



Columbia County Planning Commission
114 South 2nd Street, Dayton, Washington 99328
Meeting Agenda
Monday, May 14th, 2018 @ 5:30 PM

- 1) Call to Order
- 2) Roll Call and Establish Quorum
- 3) Approval of Meeting Minutes
 - a. April 9th, 2018
- 4) Public Hearings
 - a. 5:35 PM – Ordinance 2018—001 (Previously 2018—003)
 - i. Amendments to Chapter 2.115: Planning Commission
- 5) New Business
- 6) Old Business
 - a. Discussion on Air B&B's
 - i. Staff presentation of potential changes to the zoning code to allow Air B&B's with a Conditional Use Permit
- 7) Commissioner Reports
- 8) Director Report
- 9) Comments from the public and items not present on the agenda
- 10) Adjournment
 - a. Next meeting: Monday, June 11th, 2018 @ 5:30 PM



Columbia County Planning Commission
114 South 2nd Street, Dayton, Washington 99328
Meeting Minutes
Monday, April 9th, 2018 @ 5:30 PM

- 1) Call to Order
 - a. Vice-Chair Jason Towery called the regular meeting of the Columbia County Planning Commission meeting to order at 5:31PM.
- 2) Roll Call and Establish Quorum
 - a. Members present: Vice-Chair Jason Towery, Jay Ball, Cara Watts, and Swan Eaton. Staff: Meagan Bailey, Dena Martin.
- 3) Approval of Meeting Minutes
 - a. March 12th, 2018
 - i. Ball motioned to approve the meeting minutes as presented. Watts second, none opposed. Motion carries.
- 4) Public Hearings
 - a. 5:35 PM – Variance 2018—001
 - i. Request to subdivide a lot of 73.01 acres into two lots: one being 39 acres and one being 34.01 acres.
 1. Vice-Chair Towery opened the public hearing for comments for Variance 2018—001 at 5:36 PM.
 2. Bailey explained the reasons for dividing the land into two plots, each slightly under the 40-acre minimum requirement for the A1 Zone, thus requiring an administrative variance.
 3. Members of the public present, Chuck Ketterman and Leanne Kent, stated support of the subdivision.
 4. Ball motion to approve the variance as amended on the corrected map illustrating the two new lots: one being 39 acres and one being 34.01 acres. Eaton second, none opposed. Variance approved.

5. The public hearing closed at 5:42 PM.

5) New Business

a. Discussion and review of Tiny Homes.

- i. Eaton provided commission members with information on Tiny Homes and requested that Staff research communities that have made allowances for Tiny Homes in their zoning regulations.
- ii. Planning commission agreed to table Tiny Home discussion for a later date to make Airbnb discussion a priority.

b. Discussion and review of Airbnbs.

- i. General discussion on how to best regulate short term rentals to ensure public safety. Agreed that, at minimum, a conditional use permit should be required.
- ii. Planning commission requested that Bailey speak with County Commissioner Norm Passmore for feedback on the possibility of instituting business licenses in the County.
- iii. Bailey agreed to prepare a proposed code amendment for review at the next meeting.

6) Old Business

a. Ordinance 2018-003: Chapter 2.115-Planning Commission – request for public hearing.

- i. Staff reviewed amendments to the Planning Commission Rules and Procedures as they will be updated in the County Code.
- ii. Eaton motioned that a public hearing on Ordinance 2018-003 be scheduled for May 14 at 5:35 PM. Ball seconded, none opposed. Hearing set.
- iii. **Public hearing scheduled for Monday, May 14th, 2018 at 5:35 PM.**

b. Ordinance 2018-002: Updates on PUD from the Department of Commerce:

- i. Bailey updated Planning Commission on comments from the Department of Commerce (DOC) regarding proposed code updates

to allow PUDs in the County. DOC comments state that the amendments violate the County's comprehensive plan which strives to limit development in agricultural zones. Staff shared three recommendations from the DOC: 1) prohibit PUDs in A1, A2, and A3 zones; 2) prepare an extensive Staff Report explaining why PUDs should be allowed in A1, A2, and A3 zones; 3) table the ordinance until the comprehensive plan can be amended to better allow for PUDs in agricultural zones.

- ii. Following general discussion, the planning commission agreed to table Ordinance 2018-001: PUD until updates to the Columbia County Comprehensive Plan have been finalized.

7) Commissioner Reports

- a. Swan briefly reviewed information presented on Tiny Homes.

8) Director Report

- a. Bailey will now be available for the May 14th meeting as training dates have changed.
- b. Bailey gave a brief update on progress at the Columbia Pulp Plant.

9) Comments from the public and items not present on the agenda

- a. None.

10) Adjournment

- a. Eaton motion to adjourn the regular meeting of the Columbia County Planning Commission at 6:30 PM, Ball second. Meeting adjourned
- b. Next meeting: Monday, May 14th, 2018 @ 5:30 PM

Approved May 14, 2018

Bryan Martin, Columbia County Planning Commission Chair; Date

Attest:

Meagan Bailey, Planning Director

Columbia County
Department of Planning and Building

Staff Report
Ordinance 2018—001

Amending Columbia County Code Chapter 2.115: Planning Commission

To: Columbia County Planning Commission
For: Recommendation
By: Department of Planning and Building
Date: May 14, 2018

SEPA Determination: Categorically Exempt per WAC 197-11-800(19)
Public Hearing: May 14, 2018

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**Proposal:** A review of Chapter 2.115 of the Columbia County Code which details rules and procedures applicable to the Columbia County Planning Commission revealed inconsistencies between the code and current practices. Also, the County Planning and Building Department and the County Planning Commission identified changes that will improve the functionality of the County Planning Commission. The proposed amendments are brought to the County Planning Commission to hold a public hearing, take testimony from the public regarding these changes, and offer a recommendation to the Board of County Commissioners.

**Analysis:** Chapter 2.115 of the Columbia County Code addresses the composition, organization and operation of the Columbia County Planning Commission. A review of the code revealed the following inconsistencies with current practices:

1. The code states that the commission shall consist of seven numbered member seats. The current commission consists of five seats.
2. The code states that a minimum of two seats must represent each county commissioner district. Currently, there is a minimum of one seat from each district.
3. The code refers to the adoption of the “resolution” codified in the chapter. It should refer to the “ordinance.”

The Planning and Building Department and County Planning Commission identified the following policy changes that would improve the functionality of the planning commission:

1. To ensure representation of all districts while making it easier to fill vacant seats, staff recommends addition of the following text: “The remaining two seats shall serve as ‘float seats’ to fill any district, not to exceed three members from one district.”
2. Staff also recommends adding a provision for staggered re-appointments as follows: “The Planning Director may recommend a staggered re-appointment in the event two or more seats are to expire within one calendar year. Recommendation will be brought to the Board of County Commissioners, with the final re-appointment and terms by motion.

**Findings of Fact:**

1. The proposal and recommended changes were made by Planning Director, Meagan Bailey and reviewed by the Columbia County Planning Commission.
2. The Columbia County Planning Commission approved these text changes during their normal meeting on April 9<sup>th</sup>, 2018.
3. Updating the current Planning Commission Rules of Procedure is necessary to ensure accuracy between current practices and the code.
4. Allowing for “float seats” and staggered re-appointments will improve the functionality fo the planning commission.
5. The County is categorically exempt from SEPA requirements per WAC 197-11-800(19)
6. A public hearing was set for May 14<sup>th</sup>, 2018 at 5:35 PM at the Columbia County Planning and Building Department.
7. Public notice of the hearing was published in the paper of record on April 19<sup>th</sup>, 2018.

**Recommendation:** The Department of Planning and Building requests that the Dayton Planning Commission either:

1. Recommend adoption to the Board of Columbia County Commissioners;
2. Recommend with changes to the Board of Columbia County Commissioners; or,
3. Deny any recommendation until further review.

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Meagan Bailey, Planning Director

## Chapter 2.115

### PLANNING COMMISSION

Sections:

2.115.010 Planning commission rules and procedures.

The board of commissioners hereby affirms the continuance of the planning agency and commission in its duties under the Planning Enabling Act, Chapter 36.70 RCW. The board of county commissioners hereby adopts the following rules of composition, organization and operation of the planning commission:

A. The commission shall consist of five numbered member seats with a minimum of one seat from each county commissioner district. The remaining two seats shall serve as “float seats” to fill any district, not to exceed three members from one district.

B. Planning commission members shall be residents of Columbia County and eligible to vote in the county.

C. Length of term of service shall be four years.

D. Terms shall be staggered so that no more than two member seat terms shall expire in any year. Following the adoption of the ordinance codified in this section the board of county commissioners shall reappoint, by minute action, the current planning commission members so that their terms, and those of any vacant seats, are consistent with this section. The Planning Director may recommend a staggered re-appointment in the event two or more seats are to expire within one calendar year. Recommendation will be brought to the Board of County Commissioners, with final re-appointment and terms by motion.

E. Members shall be appointed by formal motion by the chair of the board of county commissioners with the approval of the other board members.

F. Vacancies shall be filled to complete the un-expired term of the vacant seat in a manner that keeps the distribution established in subsection (A) of this section. Appointments shall be made from a list submitted by the county commissioner representing the district from which the seat shall be filled.

G. Members may be removed from the planning commission by the chairman of the board of county commissioners with the approval of the board, following a public hearing for inefficiency, neglect of duty or malfeasance in office. The commission shall report regularly on the attendance record of members.

H. The Columbia County planning director shall serve as secretary to the planning commission.

I. The board of county commissioners approves the “Planning Commission Rules of Procedure” as iterated in adopted resolution as codified in this section, subject to adoption by the planning commission.

# Proposed zoning amendments regarding Air B&B's in Columbia County

## Chapter 18.10—Definitions (*New Definition*)

“Short Term Rental” is where bedrooms or an entire residential dwelling unit are rented to overnight guests for a rental period of less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month; commonly known as *Air B&B's*.

## Section 18.15.045—Use Matrix (*New Use Line*)

| Use                | A-1 | A-2 | A-3 | AR-1 | AR-2 | C-1 | LI-1 | HI-1 | R-1 | W-1 |
|--------------------|-----|-----|-----|------|------|-----|------|------|-----|-----|
| Short Term Rentals | C   | C   | C   | C    | C    |     |      |      |     |     |

## Section 18.80.070—Administrative Approvals (*Minor Adjustment to Section*)

A. Use permit applications for projects that the planning director finds to be minor in scale or with limited potential impacts, localized in nature, such as abandoned and existing home sites, three-acre rock quarries, commercial communication towers, temporary portable sawmill operations, **Short Term Rentals**, veterinary clinics, minor amendments to existing CUPs and similar uses that the planning director may determine that the decision on an application for a use permit will be made through an administrative process.

## Chapter 18.126—Short Term Rentals (*New Chapter*)

Sections:

- 18.126.010 Purpose.
- 18.126.020 Definitions.
- 18.126.030 General requirements.
- 18.126.040 Application requirements.
- 18.126.050 Development standards.
- 18.126.060 Operating without permit and nuisance complaints.
- 18.126.070 Appeal.

### **18.126.010 Purpose.**

A. The purpose of this chapter is to establish regulations for the operation of short-term rentals within the Columbia County. It does not apply to hotels, motels, and bed and breakfasts.

B. The provisions of this chapter are necessary to promote tourism and economic development while simultaneously preventing unreasonable burdens on services and impacts on residential neighborhoods posed by short-term rentals. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential and agricultural uses.

**18.126.020 Definitions.**

The definitions set forth in this section shall apply to short-term rental properties.

A. “Authorized agent” is a property management company or other entity or person who has been designated by the owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.

B. “Event” means wedding, bachelor or bachelorette party, concert, sponsored event, or any similar group activity.

C. “Local contact” means a person identified by the owner who is available to respond twenty-four hours a day, seven days a week, to any complaint involving the short-term rental.

D. “Owner” means the person that owns and holds legal and/or equitable title to the property.

E. “Principal residence” means the residence where the owner personally resides two hundred seventy-five or more days each calendar year.

F. “Short-term rental” means temporary lodging for charge or fee at a dwelling for a rental period of less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month.

G. “Renter” means the individual(s) paying monies to reside at the short-term rental unit.

**18.126.030 General requirements.**

No owner or property within unincorporated Columbia County may offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without an approved Conditional Use Permit. Offer includes through any media, whether written, electronic, web-based, digital, mobile, or otherwise.

**18.126.040 Application requirements.**

An application to operate a short term rental within the unincorporated areas of Columbia County must comply with the requirements as outlined in CCC Chapter 18.80.

**18.126.050 Development standards.**

A. One designated parking space must be provided specifically for the renter and cannot be used by the authorized agent, local contact, and/or the owner during the entire length of stay by the renter.

B. Recreational vehicles and other similar vehicles, machines, or recreational devices are not permitted to be parked on site or within the public right-of-way related to short-term rentals.

C. Owner must have property insurance and liability coverage for the short-term rental.

D. If the unit is not an owner occupied short-term rental, then a local contact must be provided who is able to respond twenty-four hours a day, seven days a week to any complaints.

E. Functioning carbon monoxide detectors and smoke detectors shall be kept in operating order and installed as required by the International Residential Code (IRC).

F. Functioning fire extinguisher(s) shall be installed within the short-term rental. Number and location will be determined based on the size of the structure during the application and permitting process.

G. If the short-term rental property has a pool then the pool must be fenced meeting the requirements of the IRC.

**18.126.060 Operating without permit and nuisance complaints.**

A. It is unlawful to rent, offer for rent, or advertise for rent a dwelling unit located on any property within unincorporated Columbia County without first obtaining a Conditional Use Permit. If a short-term rental is found to be renting, offering for rent, or advertising for rent without a Conditional Use Permit, the property is subject to the provisions in Title 19: Code Enforcement

B. Nuisance complaints will be processed as follows, within any time period for the life of the Conditional Use Permit:

- A. First complaint—citation with applicable fee.
- B. Second complaint—citation with applicable fee.
- C. Third complaint—citation with applicable fee and immediate revocation of Conditional Use Permit by the Planning Director.

**20.139.090 Appeal.**

Decisions regarding short-term rentals may be appealed to the Hearing Examiner per CCC 18.05.080 (K.3): Procedures for Hearings on an Appeal from Planning Director Decision.