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Subject: Public Comment re Resolution #310 - Siting of activities on ag lands
Date: May 11, 2020 at 11:17 AM
To: kvalness@oda.state.or.us
Cc: [Jim Johnson jjohnson@oda.state.or.us](mailto:jjohnson@oda.state.or.us), board@savehelvetia.org



Please accept the attached comments from the Save Helvetia Board of Directors regarding short-term rentals on agricultural lands. These comments were written in response to Washington County's Issue Paper No. 2020-01 soliciting comments on Short-Term Rentals (STRs) in Rural Unincorporated Washington County. We feel, however, that the issues we raise regarding short-term rentals apply to Resolution #310.

Respectfully,
Cherry Amabisca, President
Save Helvetia



Short term
Rentals.pdf



Save Helvetia
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Hillsboro, Oregon 97124
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March 19, 2020

Washington County Land Use and Transportation
155 N. First Avenue, Suite 350
Hillsboro, OR 97124

RE: Issue Paper No. 2020-01
Short-Term Rentals (STRs) in Rural Unincorporated Washington County

Issue Paper No. 2020-01 focuses on short-term rental issues and considerations, primarily in urban unincorporated Washington County. We encourage this effort and encourage resident stakeholders to weigh in.

We wish to address short-term rental issues and considerations in RURAL unincorporated Washington County. The Figure 1 map shows STR listing in the unincorporated areas. The map lacks specificity, is somewhat fuzzy when zoomed, and it appears to show activity in the rural unincorporated county and especially in the close-in area of Helvetia.

The Helvetia area has had a 20-year history of grappling with activities such as corporate picnics, wedding events and quasi-winery event centers. Some of these issues have been brought to the Board of County Commissioner's attention through time, such as Roloff Farms and Garden Vineyards. Due to serious community conflict, a local citizens' group, *Keep Helvetia Safe and Livable*, successfully took a case to LUBA appeal, but unfortunately without the support of Washington County.

A number of Helvetia residents participated in the Agri-Tourism TAG and the morphed advisory group under the Rural Tourism rubric. We were surprised that these earlier county efforts were not referenced in this issue paper. Many of the community impacts and county capacities overlap into this current issue area. **We therefore encourage staff to summarize the community impacts and county capacities issues coming from those prior study processes.**

On page 4, the issue paper states: “The use of some rural dwelling types as STRs, however, may constitute a land use violation, particularly in the rural resource districts.” **We recommend that this be fleshed out and clarified so that residents in rural unincorporated Washington County have a clearer understanding of what is legal, what is not and what recourse rural residents have to lodge concerns or complaints.**

There was an extensive effort undertaken by the CPO/CCI system that resulted in the 2004 report: *Improving Community Livability Through Effective Noise Control*, authored by the volunteer “Noise Control Task Force”. This was presented to the then Board of County Commissioners in work session in July, 2005 (www.wcnctf.org). It pointed out the weaknesses of our antiquated ordinance that remains in effect to this day. When Washington County seeks to address issues of Agri-Tourism, Rural Tourism, and now Short-Term Rentals, noise issues quickly come to the fore and it again shows our noise ordinance as out of date with the kind of county that we have become.

For example, our ordinance requires a deputy witness the noise for any enforcement, after hours, yet the deputy FTE outside of the Enhanced Sheriff Patrol Districts is too thin for a Tier 4 complaint to become a priority. The ordinance lacks any decibel level standard. It only identifies Sunday as a day of no noise. **We recommend that the Board of County Commissioners revisit our noise ordinance for the benefit of all unincorporated Washington County residents, irrespective of the short-term rental issues.**

Washington County relies on a complaint-based system for code violations. When this is accompanied with inadequate county resources and/or lack of response, it leaves neighbors exposed and in conflict.

Deputies repeatedly alert rural residents to the types and locations of crimes in their areas and remind us to be aware of unfamiliar vehicles. The activities around short-term rentals in rural unincorporated Washington County could generate calls to county dispatch. Will dispatch know where the STRs are and what an authorized vehicle might look like?

Rural farm and forestry districts have particular vulnerabilities to the casual use of those not familiar with the practices of agriculture and forestry. Fire in a rural environment is a distinct threat that could readily destroy crops, forests, barns, hay storage and homes. (The Grossen family hay stack was torched late at night along Helvetia Road several years ago.) Out in the country, a bonfire might seem like a good idea to casual urban users of STRs. Rural residents keep current with fire dangers while casual urban users might not. **We recommend that staff reach out for comment from the Fire District for comment.**

Gravel road dust on crops can be damaging: going slow on a gravel road in the dry season becomes an economic necessity to farmers. The inadvertent importation of noxious weeds into grass seed from increased vehicular activity into grass seed growing areas can be quite costly to farmers. Grass seed processors required a high degree of purity before they will buy seed from farmers. Urban car users can become unwitting carriers of noxious weeds into grass seed growing areas. **We recommend that staff reach out to the State Department of Agriculture and Farm Bureau for comment.**

Rural agricultural areas have narrow roads with gravel shoulders and drainage ditches. Catching a tire in the shoulder gravel can cause a quick rollover. Locals may know the blind curves and elevations changes but even then one can come face-to-face with a convoy of combines, a deer or a herd of elk. There is no street lighting. Traffic enforcement is minimal to absent: the deputy FTE for the rural area is insufficient to enforce traffic infractions. Locals generally understand the “basic rule” for their areas. Casual urban drivers on rural gravel roads might be in for a first-time, steep learning curve.

It is legal to discharge a firearm in the rural unincorporated Washington County, but not in the urban unincorporated areas. Washington County should be cautious about facilitating any urban firearms use in the rural districts. Hunting on private land might also become an issue: short term “elk hunting” rentals, for example. **We recommend that staff reach out to the Oregon Department of Fish and Game for comment.**

As our population grows, the search for recreational and event venues is heightened. Short-term rentals in the rural area will beget event venues. Events usually celebrate something. Celebrants often imbibe. When you add in the use of alcohol/drugs, the dangers to the participants, to residents, and to the agricultural and forestry practices of these areas increases. Will STRs be require to maintain liability insurance? Will this reach beyond the property to damages in the community? **In previous studies of Agri-Tourism and Rural Tourism, the issues of impaired driving did not get adequate analysis. Please include it here and now.**

As you sort out which approaches to take with urban unincorporated Washington County, **we recommend providing rural unincorporated Washington County with the tools that it needs to protect the practices of farming and forestry, the livability and safety of rural residents and the unwitting casual urban users from harm.**

When citizen participants have provided comments regarding Agri-Tourism, Rural Tourism, Soil Fill, and other issues, the typical response from the Board of County Commissioners has been that the county has enough rules, and has budget constraints for any staffing for compliance or enforcement. This message served to discourage further comment by concerned citizens from the

rural unincorporated lands of Washington County. **Washington County should not facilitate any added burden to its rural unincorporated areas.** Should you be willing to assess our ordinances and practices, we stand ready to be of any assistance in support of solutions for rural unincorporated Washington County.

Respectfully,

Save Helvetia Board of Directors

Cherry Amabisca, President

Robert Bailey, Corporate Secretary

Linda DeBoer, Board Member

Allen Amabisca, Treasurer

Faun Hosey, Vice President

Don Schoen. Board Member