed gross floor area for a retail recreational marijuana facility is 3,000 square feet; and E. In addition to state requirements for location, a retail marijuana facility must be located: <ul style="list-style-type: none"> 1. At least 1,000 feet away from any other retail marijuana facility; and 2. At least 1,000 feet from a youth-oriented recreational facility owned and operated by Tualatin Hills Park & Recreation District.
430-80.3	Marijuana production is permitted subject to the following: <ul style="list-style-type: none"> A. For outdoor marijuana production outside the UGB, setbacks must be a minimum of 50 feet from all property lines; and B. For odor control, buildings used for indoor marijuana production must be equipped with a carbon filtration system; or C. An alternative odor control system demonstrated by a mechanical engineer licensed in Oregon that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.
430-80.4	Marijuana processing facilities are permitted subject to the following: <ul style="list-style-type: none"> A. For odor control, buildings used for marijuana processing must be equipped with a carbon filtration system; or B. An alternative odor control system demonstrated by a mechanical engineer licensed in Oregon that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required; C. A cannabinoid edible or cannabinoid topical licensee may share a marijuana processing facility with another cannabinoid edible, cannabinoid topical, or cannabinoid concentrates processor subject to the license requirements of the OLCC; and D. A cannabinoid edible processor may only process in a facility licensed by the Oregon Department of Agriculture and subject to OLCC endorsement and license requirements.

Appendix E: Local Allowances for Commercial Marijuana Processing

Table E-1: Commercial Districts where Recreational Marijuana Processing is Allowed

Jurisdiction	Commercial Zones	District Purpose	Use Type	Notes
Clackamas County				
Oregon City	Mixed-Use Employment (MUE)	Promote employment-intensive uses like large offices and research and development complexes.	Primary	-
Unincorporated Clackamas County	Corridor Commercial (CC); General Commercial (C-3); Station Community Mixed Use (SCMU); Office Commercial (OC)	-	Primary	All: Only processing of cannabinoid edibles and topicals is allowed. SCMU: Maximum 10,000 square foot building allowed if floor area of all marijuana uses does not exceed 25% total floor area. OC: Permitted only if physical and operational requirements are similar to other primary uses allowed.
Multnomah County				
Portland	Commercial Mixed Use (CM1/CM2/CM3); Commercial Employment (CE); Central Commercial (CX)	-	Limited/Conditional	-
Unincorporated Multnomah County	Rural Center (RC); Pleasant Home Center (PH-RC); Orient Commercial-Industrial (OCI); Burlington Rural Center (BRC); Springdale Rural Center (SRC)	RC: Provide local employment through light industrial uses consistent with rural character. All: Serve population of rural community area and travelers.	Conditional or Review Use	All: One type of marijuana business may be established on any one lot.
Lane County				
Eugene	Neighborhood Commercial (C-1); Community Commercial (C-2); Major Commercial (C-3)	C-1: Serve day-to-day needs of surrounding neighborhood. C-2: Serve population larger than neighborhood but smaller than metro area. C-3: Attract population from entire metro area.	Primary	-
Unincorporated Lane County	Rural Commercial (RC)	Serve rural residents or travelers with retail trade of products or services by allowing needed commercial uses and development.	Primary	All: Marijuana processing is subject to discretionary review and special use permit approval and is only permitted on properties within the fire protection district.

Table E-2: Commercial Districts where Recreational Marijuana Processing is Allowed (Deschutes County)

Jurisdiction	Commercial Zones	District Purpose	Use Type	Notes
Deschutes County				
Bend	Central Business (CB); Convenient Commercial (CC); Limited Commercial (CL); General Commercial (CG); Mixed-Use Riverfront (MR)	CL: Provide retail, service, and tourist commercial uses along highways or commercial centers. MR: Provide employment opportunities and housing types; foster non-motor vehicle use; ensure area compatibility; and activate area near Deschutes River.	CB, CC, CG, and MR: Primary; CL: Conditional	CL: Marijuana retail outlets are allowed when in building over 5,000 square feet. MR: Marijuana retail outlets are allowed when in a building 5,000 square feet or less.
Unincorporated Deschutes County	Terrebonne Commercial (TEC); Terrebonne Commercial Rural (TECR); Tumalo Commercial (TUC); Sun River Business Park (SUBP)	TEC/TECR/TUC: Serve community and surrounding rural areas. SUBP: Guide future development of Sun River.	Conditional	SUBP: Processing of cannabinoid edibles, cannabinoid topicals, and cannabinoid concentrates allowed in building in combination with retail/rental store or office/service establishment.

Table E-3: Commercial Districts where Recreational Marijuana Processing is Allowed (Washington County)

Jurisdiction	Commercial Zones	District Purpose	Use Type
Washington County			
Banks	General Commercial (GC)	Promote retail sales, service, and office uses, including structures up to 20,000 square feet.	Conditional uses associated with Primary uses are allowed.
Beaverton	Not allowed	-	-
Cornelius	Not allowed	-	-
Durham	Industrial Park (IP); Business Park Overlay (BPO)	IP: Create and preserve employment opportunities for residents. BPO: Promote flexible uses and certain design features desired and feasible through Planned Development.	Only Primary uses are allowed.
Forest Grove	Not allowed	-	-
Gaston	Not allowed	-	-
Hillsboro	Not allowed	-	-
King City	<i>Current zoning rules not available.</i>		
North Plains	Not allowed	-	-
Sherwood	<i>All recreational marijuana activity is banned citywide.</i>		
Tigard	Not allowed	-	-
Tualatin	Not allowed	-	-
Wilsonville	<i>All recreational marijuana activity is banned citywide.</i>		
Unincorporated Washington County	Not allowed	-	-

Appendix F: Letter from Washington County Sheriff Pat Garrett
Page 1 of 2



CONSERVING THE PEACE THROUGH VALUES DRIVEN SERVICE / SHERIFF PAT GARRETT

January 15, 2019

Todd Borkowitz, RLA, LEED AP
Washington County Dept. of Land Use & Transportation
155 N First Avenue Ste. 350 MS14
Hillsboro, Oregon 97124

Dear Mr. Borkowitz,

Thank you for your email inquiry whether the Sheriff's Office has encountered law enforcement problems or non-compliance with business regulations at recreational marijuana businesses in Washington County. A recent check of the website for the Oregon Liquor Control Commission (OLCC) showed 29 licensed marijuana retail businesses in Washington County. Of those, 10 are located in unincorporated areas. A calls-for-service search of those 10 businesses showed 99 Sheriff's Office calls or incidents in 2018. Generally, they involved investigative follow-up, after-hours alarm response, reports of suspicious persons or vehicles, unwanted persons, thefts and burglaries.

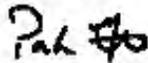
In response to your question whether these businesses complied with Oregon recreational marijuana regulations, the responsibility for such enforcement resides with OLCC. Accordingly, we are not informed to the extent these businesses comply with OLCC regulations.

It's important to remind readers that illicit marijuana-related manufacture and distribution in Oregon since state legalization constitutes a public safety threat. In early 2018, detectives discovered an illegal, highly dangerous butane honey oil extraction laboratory in Beaverton with over 14 pounds of extract. Such a yield requires a chemical process with about 224 pounds of marijuana and significant amounts of pressurized butane. In three separate Washington County cases in the past three years, similar labs exploded which caused significant burns to suspects and in some cases considerable property damage and risk to neighbors and family members.

Related, United States Attorney for Oregon Billy Williams convened an Oregon Marijuana Summit on February 2, 2018. The summit showed strong consensus among regional law enforcement and many in the marijuana industry that Oregon has dedicated insufficient resources to regulatory enforcement and oversight. U.S. Attorney Williams reported that since broader Oregon legalization in 2015, large quantities of Oregon marijuana have been seized in 30 states and significant black market proceeds pour back into Oregon that fuel continued illicit marijuana exports and sales. A 2018 audit of OLCC inventory

revealed over one million pounds of usable cannabis flower available to sell but only 31% was distributed to consumers within the state sanctioned market¹. In response, and consistent with conclusions from the 2018 Oregon Marijuana Summit, it's important state and local elected officials advocate to increase Oregon's regulatory oversight to an effective level to protect the community and enable informed answers to questions whether marijuana businesses comply with state regulations. Thank you for taking the time to seek feedback. Please let me know if I can assist further.

Respectfully,



Pat Garrett
Sheriff

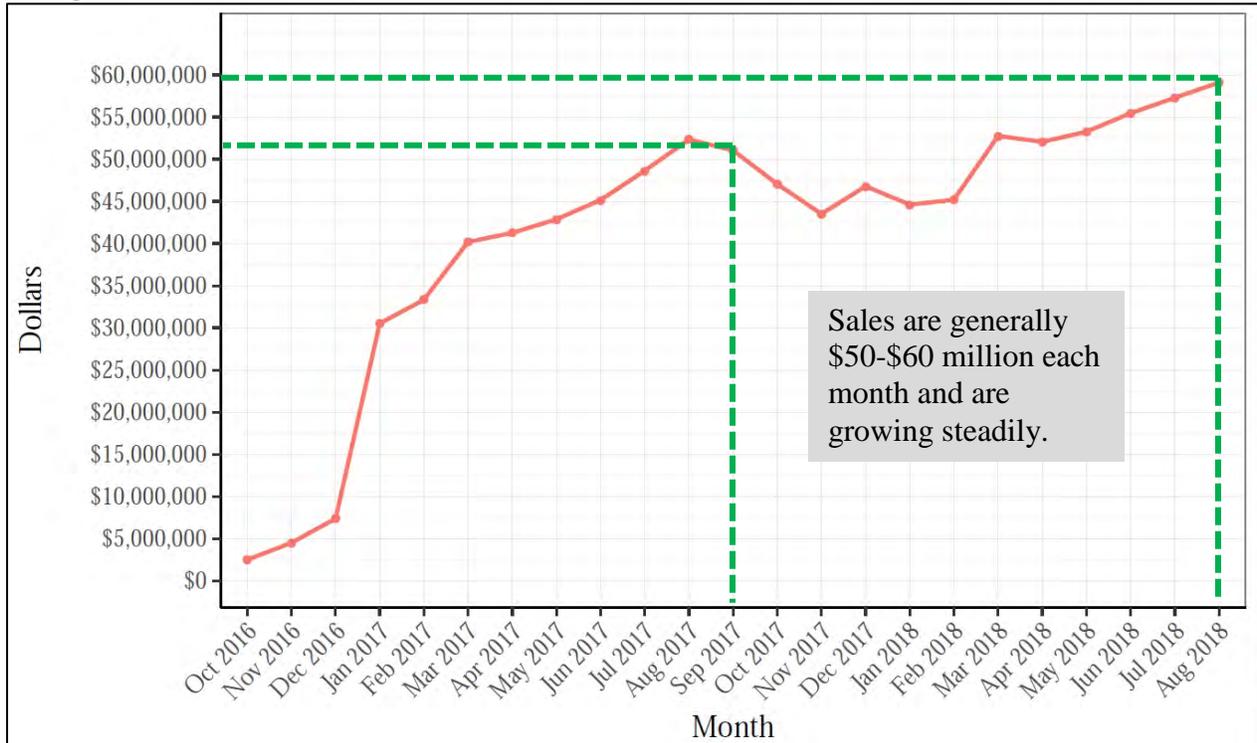
1. Stangl, Matt. 2018. "Oregon Grew More Cannabis Than Customers Can Smoke. Now Shops and Farmers Are Left with Mountains of Unwanted Bud." *Willamette Week*. April 19. Accessed April 24, 2018. <http://www.wweek.com/news/2018/04/18/oregon-grew-more-cannabis-than-customers-can-smoke-now-shops-and-farmers-are-left-with-mountains-of-unwanted-bud/>.

Appendix G: Market Data from Metrc® Cannabis Tracking Program

Metrc® is the cannabis tracking system utilized by the state of Oregon to collect data on retail and wholesale marijuana prices. The OLCC posts results online monthly to provide near real-time data of Oregon’s marijuana market. Below are excerpt charts from the December 2018 post.

According to the 2019 Recreational Marijuana Report published by the OLCC in January 2019, increased marijuana supply in Oregon has resulted in significantly reduced prices. Despite this, the gross monthly sales figures earned from retail marijuana in Oregon have been generally increasing due to the overall quantity of marijuana sold; suggesting that as the state continues to succeed in transitioning from a largely illegal marijuana market to a legalized and regulated one, overall sales and tax revenues can be expected to increase.

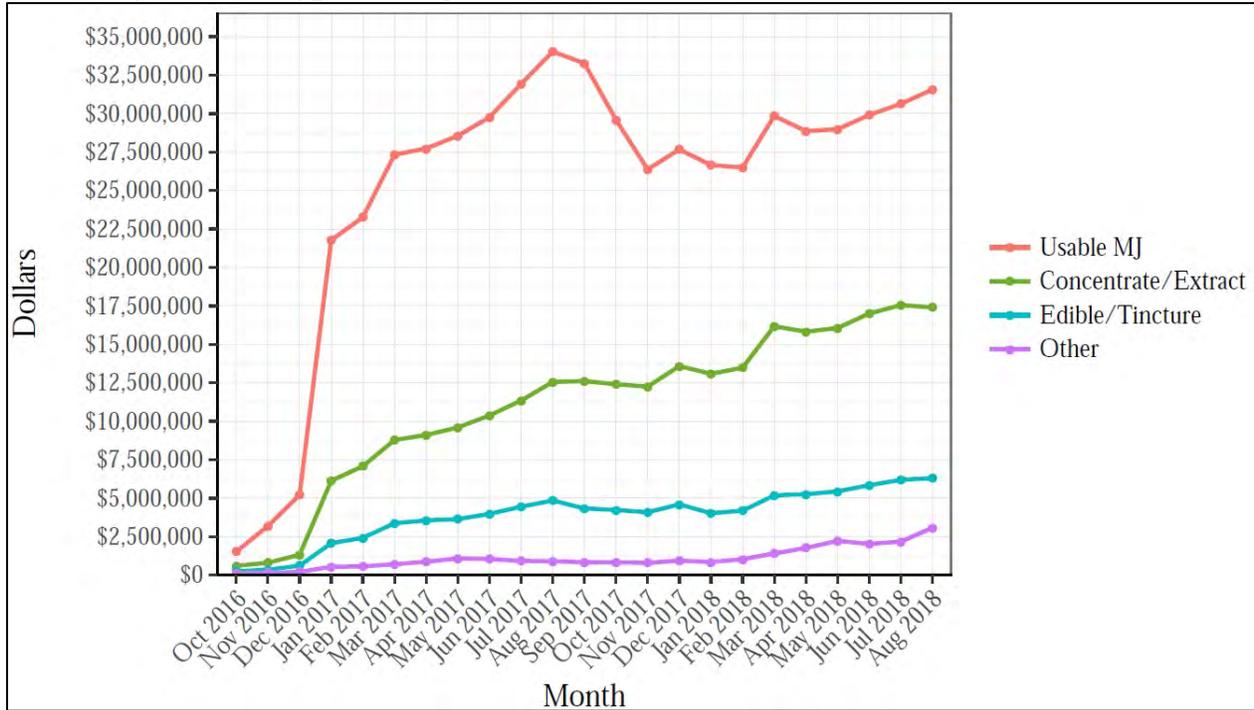
Figure G-1: Total Sales (Dollars) of OLCC-Licensed Recreational Marijuana by Month in Oregon (October 2016, to August 2018)



Source: OLCC Recreational Marijuana Program

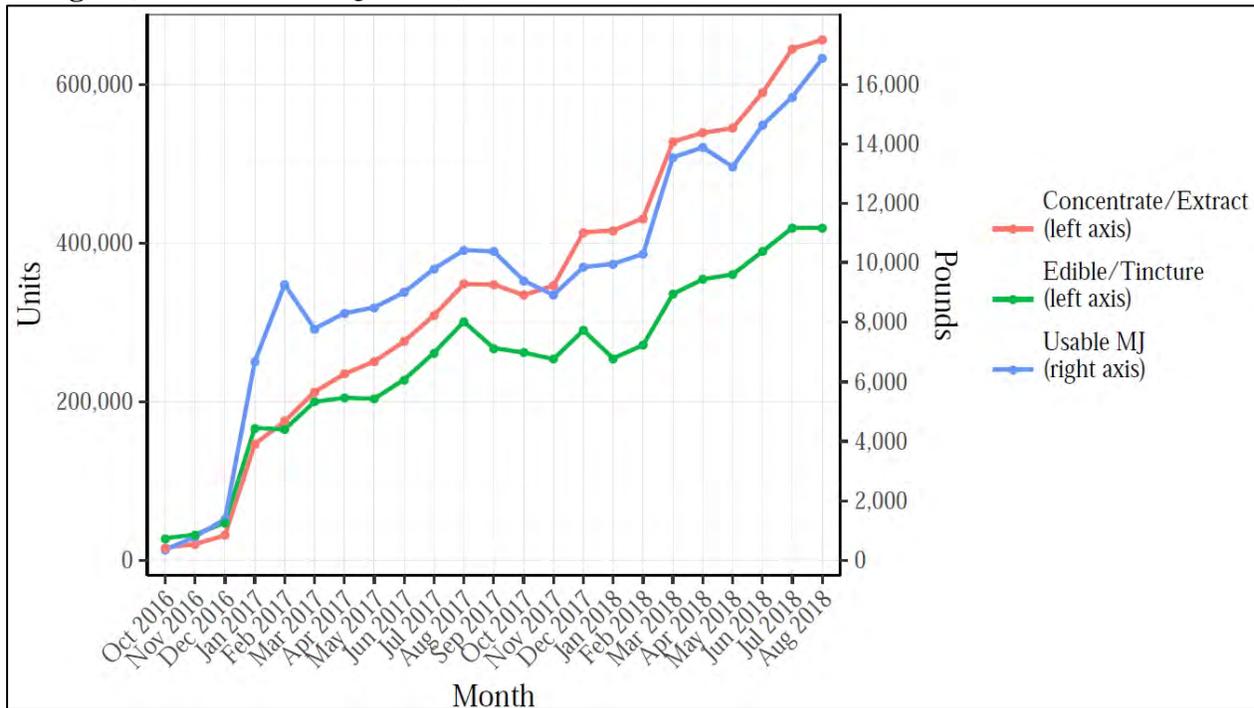
Most dollars generated by recreational marijuana sales are from usable marijuana, but also from sales of other forms of marijuana, like concentrates, extracts, edibles, and tinctures, which also continue to steadily increase sales (Figure G-2). Moreover, the total quantities of usable marijuana sold and other forms also continue to steadily increase each year (Figure G-3).

Figure G-2: Total Sales (Dollars) of OLCC-Licensed Recreational Marijuana Sold by Month by Product Type in Oregon (October 2016, to August 2018)



Source: OLCC Recreational Marijuana Program

Figure G-3: Quantity of OLCC-Licensed Marijuana Sold by Month by Product Type in Oregon (October 2016, to August 2018)



Source: OLCC Recreational Marijuana Program



June 12, 2019

To: Washington County Planning Commission

From: Andy Back, Manager *AC for AB*
Planning and Development Services

Subject: **PROPOSED LAND USE ORDINANCE NO. 853 - An Ordinance Amending the Community Development Code Relating to Planned Developments**

STAFF REPORT

For the June 19, 2019 Planning Commission Hearing
(The public hearing will begin no sooner than 6:30 p.m.)

I. STAFF RECOMMENDATION

Conduct the public hearing; recommend approval of Ordinance No. 853 to the Board of Commissioners (Board).

II. OVERVIEW

Ordinance No. 853 proposes amendments to the Community Development Code (CDC) to revise certain open space standards for Planned Developments (PDs).

A Planned Development is an *alternative development path* that allows flexibility in meeting some development standards, including dimensional requirements. This flexibility can allow more innovative site design and help preserve natural features by using sites more efficiently. Currently, the PD standards require additional open space in exchange for this flexibility in meeting development standards. In some cases, this additional open space requirement may dissuade developers from using this tool.

Modest changes to the open space standards for residential PDs may allow more housing units to be developed through this process, while still ensuring that developments include recreational open space and retain natural resource areas. The proposed changes include a modest reduction in the amount of open space required on smaller sites, and additions to the types of space that can count toward PD open space. These changes may allow a greater variety of housing types and reduce barriers to residential development, which may improve housing affordability and increase housing choice for Washington County residents.

III. BACKGROUND

The County's Equitable Housing Barriers and Solutions project,¹ funded by a Metro grant and initiated in the fall of 2017, sought to identify Community Development Code (CDC) standards that may affect the feasibility of residential developments. As part of this effort, the project team prepared a series of draft residential development concepts for various county locations and land use districts, testing compliance with applicable CDC criteria for each design. A technical advisory group (TAG) including representatives from affordable and market rate housing developers and other stakeholders helped to review draft concepts to further explore the challenges and impacts of CDC standards on housing development.² Subsequent interviews with Homebuilders Association (HBA) members and individual interviews with market rate housing developers also contributed to study findings. In some cases standards were found to pose difficulties for residential development in general, while in other cases CDC standards resulted in obstacles that were unique to particular development concepts and/or land use districts.

The Equitable Housing Barriers and Solutions final report, released in May 2018, recommended amendments to several CDC standards to remove barriers to residential development and encourage equitable and affordable housing throughout urban unincorporated Washington County. Recommendations from this project are expected to be implemented through several ordinances over multiple years, including Ordinance No. 853.

The Equitable Housing project recommended updating Planned Development standards to reduce open space requirements and other standards that could make this development path more feasible. These changes may make the Planned Development option more useful and increase the amount of residential development using this process.

Planned Developments are an *alternative development path* that can allow more innovative site design and help preserve natural features. Because this development path is *optional* for most developments, more discretionary development standards may be included, such as the active and passive recreational facility standards discussed later in this report. Planned Developments can allow more flexibility than can be achieved through a Hardship Variance, and developers are required to provide more open space than would be required for a 'regular' subdivision in exchange for this flexibility. The PD process may also encourage more efficient use of parcels that may otherwise be challenging to develop, such as infill sites and/or sites with difficult topography or natural resource areas.

¹ Washington County Equitable Housing Barriers and Solutions report:
<https://www.co.washington.or.us/lut/divisions/longrangeplanning/planningprograms/communityplanning/equitable-housing.cfm>

² The TAG included representatives from: Community Partners for Affordable Housing (CPAH), Rembold (real estate development), REACH (affordable housing communities), Bienestar (affordable housing communities), Scott Edwards Architects, Clean Water Services, and the following Washington County departments/divisions: Current Planning Services, Long Range Planning, Housing Services, Office of Community Development

Planned Developments may include a variety of land uses, including residential dwelling units, commercial space, and industrial uses. PDs may also include multiple uses, such as residential dwelling units and commercial space on the same parcel or the same building. While typically optional, there are some situations in which a Planned Development is required. These include proposals for attached housing (including most duplexes) in the R-5 land use district, and residential-only development in the Community Business District (CBD).

The Planned Development process is not commonly used for residential development in Washington County – about 45 Planned Developments have been approved since 1991. By comparison, Washington County approved 19 subdivisions and 302 subdivision lots this past fiscal year alone.

Current Planned Development Regulations

Currently, regulations related to Planned Developments are included in CDC Section 404-4 (Planned Development). Planned Developments provide flexibility in standards and the location of uses, compensated through innovative design and the provision of public or private open space. Findings must be made that:

- Site design uses progressive concepts that reduce major alterations of the site (note: “progressive concepts” is not defined further in the CDC)
- Site design retains “existing natural features, such as drainage swales, slopes, ridgelines, rock outcroppings, vistas, natural plant formations and trees”
- The site complies with recreational facility standards, including provision of at least one active recreational facility (or two passive facilities on sites less than 1 acre)
- The development meets minimum required ground-level open space, determined based on parcel size

PD common open space is currently required *in addition* to open space required by other CDC standards, including CDC Section 405 (Open Space). Private space (such as dwelling unit balconies and patios) may not count toward PD open space requirements in most cases. Again, this is intended as the trade-off for the additional flexibility provided by a PD.

The standards in CDC Section 404-4 (Planned Development) were first adopted in 1983 and have not been significantly updated since that time. Ordinance No. 811 in 2016 and Ordinance No. 827A in 2017 revised specific PD standards related to floodplains and parking regulations.

Ordinance Notification

Notice 2019-06 regarding proposed Ordinance No. 853 was mailed May 23, 2019, to parties on the General and Individual Notification Lists (community participation organizations, cities, special service districts, and interested parties). A copy of the notice and ordinance was provided to the Planning Commission at that time. A display advertisement regarding the ordinance was published May 31, 2019 in *The Oregonian* newspaper.

IV. ANALYSIS

Ordinance No. 853 primarily proposes changes to Planned Development standards related to open space requirements. Given the number and type of proposed changes, staff recommends reorganizing CDC Section 404-4 (Planned Development) to be more cohesive and user friendly. This is reflected in the proposed ordinance exhibit. A number of additions and deletions are *organizational/text* changes, in addition to *content* changes that impact development standards. This staff report focuses on proposed amendments that result in *substantive changes to development standards* in CDC Section 404-4.

Planned Development Section restructuring

The Planned Development section was restructured so that it is more consistent with other CDC sections. The proposed ordinance moves some language related to the development review requirements to the beginning (Section 404-4.1 (Planned Development Review)), consolidates all of the standards that are allowed to be modified in one place (Section 404-4.4 (Modification of Standards through the Planned Development)), and more clearly lays out the Standards for Required Open Space (Section 404-4.5). The section on Required Open Space standards (Section 404-4.5) includes the majority of the proposed updates detailed below.

Planned Development open space requirements

Analysis conducted by Angelo Planning Group (APG) during the Equitable Housing project suggested that Washington County's current open space requirements for Planned Developments may be higher than other local jurisdictions. Because required open space reduces the total amount of buildable land available on a site, requiring a significant portion of the site to be preserved for open space may reduce the number of units developed. This can result in fewer housing units, and in some cases may render development infeasible. Updating the open space requirements for PDs may enable developments to utilize more allowed density and include more units, potentially resulting in a slightly lower cost per housing unit and improving affordability.

On the other hand, open space is an important amenity, especially in areas with higher residential densities. It is important to balance the need for additional housing units with the need for green space and recreational facilities, especially in areas that allow higher-density residential development.

Currently, CDC standards for Planned Developments require the following be preserved as "improved and landscaped" common open space on development sites:

- Sites 10 acres or less - up to 20% of the gross acreage
- Sites with 10-50 acres – up to 15% of the gross acreage
- Sites over 50 acres – up to 10% of the gross acreage

PD common open space is currently required *in addition* to open space required by other CDC standards, including CDC Section 405 (Open Space). Private space (such as dwelling unit balconies and patios) may not count toward common open space requirements outside of the CBD and OC land use districts. As noted above, additional open space is required for Planned

Developments in exchange for flexibility in meeting development standards, and does not necessarily correlate with open space or recreational needs of residents.

Washington County's existing PD standards may be discouraging use of the PD process and limiting some innovative development. This may be especially true for small and/or constrained sites. Since currently certain land considered undevelopable due to existing natural features does not count toward the open space requirement for residential PDs, some constrained sites may be infeasible to develop, especially when the majority of the site is required for natural features and open space. This may mean the PD option may be *less* useful in locations that would most benefit from efficient and innovative designs that preserve natural features.

Further analysis subsequent to the Equitable Housing project indicated that Washington County's current open space requirements for Planned Developments are generally similar to requirements for PDs in Clackamas County and Beaverton. The City of Hillsboro allows Planned Developments through an overlay zone that includes provision and enhancement of open space and preservation of natural resources, but does not require a specific amount of the site to be dedicated as open space.

Washington County and other jurisdictions have additional standards for PD open space that can impact site design and feasibility. Specifically, Clackamas County, Hillsboro, and Beaverton, allow more types of space to be counted toward meeting open space standards in some planned developments and subdivisions. This topic is addressed later in this report.

Table 1 (on the following page) summarizes open space requirements of Washington County and several adjacent jurisdictions.

Table 1
Comparison of Existing Open Space Requirements for Planned Developments and other Residential Development

Washington County					
All districts	<i>Acreage of site</i>	<i>PD required open space</i>		<i>Notes</i>	
	Less than 10	20% of gross acreage		Min. dimension of 10', Min. area of 1,000 sq. ft.	
	10 to 50	15% of gross acreage			
	More than 50	10% of gross acreage			
Beaverton					
Planned Unit Developments	20% of gross site area			40' min. width for active open space	
Other residential development (subdivisions)	<i>Dwelling units (du)</i>	<i>Attached units</i>	<i>Compact detached units</i>		
	2-3 du	No minimum		Unbuilt area landscaped	
	4-7 du	15% of gross site area	300 sq. ft./du	10' min. dimension	
	8+ du	15% of gross site area		Common space no smaller than 640 sq. ft., 20' min. length & width	
Hillsboro					
Planned Unit Developments	PUD overlay does not include specific requirements for open space enhancement. PDs must meet base zone requirements for open space.				
Standard & Light Rail Residential	<i>Net Acreage</i>	<i>Detached units</i>	<i>Duplex or townhome</i>	<i>Multifamily</i>	
	Less than 3	3%	5%	200 sq. ft./du for 1-3 br units	400 sq. ft./du for 4+ br multifamily units
	3.1 to 15	5%	7.5%		
	15.1 to 50	7.5%	10%		
	More than 50	10%	12.5%		
Standard & Light Rail Non-Residential	<i>With residential units</i>		<i>Without residential units</i>		
	200 sq. ft./du		N/A for sites under 15 acres 5% for sites over 15 acres		
Clackamas County					
Planned Unit Developments³	20% of gross site area			Specific requirements vary by district	

APG did not recommend a specific reduction in open space requirements. Staff considered input on open space requirements from stakeholders during the Equitable Housing project (including developers and community representatives) and from Current Planning staff. Based on this feedback, a review of development standards in other jurisdictions, and further research, staff proposes a small reduction in the total amount of open space required for Planned Developments.

³ Section 1013 <https://www.clackamas.us/planning/zdo.html>

Staff recommends a reduction in the required open space for PDs on sites less than 10 acres from 20% to 15%. The proposal would make the PD open space requirement the same for all sites under 50 acres in size. The proposed 15% open space requirement will still provide a significant amount of open space in exchange for the flexibility provided by a Planned Development, but may help make this tool more feasible for smaller sites, including infill locations and constrained sites.

Proposed Open Space Requirements for Planned Developments

<u>Net Acreage</u>	<u>All Planned Developments</u>
Less than 50	15% of gross acreage
More than 50	10% of gross acreage

Staff also recommends increasing options to allow private open space and unbuildable natural areas to count as a portion of required PD open space, as discussed in detail below.

Allowing private open space to count as a portion of PD open space

Current Planned Development standards do not provide a specific definition for open space. However, existing standards state that PD open space shall be “improved and landscaped to reflect the intended character of the development” and PD open space shall be in addition to open space required by other Code standards, including CDC Section 405 (Open Space)⁴.

Washington County currently allows private yards and patios to count as required open space for Planned Developments *only* in Office Commercial (OC) and the Community Business District (CBD). Current standards do not limit the amount of PD open space that may be met through dwelling unit balconies, decks or patios and rooftop open space in these land use districts. However, required outdoor areas for residential development in the R-24 District (Residential 24 Units Per Acre) and R-25+ District (Residential 25 Units or more Per Acre) may be re-allocated to “porches, decks or patios” provided that those spaces meet minimum requirements and the re-allocation does not reduce the total amount of outdoor area.

At least one other local jurisdiction allows private yards, at grade patios, rooftop gardens, porches, and other private or semi-private spaces to count toward the required open space for Planned Developments and other residential development. Table 2 summarizes how Washington County and several comparable jurisdictions address private open space.

⁴ Open space protected by CDC Section 405 includes:

- land movement hazard areas
- areas with severe erosion potential
- bodies of water such as rivers or lakes
- land within the Flood Plain, Drainage Hazard Area or riparian zone, and
- other specific areas identified for open space within Community Plans

Table 2
Existing standards for private space to count toward required open space

District/Development Type	Areas that may count toward required open space	
Washington County		
OC and CBD	Balconies, decks, patios and accessible rooftop open space count toward minimum open space requirement	
All other districts	Private spaces not counted toward open space requirement Indoor recreational facilities may count toward open space requirement	
Beaverton		
Planned Unit Developments	Indoor areas that serve residents may count toward required open space	
Attached units and Compact detached units	2-3 du	n/a
	4-7 du	Minimum 300 sq. ft. private open space
	8+ du	Up to 120 sq. ft. per unit of ground-floor outdoor patios and decks may count toward required open space
Hillsboro		
All districts/general standards	Private yards, at grade patios, balconies, rooftop gardens, porches, or terraces may count toward up to 65% of open space requirement Table 12.50.210-2 specifies dimensions for eligible spaces	
Clackamas County		
Planned Unit Developments	Private space not counted toward open space requirement	

Allowing private and semi-private spaces to count toward *a portion* of open space requirements may help make some developments more feasible, and allow increased options to meet residents' desires for a mix of private and common outdoor recreational areas. CDC Section 404-4 notes that compensation for the design flexibility provided by a PD includes both public *and* private open space. Providing minimum dimensional requirements for eligible private open space is also recommended, to ensure that private yards, patios, balconies, and other space for individual dwelling units is accessible and usable for residents.

Proposed amendments to allow private space to count toward a portion of PD open space are as follows:

Proposed standards for private space to count toward a portion of open space

<u>Land Use District</u>	<u>Areas that may count toward required PD open space</u>
All districts, except OC and CBD	Indoor recreational facilities may count toward open space requirement. Individual yards, patios, balconies, rooftops, porches, or terraces may count toward up to 20% of the total minimum open space requirement.
OC and CBD	Indoor recreational facilities may count toward open space requirement. Individual yards, patios, balconies, rooftops, porches, or terraces may count toward up to 80% of the total minimum open space requirement.

Proposed minimum standards for eligible private open space

<u>Open Space Location</u>	<u>Minimum Specifications</u>
Private Yards	Area: 200 square feet in side and/or rear yards Minimum dimension: at least 10 feet
Patios	Area: 100 square feet Minimum dimension: at least 8 feet
Decks, Balconies or Porches	Area: 50 square feet Minimum dimension: at least 5 feet
Rooftop Space	Area: 120 square feet Minimum dimension: at least 8 feet

Allowing natural areas and/or unbuildable land to count toward a portion of PD open space

APG’s analysis during the Equitable Housing project noted that current Washington County standards for Industrial and Commercial Planned Developments allow floodplain, drainage hazard, or riparian open space to count toward up to 50% of open space requirements (CDC 404-4.4.A(6)). Residential Planned Developments are not currently allowed to count these unbuildable natural areas toward required open space. This may discourage residential Planned Developments on parcels that include natural resource areas, and may prevent some natural areas as being viewed as an amenity that could be preserved and enjoyed. Updating development standards to allow these areas to count toward PD open space requirements may encourage more mindful preservation of natural areas as an amenity by future residents.

The City of Hillsboro currently allows land within a publicly accessible natural or wildlife viewing area to count toward up to 25% of open space requirements. The City of Beaverton allows open space to include “existing stands of trees, resource areas, and storm water facilities”. Clackamas County also allows “significant natural vegetation or landscape features” to count toward required open space in Planned Unit Developments.

Staff recommends that certain natural resource areas count toward PD open space, as follows:

Proposed standards for natural resource areas to count toward a portion of open space

<u>PD type</u>	<u>Areas that may count toward required PD open space</u>
Planned Developments that include residential development	Floodplain, Drainage Hazard Area, or riparian open space that is accessible for all PD residents (through walkways, viewing platforms, etc.) on the subject property may offset up to 20% of PD open space, provided the area counted for offset is not used for parking
Non-residential Planned Developments	Floodplain, Drainage Hazard Area, or riparian open space on the subject property may offset up to 50% of PD open space, provided the area counted for offset is not used for parking

Recreational facilities in PD open space

Existing CDC standards require provision of one or more “active recreational facilities” for all Planned Developments. “Active recreational facilities” are not specifically defined in the CDC, but a list of example active recreational facilities is provided. Current standards permit Planned Developments on sites less than 1 acre to substitute at least two “passive recreation improvements” for active recreational facilities. “Passive recreation improvements” are not defined, but a list of example facilities is provided.

Planned Developments are currently required to provide one or more of the following active recreational facilities:

- playgrounds;
- bike and pedestrian trails;
- swimming pools;
- tennis courts;
- exercise rooms; and
- similar facilities.

Sites less than 1 acre may provide at least two passive recreation improvements rather than an active facility. Passive recreation includes:

- bench(es) for seating;
- public art, such as a statue;
- feature such as a fountain;
- usable rooftop open space for residents;
- a gazebo; or
- picnic table(s) with a barbecue.

Other local jurisdictions also require open space to include some mix of active and passive space. However, some jurisdictions allow developers to determine the appropriate mix of passive and active spaces for each development, or scale the amount of active space relative to the total site.

Table 3 on the following page provides a comparison of recreational use requirements of several local jurisdictions.

**Table 3
 Existing Active/Passive Use Requirements for Residential and/or Planned Developments**

	Development Site	Use Requirements	Notes
Washington County			
Planned Developments	Less than 1 acre	One active or two passive uses	
	1 acre or more	At least one active use	
Beaverton			
Planned Unit Developments	Less than 10 acres	Not specified	Open space shall be active and/or passive areas, or resource areas
	10 acres or more	Minimum 25% of total open space shall be active	
Attached units and Compact detached units	2-3 du	n/a	
	4-7 du	Minimum 300 sq. ft. private open space	
	8 du or more	Minimum 25% of total open space shall be active	Common open space shall consist of active, passive, or both
Hillsboro			
All districts/general standards	No prescribed active/social/passive use percentages	Usable Open Space shall provide active recreation and social interaction. Passive recreation only where inventoried SNR, floodplain, wetlands and wetlands buffers are present	
Station Communities, Regional Centers, Town Centers or Main Streets		Improvements designed to enhance public pedestrian environment (list provided)	
Inner & Outer Neighborhoods, Industrial or Commercial		Improvements designed to provide recreation and/or social interaction (list provided)	
Clackamas County			
Planned Unit Developments	No prescribed active/social/passive use percentages	Open space may include recreational uses, bike & walking trails, natural or landscaped areas, bus shelters, and natural vegetation or landscape	

Washington County’s standards for active and passive open space uses are somewhat prescriptive in comparison to other jurisdictions. This may be a barrier for some developers, especially those that may be considering small or constrained sites. Allowing additional options for meeting open space requirements in a way that suits the unique needs of the development site and/or prospective residents may help make Planned Developments more feasible, while still providing recreational opportunities for residents.

Feedback from stakeholders during the Equitable Housing project (including developers and community representatives) and through interviews indicated that additional options for active and passive recreation in PD open space could be useful for both developers and residents. However, staff and stakeholders expressed a desire to retain at least one active recreational

option for all PDs, including smaller developments (under 10 acres). Community members felt that providing even a small area for active recreation would improve the quality of life for residents.

Based on this feedback, staff recommends updating recreation examples to include active improvements that may have smaller footprints (a play structure, for example), and increasing the number of recreational uses required for PDs over 10 acres in size to at least two active uses and one passive use. Proposed standards are shown below:

Proposed Active/Passive Space Requirements for Planned Developments

<u>Net Acreage</u>	<u>All Planned Developments</u>	<u>Notes</u>
Less than 10	Open space shall include one active and one passive use	Add edible gardens, weather canopies or sunshades with seating, drinking fountains, free-standing planters and/or raised planting beds to example improvements
More than 10	Open space shall include at least two active and one passive use	

Updated recreation example list (New examples are in *italics*)

<u>Passive Recreation examples</u>	<u>Active Recreation examples</u>
<i>Gazebo or courtyard</i>	<i>Playground or play structure</i>
<i>Picnic area with table(s)</i>	<i>Bike and pedestrian trail</i>
<i>Public art or sculpture</i>	<i>Sport court, field, or track(s)</i>
<i>Water feature or drinking fountain(s)</i>	<i>Community garden, including gardens for edible food</i>
<i>Weather canopy or sunshade with seating</i>	<i>Swimming or wading pool</i>
<i>Viewing platform or wildlife observation area</i>	<i>Fitness center, clubhouse, or gym</i>

The CDC does not provide definitions for “active” and “passive” recreational uses. Current and proposed regulations provide a list of examples for each recreational type, but these are not intended to be rigid or prescriptive. Current standards for recreational facilities in PD open space are intended to allow some flexibility for developers to choose options that suit the site and needs of prospective residents, and proposed standards are intended to *increase* that flexibility.

Open space requirements for some higher density residential developments

There are several places in the CDC where additional open space is required as a trade-off for changes in standards or allowances. One is the Planned Development, as discussed above. Additional open space is also required in some land use districts where a wide range of densities are allowed. In the R-25+ District and the Community Business District (CBD), additional open space is required to develop at higher residential densities.

Both land use districts currently require a minimum amount of open space for residential development, regardless of residential density. Properties in R-25+ can develop through the standard process, whereas residential-only development in CBD requires a Planned Development. Development standards in R-25+ require a minimum of 250 square feet of outdoor area per lot, and residential-only development in CBD requires the minimum PD open space (10-20% of the site under current standards). In both CBD and R-25+, residential developments with density over 40 units per acre currently require an *additional* 10% of the site be set aside as required open space.

For R-25+ developments, this requirement would result in 10% of the site, plus 250 square feet per lot, to be preserved in open space. In CBD, it would result in at least 20% (for sites over 50 acres) and up to 30% (for small sites) to be preserved as open space. This open space requirement appears excessive in districts where the County is trying to encourage additional residential development. Staff is not aware of other jurisdictions with this additional open space requirement in areas envisioned to include more intense uses and higher residential densities.

In CBD, higher density residential developments with a commercial component (in the same structure as residential dwelling units) do not have an additional open space requirement, regardless of residential density. Adding a commercial component would allow a property owner to avoid the additional open space requirement, but this can be a significant barrier, particularly for developers of regulated affordable housing units. Including commercial development in a residential project can significantly increase development costs (resulting in more costly housing units), and most housing developers are not prepared to undertake the ongoing expense and management of commercial space.

As noted earlier, open space is an important amenity, especially in areas with higher residential densities. However, requiring a significant portion of a site for open space can reduce the site's development potential. This can result in fewer units, and in some cases may render development infeasible. It is important to balance the need for additional housing units with the need for green space and recreational facilities in areas that allow higher-density residential development. On the other hand, a modest additional open space requirement for higher-density residential development may help mitigate the visual impact of more dense development, while ensuring that residents have access to ground-level open space at their place of residence.

In an attempt to balance these factors, staff recommends a small reduction in the additional open space requirements for higher-density residential development in R-25+ and CBD. The proposed new standards are summarized below:

Proposed open space standards for high density residential development in CBD and R-25+

<u>District</u>	<u>Density</u>	<u>Development type</u>	<u>CURRENT</u>	<u>PROPOSED</u>
			<u>Additional required open space</u>	
<i>CBD</i>	40-100 units per acre	Residential development only	10%	5%
		Mixed-use building	N/A	N/A
<i>R-25+</i>	40-100 units per acre	All development	10%	5%

Public Comment

Two residents provided comments expressing concern that the proposed updates would primarily benefit developers. Both are included as attachments.

Open space is an important amenity, and it is important to balance the need for additional housing units with the need for green space and recreational facilities. The changes proposed in this ordinance will result in a 5% reduction of the minimum required open space for Planned Developments less than 10 acres, but retains the same overall open space requirements for other Planned Developments. The other proposed changes are intended to encourage more diverse options for PD open space, including a new requirement for all Planned Developments to include at least one active recreational use. Staff believes that the proposed changes provide a reasonable balance between the need to accommodate development and the need to retain quality of life and access to open space for residents.

Summary

The amendments proposed in Ordinance No. 853 seek to reduce development barriers to Planned Developments, particularly those that include residential dwelling units. Proposed amendments may make the Planned Development option more feasible for some developers who wish to use this development path for innovative development and/or on challenging development sites through a slight reduction in overall open space requirements, and increased flexibility in what qualifies as open space. The proposed amendments may encourage additional residential development through the Planned Development pathway and reduce development cost, which may help increase the variety of available housing options and overall housing supply in Washington County, while still providing recreational opportunities for residents.

Summary of Proposed Changes

Ordinance No. 853 proposes to amend the Community Development Code (CDC) to update development standards for Planned Developments in order to remove barriers to utilizing this development path. Specifically, the ordinance:

- Reduces additional open space requirements for higher density residential developments in the Residential 25 Units or More Per Acre (R-25+) District and the Community Business District (CBD) from 10 to 5% of the site.
- Reduces minimum Planned Development Open Space requirements for PDs on sites 10 acres or smaller from 20 to 15% of the site.
- Allows a range of areas to count toward a portion of the required open space, including:
 - Floodplain, drainage hazard, wetland, wetland buffers, wildlife habitat, and riparian open space areas.
 - Large screening and buffering areas.
 - Required bicycle and pedestrian accessways.
- Updates requirements for recreational facilities in PDs.
- Allows private spaces such as decks and balconies to count toward a percentage of total required open space in PDs, varying by land use district.

List of Attachments

The following attachments identified in this staff report are provided.

Attachment A: Public testimony received as of 6/12/19

S:\PLNG\WPSHARE\2019 Ord\853_PD_Updates\Staff_Reports_PPTs\Ord853_PCSR_06192019.docx

Attachment A

From: Kimberly Armstrong [mailto:Kimberly_Armstrong@co.washington.or.us]
Sent: Monday, June 3, 2019 9:19 AM
To: Dickoff, Diane J <diane.j.dickoff@intel.com>
Subject: RE: Proposed Land Use Ordinance NO. 853



Ms. Dickoff,

Thank you for your interest in Ordinance 853. This ordinance was developed by as a result of some of the consultant recommendations in the Equitable Housing project, as well as feedback from representatives from the Home Builders Association and several other developers in Washington County. The ordinance will update some standards for Planned Developments, primarily standards related to open space and recreational uses.

Please feel free to get in touch if you have additional questions.
Thank you.

Kimberly Armstrong, AICP | Senior Planner - Housing
503-846-3686 | Kimberly_armstrong@co.washington.or.us

Plan Responsibly. Build Safely. Live Well.

NOTE: Beginning Aug. 2, LUT Planning and Development Services Long Range Planning will be relocated to:

*[Adams Crossing](#), 3rd Floor, 161 NW Adams Ave., |Hillsboro, OR 97123.
Our mailing address will not change.*

From: Dickoff, Diane J [mailto:diane.j.dickoff@intel.com]
Sent: Monday, June 03, 2019 8:40 AM
To: Kimberly Armstrong
Cc: Dickoff, Diane J
Subject: Proposed Land Use Ordinance NO. 853

Who created (request for land use change) this proposed Ordinance? I would like the name, LLC, group or whoever created this ordinance request.

Thanks,
Diane Dickoff

Attachment A

From: Kimberly Armstrong
Sent: Monday, June 03, 2019 10:18 AM
To: Dickoff, Diane J
Subject: RE: Proposed Land Use Ordinance NO. 853

Ms. Dickoff,

This ordinance was developed by staff at the direction of the Board, and the advisory group for the Equitable Housing project included several community members. Information about that project is available here:

<https://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/PlanningPrograms/CommunityPlanning/equitable-housing.cfm>. This proposed ordinance was also included in the published work program, which is developed with input and feedback from community members.

If you have more specific concerns about the updates in the ordinance, please let me know. Thank you.

Kimberly Armstrong, AICP | Senior Planner - Housing
503-846-3686 | Kimberly_armstrong@co.washington.or.us

Plan Responsibly. **Build** Safely. **Live** Well.

*NOTE: Beginning Aug. 2, LUT Planning and Development Services Long Range Planning will be relocated to:
[Adams Crossing, 3rd Floor, 161 NW Adams Ave., | Hillsboro, OR 97123.](#)
Our mailing address will not change.*

From: Dickoff, Diane J [mailto:diane.j.dickoff@intel.com]
Sent: Monday, June 03, 2019 10:00 AM
To: Kimberly Armstrong
Subject: RE: Proposed Land Use Ordinance NO. 853

Who is providing more than 3 minutes for input from existing neighborhoods in unincorporated Washington County? This all seems very one sided towards developers

Diane.

Attachment A



From: MikeJudith Donovan-Downs [<mailto:downsdonovan@comcast.net>]
Sent: Saturday, June 08, 2019 12:52 PM
To: LUT Planning
Cc: Donovan/Downs
Subject: Proposed land use ordinance No. 853 - comments for planning commission

From: Michael Donovan
8080 SW Larch St.
Tigard

My comments relate to the allowance for decks and balconies to be considered in meeting "open space" requirements.

I find it absurd (to be kind) that balconies and decks will be considered "open space". In my humble opinion "open spaces" are for the use of the general residents of a development. I seriously doubt if any of the individual residents would be happy about other residents using "their" open space (deck/ balconies).

I suspect the only real benefactors of this allowance will, again, be the developers who will be able to circumvent a legitimate requirement i.e "open space".



**WASHINGTON COUNTY PLANNING COMMISSION
MINUTES OF WEDNESDAY, MAY 1, 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 Vice Chair Petrillo

2. ROLL CALL

Planning Commission (PC) members present: Jeff Petrillo, Ed Bartholemy, Ian Beaty, Tegan Enloe (participated via phone), Deborah Lockwood, Anthony Mills (arrived at 2:15 p.m.), Eric Urstadt, and Matt Wellner. PC absent members: A. Richard Vial

Staff present: Andy Back, Theresa Cherniak, Erin Wardell, Steve Kelley, Dyami Valentine, and Susan Aguilar, Long Range Planning (LRP); Komi Kalevor, Shannon Wilson, Housing Services; and Jacquilyn Saito-Moore, County Counsel.

3. DIRECTOR'S REPORT

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

- Ordinances will start in June
- The July PC meetings have switched to July 10 and July 24
- Upcoming Issue Papers:
 - Marijuana regulations Status Report
 - Significant Natural Resources regulations assessment

Future PC topics:

- June
 - June 5 – Ordinance No. 851 – a Transportation System Plan (TSP) amendment

Vice Chair Petrillo moved to postpone the TSP 101 agenda item scheduled for this meeting to May 15.

Vote: 8-0. Motion passed.

4. WORK SESSION (the agenda order was amended)

a. Washington County Affordable Housing Bond Local Implementation Strategy

Komi Kalevor, director of Housing Services and Shannon Wilson, Housing Development coordinator for Washington County Department of Housing Services made a Power Point presentation They provided an update on Washington County's (County) Local Implementation Strategy (LIS), Metro's Housing Bond framework, key features of the LIS, guiding principles, leveraging resources and next steps. The 652.8 million dollar Metro Affordable Housing Bond was approved by voters November 2018. Of this amount, 166 million will be directed to three implementing jurisdictions in the county: Washington County, Beaverton and Hillsboro. The County's overall goal is to produce 1,316 units of regulated affordable housing over the next five to seven years.

The County will be working within an approved framework by Metro that includes leading with racial equity and community engagement. These parameters guided the development of the LIS draft. A key feature of the LIS is that all implementing jurisdictions will develop their own strategy. All three jurisdictions have worked together in creating their LIS and have used the same consultants. There could be similarities and differences in each jurisdiction's LIS based on land availability, local development partners, major transportation and economic corridors, high opportunity areas and other factors.

The presentation concluded with a discussion of next steps, including further presentations to various groups and consideration by the Board of Commissioners and Metro Council.

PC comments and questions

- Questions asked:
 - What is the plan for outreach to populations that have language barriers or don't have internet
 - Will community engagement be tied to a project?
 - Can the bond funds be used for ownership projects?
 - Does minority include Veteran owned businesses?
 - Are there measurements for racial equity?
 - Is the County or Metro reviewing proposals?
 - Are there covenants that require the funding to be spent by a certain time period
- Comments
 - A suggestion to follow Beaverton's lead with regard to public engagement
 - A comment that there are too many proposal approval layers.
 - Utilize the CPO and CCI for public outreach
 - A comment that evening public meetings are best to receive more comments and suggestions from the general public
 - A comment that more full-time staff are needed to implement the bond
 - A suggestion to buy System Development Charge (SDC) credits when it is less expensive now rather than later

b. First/Last Mile Access to Transit Strategies Project

Erin Wardell, principal planner and Dyami Valentine, senior planner from the Transportation Planning of Long Range Planning (LRP) made a Power Point presentation to PC members. In their presentation, staff provided information regarding background, public and stakeholder engagement approach including next steps on the First/Last Mile Access to Transit Strategies Project. The project is looking at transit access and how to get people to and from transit. The study is looking at how to make transit more convenient and accessible plus identify and recommend projects including new mobility and technological solutions.

PC comments

- A comment regarding putting more emphasis on economic development rather than promoting healthy lifestyles
- Encouraged targeted engagement coordinated with TriMet, and employers to survey riders and non-riders

5. ORAL COMMUNICATIONS

None

6. ADJOURN: 3:34 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

 Stephen Roberts
 Secretary, Washington County
 Planning Commission

Minutes approved this _____ day of _____, 2019

Submitted by LRP Staff



WASHINGTON COUNTY PLANNING COMMISSION MINUTES OF WEDNESDAY, MAY 15, 2019

ALL PUBLIC MEETINGS ARE RECORDED

1. CALL TO ORDER: 6:30 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: A. Richard Vial, Jeff Petrillo, Ian Beaty, Deborah Lockwood, Anthony Mills and Eric Urstadt. PC absent members: Ed Bartholemy, Tegan Enloe, Matt Wellner.

Staff present: Andy Back, Theresa Cherniak, Erin Wardell, Steve Kelley and Susan Aguilar, Long Range Planning (LRP); Tom Harry, Current Planning; and Jacquilyn Saito-Moore, County Counsel.

2. DIRECTOR'S REPORT

Andy Back, manager for the Planning and Development Services (PDS) Division, provided the PC with updates:

- PC meetings were shifted to July 10 and July 24
- Future ordinances:
 - June 5: Ordinance No. 851 – Transportation System Plan amendment
 - June 19: Ordinance No. 853 – Updates to Planned Development regulations – open space requirements
 - Baker Rock Quarry expansion
 - Telecommunications Facilities Located in the Right of Way (ROW)
 - Technical code changes
 - Omnibus ordinance
 - Other housing related ordinances:
 - Cottage Cluster housing
 - Accessory Dwelling units
 - Density bonuses
- Other news:
 - LUT Director Andrew Singelakis has accepted a new position as the Director for the Bellevue Washington Transportation Department - effective June 5. Stephen Roberts, current assistant director has been named as interim Director. A national search has begun for a new director.

3. WORK SESSION

a. Community Development Code (CDC) 101

Andy Back, manager for PDS, and Tom Harry, principal planner from Current Planning provided a Power Point presentation (PPT) to the PC. Staff provided background and CDC content as well as key elements in each section. The CDC is Volume IV of the Comprehensive Plan. Volume I is the Resource Document; Volume II: is the Comprehensive Framework Plan for the Urban Area; Volume III is the Rural Natural Resource Plan; Volumes V-XIII and XVI-XVII; Volume XV is the Transportation System Plan (TSP). Staff explained the various CDC sections, key elements and purpose.

The presentation provided an overview of how the CDC is set-up and focused on a number of important CDC sections.

PC questions and comments

- Questions regarding:
 - What makes the special procedures or Director's Interpretation different from the other processes?
 - How often are discretionary decisions made?
 - When discretionary decisions are made, are they published somewhere so that they become precedent and are easily accessible by people who have a similar question?
- Comments:
 - Grading rules in the rural section could use revision
 - Would like to see a Development Unified Code in next year's Long Range Planning Work Program
 - Possibly a group outside the PC, with some authority, could research the Unified Code idea

b. Transportation System Plan (TSP) 101

Erin Wardell, principal planner and Steve Kelley, senior transportation planner delivered a PPT to the PC. Staff's presentation covered the transportation planning process and requirements, development of the TSP, contents, amendment process and the next steps. Staff shared the TSP purpose and requirements:

TSP purpose

- State and Regional requirements
 - Transportation Planning Rule (TPR)
 - Regional Transportation Functional Plan (RTFP)
- To establish a framework for transportation related actions (policies)
- Establish a system needs and identify solutions
- Establish parameters and designations for each component of the system:
 - Classification
 - General location
 - General size & scope

TSP requirements

- Plan for 20 + years of growth
 - Adopted County TSP anticipated growth through 2040
- Establish a system adequate to meet identified needs
 - County TSP adopted level-of-service targets by mode and demonstrated adequacy
- Achieves progress towards reducing reliance on the automobile

PC questions

- Questions regarding:
 - Metro’s process for transportation planning
 - Explanation of the Major Streets Transportation Improvement Program (MSTIP)?
 - When was the last TSP update?
 - Status of the “Around the Mountain” project?

4. ORAL COMMUNICATIONS

Faun Hosey stated that she lives north of Hillsboro in the rural area. Ms. Hosey indicated that she participated on the 2035 TSP update community advisory committee. Her concern was that policy decisions force people to make other decisions. She provided an example that residents have to walk up to three miles to get into their cars to get to a store that is half a mile. She also indicated that there are industrial complexes and residential developments that have huge acreage dedicated to landscapes that again, makes it impossible for people to walk - so it is inherent in the overall development designs -people are forced to use their cars. Mass transit would be desirable when people can get to a stop that’s within a 10 to 15 min walk.

5. ADJOURN: 9:12 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

Stephen Roberts
 Secretary, Washington County
 Planning Commission

Minutes approved this _____ day of _____, 2019

Submitted by LRP Staff