



*Pioneering pathways
to prosperity.*

WASCO COUNTY PLANNING COMMISSION

September 20, 2022

3:00 p.m.

Columbia Gorge Community College

Lecture Hall, Room 2.384

400 E. Scenic Drive

The Dalles, OR 97058

Presented via Zoom

by phone: 1 (253) 215 8782

Meeting ID: 832 6444 9463

YouTube Video of Live Stream:

<https://www.youtube.com/watch?v=VA5wEqvYRr0>

(Minutes timestamp from beginning of video recording)

ROLL CALL:

Members Present: Vicki Ashley; Russell Hargrave; Chris Schanno; Mike Davis

Members Absent: Chair Kate Willis; Vice Chair Marcus Swift; Lynne MacIntyre

Staff Present: Planning Director Kelly Howsley-Glover; Planning Coordinator Jeni Smith; Office Assistant Crysta Harris

CALL TO ORDER

10:35 Acting Chair Schanno opened the meeting at 3:09 pm. Director Howsley-Glover called roll. Chair Schanno reviewed the meeting format.

Meeting Minutes were moved to the end of the meeting.

PUBLIC COMMENT ON NON-AGENDA ITEMS:

11:53 Chair Schanno asked for comments on non-agenda items. There was none.

HEARING: LEGISLATIVE REQUEST FOR UPDATES TO THE WASCO COUNTY LAND USE AND DEVELOPMENT ORDINANCE CHAPTERS 1, 3, 6, 7, 13, 14, 19 AND 20

12:15 Chair Schanno opened the hearing and presented the details for the legislative request for updates to the Wasco County Land Use and Development Ordinance (LUDO).

12:35 Chair Schanno reviewed the procedures and rules of evidence.

13:57 Chair Schanno called for the staff presentation. Director Howsley-Glover shared the staff summary with power point slides. (Attachment A)

42:40 Chair Schanno asked for Commission questions for staff. There were none.

43:18 Chair Schanno called for questions from in person audience. There were none.

45:30 Director Howsley-Glover then moved to the online registered participants.

45:51 Megan Wagenblast provided comment regarding unprotected fire zones, wants to make sure those concerns continue to be heard. She questioned what happens when an event has not been through a permitting process, who is going to assure those permits are being issued and enforce those laws so that appropriate fire personnel are there.

47:33 Olu Situ wanted to know about commercial solar and what the future of that would be. **Director Howsley-Glover** responded staff does not traditionally do Question & Answer with participants. **Chair Schanno** said he would follow up on this at the end of public comment.

48:34 Sheila Dooley stated she has concerns about accessory forest dwellings. She feels they are not needed, with large tracts of forest with no one living there or managing them on a regular basis. There is not enough work happening on them to justify a second dwelling. She is also concerned with increased fire risk, with most fires caused by humans. Double the number of homes will double the fire risks. She is also concerned with code compliance. The proposed conditions are not enforceable. The County does not have resources to look for code violations. Deed restrictions would also protect a future buyer from purchasing property with a second home only to find out it can only be occupied by a relative in a forest operation. The expansion of these restrictions would make it clear what the rules are for occupancy.

51:13 Kristin Currin thanked Planning Commission for work on this and making it available to the public and accessible and keeping an eye on the fire and water concerns. She agrees that additional accessory forest dwellings should have additional requirements.

52:30 Michael Hauty spoke regarding Chapter 7, psilocybin service centers. There is a difference between service centers and manufacturing centers. He addressed the service centers, stating Wasco County will probably only need one service center. He noted there are three designated commercial sites, with Tygh Valley being the most likely one. He talked about the minimum separation distances and number of small parcels available. He stated that most are 1,000 feet, noting that is quite a ways. He stated the impact of a service center would not have much more impact than a small, group therapy session. The regulations would be that they would stay until they were fine to leave, with participants required to have a driver. He hopes that in the future the possible sittings could increase in Wasco County.

55:11 Chair Schanno called for Commission questions for anyone.

55:26 Commissioner Ashley asked about the decision to include Tygh Valley as a service center for Psilocybin. **Director Howsley-Glover** responded that in her discussion with **Mr. Hauty**, they discussed commercial zones that had been recommended under the Time/Place/Manner (TPM) and the constraints. She noted the in the analysis, GIS had pulled data on any existing schools, daycare and recreation facilities and did not find any of those restrictions in any commercial zones. She stated that any of the others theoretically, even with the restrictions, could be eligible. She noted there had been discussion about urban centers, The Dalles and Hood River specifically, and those jurisdiction probable rules they are likely to adopt and what might be an alternative.

57:02 Chair Schanno asked for other questions from Commissioners. There were none.

57:12 Chair Schanno called for any other comments from anyone, first come first served. There were none.

57:51 Chair Schanno closed the hearing and record at 3:57 pm. The Commission began deliberation.

58:11 Commissioner Ashley stated she would like to address auxiliary dwellings in forest zones, noting there needs to be some very strict fire regulations. Wasco County doesn't have the ability to monitor those during the summer at this point.

58:56 Commissioners Hargrave and **Davis** stated they did not have questions or comments at this time.

59:21 Chair Schanno asked **Director Howsley-Glover** for options to move forward.

59:39 Commissioner Hargrave asked **Mr. Hauty** if he had any specific concerns with this LUDO update being proposed. **Mr. Hauty** replied his only concern the minimum separation distances that might affect

potential sites. **Commissioner Hargrave** clarified with **Mr. Hauty** that the concern was the distance was too great. **Mr. Hauty** confirmed that was his concern. He stated it made sense to have that distance from a manufacturing center, but not the service center. There was discussion on how this came to be the standard and probably created to be similar to the marijuana standards. How other jurisdictions have implemented this was also discussed.

1:03:00 Chair Schanno asked **Director Howsley-Glover** about the proposed new farm dwelling setbacks. **Director Howsley-Glover** stated they are in the property development standards section, A-1 chapter.

1:03:23 Commissioner Ashley asked **Director Howsley-Glover** who oversees psilocybin? **Director Howsley-Glover** stated it would be administered by a licensed facilitator. **Commissioner Ashley** asked who has authority over the program. **Director Howsley-Glover** replied the Oregon Health Authority.

1:06:521 Director Howsley-Glover directed **Chair Schanno** to the section regarding the property development standards, noting the packet page PC 1 – 143, sharing the standards regarding the farm dwelling setbacks, stating the standard would be lowered from 200' to 100'. This standard would be if adjacent land is being used for perennial or annual crops, grazing, zoned EFU and has never been cultivated or zoned F-1 or F-2. If the adjacent land is not in agricultural production and is not zoned for exclusive farm use or forest use, the setback shall be a minimum 25' from the property line. That is a reduction from 100'.

1:03:00 Chair Schanno referenced PC 1 -161, Farm Dwelling, section E.b. questioning if we are adding 'not designated rangeland, at least 320 acres' **Director Howsley-Glover** replied this is mandatory and required by state law.

1:08:08 Director Howsley-Glover asked if Chair would like her to address questions from the audience? **Chair Schanno** replied yes.

1:08:20 Director Howsley-Glover addressed the issue of solar panels. She stated we are removing the requirement for a permit for residential roof-mounted solar; adding requirements by state law for life safety criteria; and adding coordination requirements for large-scale commercial energy facilities. This is based on the 2019 adoption of HB 2329, targeting Goal 9 protections.

1:09:49 Director Howsley-Glover shared that the requirement of 1,000 feet from schools (for Psilocybin) is from state law. She added that the daycare and recreation facilities were added to this requirement. When GIS did the analysis, there were not any currently found, but was added to protect future development. **Chair Schanno** asked if future daycares came in, would they have to stay away from the Psilocybin facility. **Director Howsley-Glover** replied no, but there would be a conflict with schools. She added that when something is permitted, we generally use the rules that were in place at the time of the permit, not retroactively revoke permits.

1:10:50 Director Howsley-Glover spoke about agro tourism. Wildfire issues noted in previous public feedback were taken into consideration. She stated this the responsibility of our Code Enforcement program to assure conditional of approval are being followed. The Code Compliance program has been revised to minimize nuisance cases to focus on land use issues. This frees up capacity to actively follow up on conditions of approval. Citizens can report concerns they have of possible violations to the conditions of permits.

1:11:58 Megan Waganblast stated if someone having an event on the weekend, there is no one at the Planning Office to report to. If there is a problem, who are we supposed to call? **Chair Schanno** stated that in this situation, it should be reported to the police who could make a report and would pass that along to Code Enforcement. **Director Howsley-Glover** said that would be the correct way to handle it.

1:13:02 Chair Schanno called for further questions or comments. There were none.

1:13:13 Chair Schanno called for a motion.

1:13:22 Commissioner Ashley motioned to adopt the Chapters 1, 3, 6, 7, 13, 14, 19 and 20 as presented by staff for adoption and submission to the County Court (Board of County Commissioners).

Commissioner Hargrave seconded.

1:14:00 Chair Schanno called for further discussion.

1:14:31 Commissioner Hargrave shared that he is supportive of motion. He feels that staff and the years of work has been thorough. The LUDO has moved to a better place, being readable and user friendly. He acknowledged that some stuff might not be what we want but a lot are state mandates. We have questioned and have found good reasons or mandated reasons. He feels that this update takes into account the serious issues about fire and enforceability. Some issues are not solvable. This LUDO is bringing us to a better place. It is a good piece of work and best that can be achieved given the circumstances.

1:16:32 Chair Schanno said that was well stated and he agrees.

1:16:41 Chair Schanno called for the further discussion. There was none.

1:16:49 Chair Schanno called for the vote. He restated the motion.

The motion was approved 4:0 (0 abstained, 3 absent)

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Willis – absent

Vice Chair Swift – absent

Commissioner Schanno – yes

Commissioner Hargrave – yes

Commissioner MacIntyre – absent

Commissioner Ashley – yes

Commissioner Davis – yes

Chair Schanno directed staff to forward onto the Board of County Commissioners. The Planning Commission recommends approval of the updates and will be heard by the Board of County Commissioners on October 19 and November 2. He closed the hearing.

APPROVAL OF PAST MINUTES

Chair Schanno called for any revisions or corrections for the Minutes from April 5, 2022. There were none. **Commissioner Ashley** motioned to approve the Planning Commission Minutes from April 5, 2022 as presented. **Commissioner Davis** seconded. No further discussion on the minutes.

The motion was approved 4 to 0: (0 abstained, 3 absent)

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Willis – absent

Vice Chair Swift – absent

Commissioner Schanno – yes

Commissioner Hargrave – yes

Commissioner MacIntyre – absent

Commissioner Ashley – yes

Commissioner Davis – yes

The Planning Commission Minutes from April 5, 2021 were approved.

1:20:48 Commissioner Ashley motions to adjourn. **Commissioner Hargrave** seconded.

The motion was approved 4 to 0: (0 abstained, 3 absent)

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Willis – absent

Vice Chair Swift – absent

Commissioner Schanno – yes

Commissioner Hargrave – yes

Commissioner MacIntyre – absent

Commissioner Ashley – yes

Commissioner Davis – yes

Meeting adjourned at 4:20 pm.

 to chair

Acting Chair Schanno
Wasco County Planning Commission



Kelly Howsley-Glover, Director
Wasco County Planning & Development

ATTACHMENT A

Planning Department



Land Use and Development Ordinance Update

September 20, 2022

Overview

- **Overview of Proposed Revisions**
- **Reasons for Update**
- **Process to Revise**
- **Revision Summary**



2020 LUDO Update



Farm and Forest Zone Updates – Based on Changes to State Law Since 2012



Adoption of Chapter 14 (New) – Communication Facilities for consistency with federal/state regulations



Updates to Chapter 19 – Energy Facilities based on changes to state law. Optional update to roof mounted solar. Adoption of Military airspace for coordination for large scale projects



Time, Place, Manner regulations for Psilocybin grows and service centers

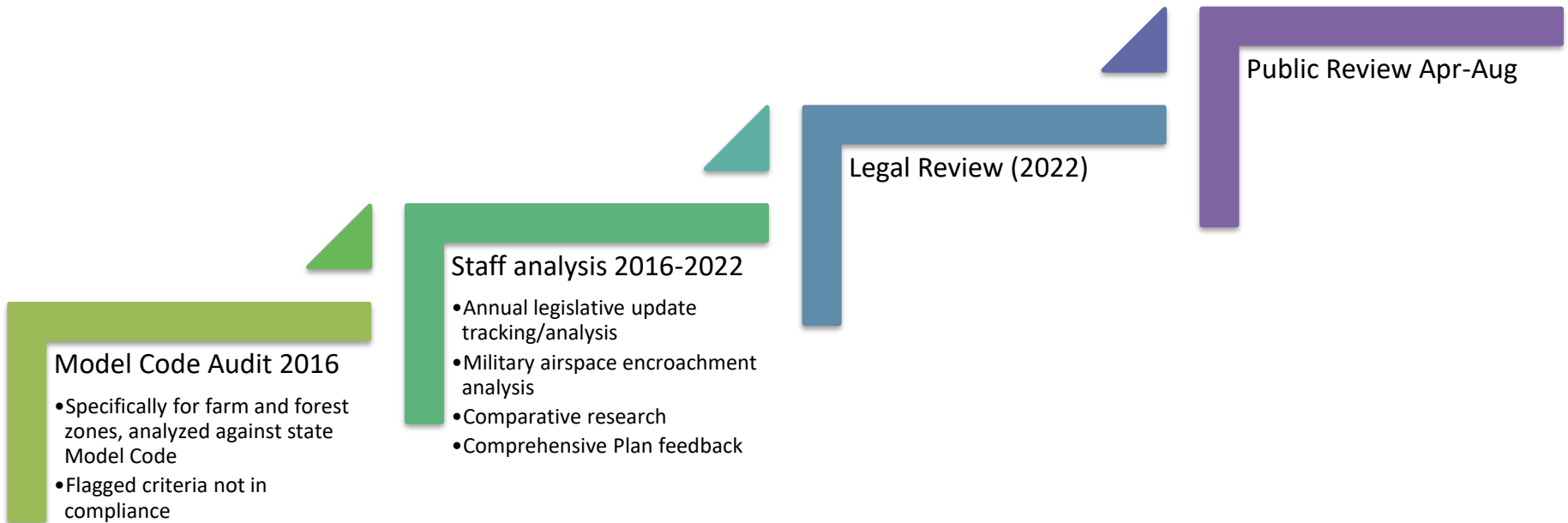


Housekeeping - Chapter 1 (Definitions), Chapter 6 & 7 (combine), Updates to Site Plan & Non Conforming Uses based on other updates

ATTACHMENT A Reasons for Update

- Streamline process for efficiency, more flexibility in timelines
- Make rules consistent with state law for improved transparency
- Based on Comprehensive Plan input, expand uses for farm zone to increase opportunities for economic development and reduce hurdles (like setbacks) for farmers
- Improve resiliency by removing barriers when able to
- Ensure coordination with partners

Revision Process



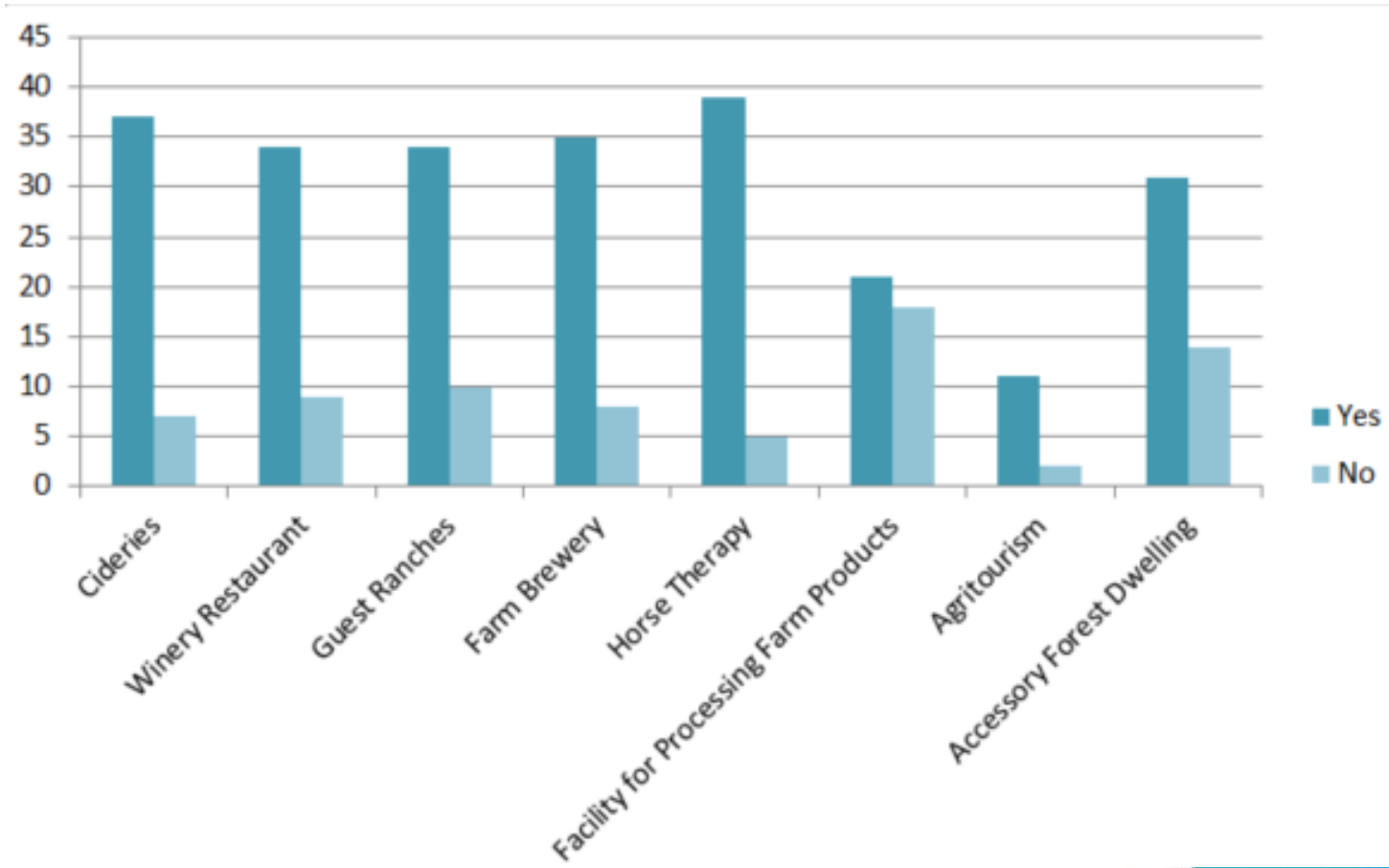
Public Input Activities

- Robust website with one page summaries, explainer videos, drafts, surveys, polls,
- Frequent social media postings
- Email newsletters about news/events
- Interactive drafts released in April & May
- Press release
- Ads in local newspapers
- Open houses in The Dalles and Tygh Valley
- Virtual Open Houses
- Ask a Planner meetings
- Overview Virtual Meeting
- Mailed postcard in April
- Mailed notice in August
- Total: 5 months of public outreach with significant resource investment

Revision Summary: Farm & Forest

- Added required permitted uses
- Updated language/references as needed
- Moved some criteria for different sections for consistency with state law
- Added optional uses for public review and input
- Added optional revisions to farm setbacks based on public input
- Moving non-farm dwellings to subjects to standards review

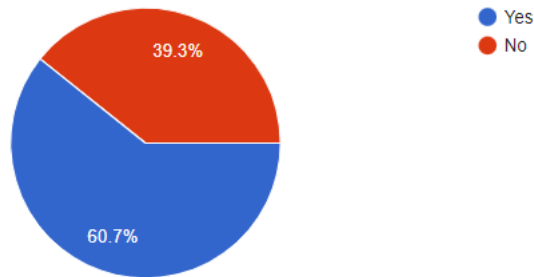
Public Input



Public Input

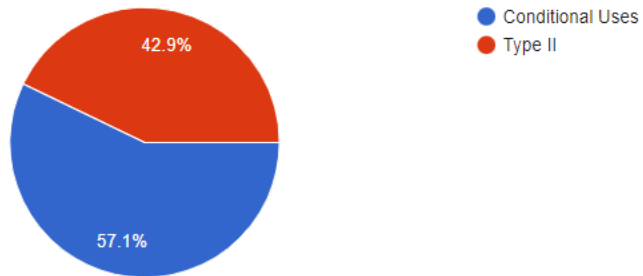
Do you think Wasco County should allow land divisions for public service facilities?
Public service facilities include sanitary waste facilities.

28 responses



Do you think Wasco County should permit non farm dwellings as conditional uses or Type II? Conditional uses carry with them more review criteria and discretionary conditions than Type II (Subject to Standards) reviews.

28 responses



Feedback on Agritourism

- Concern about wildfire, water, and other impacts
- Most opponents were in support of additional criteria
- No critical feedback of additional criteria

Recommendations

- Keep “wildlife habitat” in 3.212 E per DSL comment/ODFW feedback
- Allow all new, optional farm uses to include additional agritourism criteria
- Allow land divisions for utility facilities
- Allow new farm dwelling setbacks
- Keep nonfarm dwellings as a conditional use (draft will be modified)
- Consider additional criteria for accessory forest dwellings, per suggestions, if we adopt as a new use

Revision Summary: Chapter 14

- Added required state and federal process/criteria
- Best practices from other counties based on public input

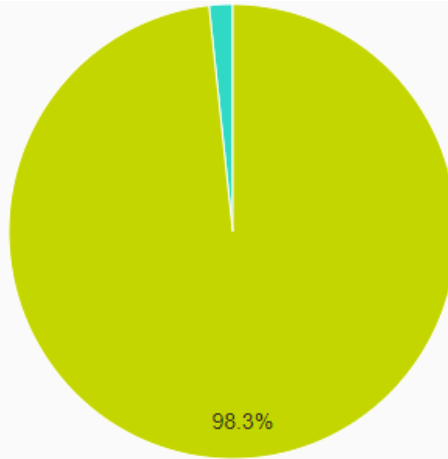
Public Input

No public input on this topic

Revision Summary: Chapter 19

- Added required coordination with agency partners
- Added required life safety criteria
- Proposing to remove permit requirement for roof mounted residential solar projects under height limit

Public Input



Answer

Votes

Small roof mounted solar projects on homes should be allo...

98.3% / 58

Small roof mounted solar projects on homes should be requ...

1.7% / 1

Total votes: 59

Recommendations

- Adopt all proposed revisions, including removing permit requirements for roof mounted solar panels on residential projects under 35' height

Military Airspace Overlay Zone

- Adopting established airspace maps
- Requiring coordination for large projects over 100' height
- Amending Comprehensive Plan Zoning Map to adopt OZ 15 (bumping Destination Resort to OZ 16)
- Amending Comprehensive Plan to replace EPD with OZ

Public Input

No public input

Recommendations

Adopt overlay zone, map, and affiliated
Comprehensive Plan updates

Additional Housekeeping

- Adding or amending definitions in Chapter 1
- Merging Chapter 6 and 7 into one variance Chapter
- Based on other updates, amending site plan and non conforming use chapters
- These are largely mandatory/non-substantive

Recommendations

No public input, adopt as revised.

Psilocybin

- Mandatory opt in legislation
- Application process open January 2023
- Proposing to allow manufacturing/processing (ie growing) in EFU
- Must be grown indoors
- Proposing to restrict service centers to commercial zones, with some additional restrictions, for near term

Public Input/Recommendations

No public input, adopt as proposed

Summary of What PC is Deciding

- Approve, deny, or edit mandatory changes
 - One consideration is DSL comment, which staff reports to maintain original language of 3.212 E
- Approve, deny, or edit optional changes, including:
 - Accessory Forest Dwellings in F-2 Zone
 - All Optional EFU Uses, including additional agritourism criteria
 - Proposed new farm dwelling setbacks
 - Military Airspace Overlay Zone
 - Chapter 7/Psilocybin TPM
 - Chapter 19 removal of required permit for residential roof mounted solar under 35' height

Summary of Recommendations

Adopt all revisions as proposed, with the following exceptions:

- 3.212 E (DSL Comment)
- Non-farm dwelling move to STS
- Accessory forest dwellings need additional criteria to mitigate concerns