



**PUBLIC MEETING NOTICE
FOR THE
WASHINGTON COUNTY PLANNING COMMISSION**

ZOOM VIRTUAL MEETING

WEDNESDAY, AUGUST 5, 2020

PUBLIC MEETING 1:30 PM

NOTE: Planning Commission meetings are being held virtually, until further notice, via Zoom.

Join online: <https://us02web.zoom.us/j/81477270735>

Online participants will be able to see and hear the proceedings. Online participants' microphones will be muted, unless they are called upon to speak/testify. Participant cameras will not be activated at any time.

Join by phone: +1-346-248-7799 or +1-669-900-6833; Webinar ID: 814 7727 0735

Participants on phones will be able to hear the proceedings. Phone participants' microphones will be muted, unless they are called upon to speak/testify.

Prior to scheduled public hearing items, the Planning Commission conducts a Work Session to receive briefings from County staff. No public testimony is taken on Work Session items.

Following the Work Session, the Planning Commission considers agenda items, including scheduled public hearing items and consideration of minutes. The public is welcome to speak during the public hearings and time is limited to 3 minutes. The public may also speak on any item **not** on the agenda during Oral Communications. Time is generally limited to 5 minutes for individuals and 10 minutes for an authorized representative of a Citizen Participation Organization (CPO). The Chair may adjust time limits.

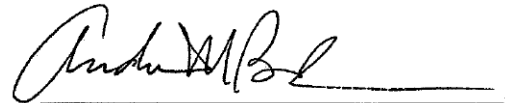
To provide testimony on agenda items or provide oral communication, please complete and submit the sign up form at www.co.washington.or.us/PlanningCommissionTestimony at least 24 hours before the start of a meeting.

To testify, either phone in or log in to Zoom. (See instructions above). When your name is called, your microphone or phone will be unmuted. You will have five seconds to begin speaking;

if you do not, the next topic/speaker will be called. Please follow these guidelines:

- When your name is called, state your name and home/business address for the record.
- Groups or organizations making a presentation must designate one spokesperson in the interest of time and to avoid repetition.
- When there is more than one speaker on any topic, please avoid repetition.

If you need a sign or spoken language interpreter, please call 503-846-3519 (or 7-1-1 for Telecommunications Relay Service) at least 48 hours prior to this event.



Andy Back

Planning and Development Services Division Manager

PUBLIC MEETING DATES	
BOARD OF COMMISSIONERS WORK SESSIONS	PLANNING COMMISSION MEETINGS
8:30 a.m. 1st and 3rd Tuesdays	1:30 p.m. 1st Wednesday
2 p.m. 4th Tuesday	6:30 p.m. 3rd Wednesday
BOARD OF COMMISSIONERS MEETINGS	<i>Note: Occasionally it may be necessary to cancel or add a meeting date.</i>
10 a.m. 1st and 3rd Tuesdays	
6:30 p.m. 4th Tuesday	



PUBLIC MEETINGS BEFORE THE PLANNING COMMISSION

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AGENDA

CHAIR: JEFF PETRILLO
VICE-CHAIR: MATT WELLNER
COMMISSIONERS: IAN BEATY, MARK HAVENER, DEBORAH LOCKWOOD,
ANTHONY MILLS, SUSHMITA PODDAR AND ERIC URSTADT

PUBLIC MEETING

1. **CALL TO ORDER – 1:30 PM**
2. **ROLL CALL**
3. **DIRECTOR'S REPORT**
4. **ORAL COMMUNICATIONS (Limited to items not on the agenda)**
5. **PUBLIC HEARING**
 - a. **Ordinance No. 865 – Urban Growth Boundary (UGB) Expansion Areas**
An ordinance amending the Comprehensive Framework Plan for the Urban Area, the Rural/Natural Resource Plan and certain community plans to reflect urban growth boundary expansion areas
 - b. **Ordinance No. 866 – Minor Amendments**
An ordinance addressing minor amendments to the Comprehensive Framework Plan for the Urban Area, the Bethany Community Plan and the Community Development Code

Department of Land Use & Transportation • Planning and Development Services

Long Range Planning

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c. Ordinance No. 867 – Safe Parking

An ordinance amending the Community Development Code relating to safe vehicle camping/parking for homeless persons as part of a program to aid in transition to stable housing

6. CONSIDERATION OF MINUTES

a. June 17, 2020

7. PLANNING COMMISSION COMMUNICATIONS

8. ADJOURN



WASHINGTON COUNTY PLANNING COMMISSION MINUTES OF WEDNESDAY, JUNE 17, 2020

ALL PUBLIC MEETINGS ARE RECORDED

1. CALL TO ORDER: 6:30 p.m. Zoom Virtual meeting

The meeting was called to order by Chair Petrillo.

2. ROLL CALL

Present: Mark Havener, Deborah Lockwood, Anthony Mills, Jeff Petrillo, Sushmita Poddar and Matt Wellner; Absent: Ian Beaty and Eric Urstadt.

Staff: Andy Back, Planning and Development Services (PDS); Theresa Cherniak, Carine Arendes, Todd Borkowitz and Susan Aguilar, Long Range Planning (LRP) and Jacquilyn Saito-Moore, County Counsel.

3. DIRECTOR'S REPORT

Andy Back, Manager of PDS:

- Former LUT Senior Planner Stephen Shane was named the Current Planning group's Principal Planner. His new role became effective June 13, 2020.
- Staff will initiate a one-month recruitment starting in July for the District 3 PC position vacated by Bart Dickson. More details will follow.
- The Oregon Chapter of the American Planning Association's (OAPA) planning commissioner training is scheduled for Sept. 16 from 5:30 to 7:30 p.m. Registration details will be available soon. A PC meeting is scheduled for this time and staff does not yet know whether there will be PC agenda items scheduled for that date. Please let staff know if you have interest in attending the training. The County will cover registration costs.
- Per the PC's request, and to improve transparency and accessibility for the PC and members of the public, staff will post PDFs of all staff PowerPoint presentations (PPT) to the PC online after each meeting.

Today's Work Session Briefings

- Hearing on Ordinance No. 864 – Cider Business and Farm Brewery Standards
- Short term rentals update

Upcoming PC meetings

July 1 (via Zoom; 1:30 p.m. start):

- Staff does not have items scheduled for this date and recommend cancellation unless there are briefings on other topics of interest to the PC that you'd like to consider for that date.

July 15 (via Zoom; 6:30 p.m. start):

- Briefings on upcoming ordinances, likely including:
 - Safe parking ordinance
 - Significant Natural Resources related ordinances

4. ORAL COMMUNICATIONS

(none)

5. WORK SESSION

a. Short term rentals (STRs) update

Suzanne Savin, Senior Planner with the LRP Community Planning group provided a PPT on this topic. The PC was briefed on January 2020 prior to publication of the issue paper on STRs. The County does not regulate STRs, but LRP staff and the Board of Commissioners (Board) received multiple complaints about how some STRs are operated and requests for STR regulation since 2014. The issue paper summarizes public comments on this topic and how other local jurisdictions in Oregon regulate STRs. It recommends the County develop a licensing process versus alternatives like maintaining the status quo, increasing regulations, requiring a land use permit and outright prohibiting.

Next steps

- Develop draft regulations to establish a license (summer/fall 2020) to be included in the Washington County Code (not a land use ordinance). Some possible CDC changes might be proposed, which *would* be a land use ordinance.
- Host an online open house and survey the public on draft regulations.
- Finalize regulations and prepare an ordinance.
- Hold briefings and hearings at the PC and Board.

PC comments and questions

- Does the private host compliance company collect fees on behalf of local jurisdictions?
- Is a transient room tax collected by cities in the region?
- When a STR property has a pause between rentals, wouldn't the land use also temporarily end?
- What are implications for licensing STRs?
- A broader diversity of public feedback on STRs is needed from a larger number of County residents.
- People who are impacted most should be intentionally prioritized in future outreach.
- Will the state be defining STRs and establishing parameters on their use?
- Will accessory dwelling units (ADUs) be allowed to accommodate STRs?

6. PUBLIC HEARING

a. Ordinance No. 864 – Cider Business and Farm Brewery Standards

Carine Arendes, Associate Planner with the LRP Community Planning group provided a PPT on the proposed ordinance. State law now requires counties to permit cider business (Senate Bill (SB) 677; 2017) and farm breweries (SB 287; 2019). Staff was tasked in the 2020-21 LRP Work Program with proposing an amendment to the Community Development Code (CDC) to apply new standards to Exclusive Farm Use (EFU) and Agricultural and Forest (AF-20) districts, including production thresholds, income caps and related activities; uses and income restrictions; event conditions: and allowed uses potentially requiring approval from other agencies.

Staff recommendation

- Conduct the public hearing
- Recommend approval of Ordinance No. 864 to the Board.

Oral testimony

- Emily Ritchie, Executive Director of the Northwest Cider Association (NCA);) indicated that NCA consists of 100 cideries ranging from Oregon, Montana and British Columbia. The cider industry has an economic impact in Oregon of about \$400 million and produces numerous jobs for Oregonians. The NCA is in favor of Ordinance No. 864, particularly given that the proposed regulations are modeled after the County's current winery regulations, which have proven successful in supporting and helping grow that industry.
- Jim Long, Chair of Community Planning Organization (CPO) 4 (10655 SW Hall Blvd., Tigard) advocated for the hearing to be continued to a future date to allow for more public involvement.

PC deliberation

- Does the proposed 25 percent income cap apply to both promotional and agritourism events? Are there effective ways to monitor and enforce the proposed income cap?
 - Staff noted that proposed income caps are intended to assure that accessory uses are secondary to the primary use, and state statutes on cider businesses and breweries include a mechanism for tracking income information.
 - County Counsel acknowledged that obtaining evidence of compliance with such income restrictions is often difficult.
- Statutory provisions:
 - The acreage and production thresholds seem arbitrary.
 - Other agricultural buildings are not required to maintain 100foot setbacks.
 - The Board may wish to debate nuances in ordinance provisions more thoroughly.
- Are AF-20 and EFU in special district areas?
 - Staff clarified that "special district areas" relate to fire protection districts and noted that most areas designated AF-20 or EFU are within a fire protection district.

Final vote

Commissioner Mills made a motion to recommend approval of Ordinance No. 864 to the Board. Commissioner Lockwood seconded the motion. **Vote: 6 – 0. Motion passed.**

Yes: Havener, Lockwood, Mills, Petrillo, Poddar and Wellner (unanimous).

7. PLANNING COMMISSION COMMUNICATION

Vote

A motion was made by Commissioner Mills to recommend the Board pursue action to eliminate the ordinance season so that it is continuous throughout the calendar year. Commissioner Wellner seconded the motion. **Vote: 6 – 0. Motion passed.**

Yes: Havener, Lockwood, Mills, Petrillo, Poddar and Wellner (unanimous).

PC comments and questions

- PC members recapped the reason for the motion, including concerns with time constraints, that it is an artificial barrier and that the County is the only jurisdiction with such a limitation. Additionally, it doesn't allow for flexibility to address circumstances such as COVID-19 which may affect timelines.

Commissioner Petrillo moved to cancel the July 1, 2020 PC meeting. Vote: 6 – 0. **No objection, motion passed.**

Yes: Havener, Lockwood, Mills, Petrillo, Poddar and Wellner (unanimous).

8. ADJOURN: 8:50 p.m.

Jeff Petrillo, Chair
Washington County Planning Commission

Andy Back, Secretary
Washington County Planning Commission

Minutes approved this _____ day of _____, 2020

Submitted by LRP Staff



July 29, 2020

To: Washington County Planning Commission

From: Andy Back, Manager 
Planning and Development Services

Subject: **PROPOSED LAND USE ORDINANCE NO. 865 – An Ordinance to Amend the Comprehensive Framework Plan for the Urban Area, Rural/Natural Resource Plan, and Community Plans for Aloha–Reedville–Cooper Mountain, Bull Mountain, East Hillsboro and West Union to Address Recent Urban Growth Boundary Expansions**

STAFF REPORT

For the August 5, 2020 Planning Commission Hearing
(The public hearing will begin no sooner than 1:30 p.m.)

I. STAFF RECOMMENDATION

Conduct the public hearing; recommend approval of Ordinance No. 865 to the Board of Commissioners (Board).

II. OVERVIEW

Ordinance No. 865 proposes to amend the Comprehensive Framework Plan for the Urban Area (CFP), Rural/Natural Resource Plan (RNRP) and Community Plans for Aloha–Reedville–Cooper Mountain, Bull Mountain, East Hillsboro and West Union to address recent urban growth boundary (UGB) expansions in Washington County. UGB expansions for Cooper Mountain, Beef Bend South, Witch Hazel Village South and West Union Village Square were approved by Metro Council and acknowledged by the Land Conservation and Development Commission (LCDC).

When areas are added to the UGB, they move from the rural area to the urban area. This ordinance makes changes to the listed documents to make this transition within County planning documents. This ordinance was authorized in the FY 2020-2021 Long Range Planning Work Program.

Department of Land Use & Transportation
Planning and Development Services • Long Range Planning

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III. BACKGROUND

Metro's 2018 UGB Expansion Process

Four metro area cities, including Beaverton, Hillsboro and King City, submitted proposals for UGB expansion into Urban Reserve Areas (URAs) to accommodate projected future demand for needed housing. Concept planning for the Washington County UGB expansion areas of Cooper Mountain, Beef Bend South and Witch Hazel Village South were completed by the relevant cities and acknowledged by the Board prior to applying for UGB expansion. Metro Council held three public hearings in fall 2018 and approved the proposed UGB expansions (Ordinance No. 18-1427) in December 2018.

In January 2019, the Department of Land Conservation and Development (DLCD) reviewed Metro Council's decision and determined it to be complete. Participants in the local proceedings were allowed 21 days to submit an objection to DLCD. Objections were received from 1000 Friends of Oregon, Housing Land Advocates, the Marion County Board of Commissioners and four individuals. Despite these objections, the DLCD Director found no basis for remand of Metro Council's decision and recommended approval of the UGB expansions to DLCD. The Commission approved Metro's amendment in July 2019.

In January 2020, after considering exceptions to DLCD Director's report made by most of the previous objectors, and Hillsboro and Wilsonville, DLCD issued its final order (UGB-001910), approving and acknowledging the UGB expansions. Petitions for judicial review were accepted within 21 days following the final order. Housing Land Advocates and Marion County submitted petitions. The Oregon Land Use Board of Appeals recently extended its time for filing response briefs and its decision on review is expected in late July.

Policy Framework

The following state, regional and County requirements for land use planning in Oregon form the policy framework for the changes proposed in this ordinance

- **Statewide Planning Goal 2 – Land Use Planning** requires that governmental plans related to land use must be consistent with adopted county and city comprehensive plans and regional plans.
- **Statewide Planning Goal 14 – Urbanization** requires cities to estimate future growth and needs for land, and then plan and zone enough land to meet those needs through defining a UGB.
- **Metro Urban Growth Management Functional Plan (UGMFP) Title 11 – Planning for New Urban Areas** guides long range planning for areas added to the UGB and provides interim protection for these areas until city or county amendments to land use regulations allow urbanization.

- **CFP Policy 18 – Plan Designations and Locational Criteria for Development and CFP Policy 41 – Urban Growth Boundary Expansions** identifies strategies for implementing relevant Statewide Planning Goals and UGMFP Title 11.
 - CFP Policy 18 identifies locational criteria for determining appropriate land use designations. It also requires the FD-20 designation be applied to all land newly added to the UGB in order to protect and retain it for future urban density until appeals regarding the UGB amendment are finalized and the planning requirements of UGMFP Title 11 are completed and adopted.
 - CFP Policy 41 requires that all land newly added to the UGB also be added to the relevant community plan and retain Statewide Planning Goal 5 resources identified in the RNRP.
- **RNRP Policy 1 – The Planning Process** requires RNRP amendment once the UGB is amended to remove the UGB expansion area from the rural area as part of a quasi-judicial or legislative plan amendment to add urban land use designations.
- **Community Development Code (CDC) Section 308 – Future Development 20-Acre District (FD-20)** identifies uses permitted and prohibited in FD-20, as well as applicable dimensional requirements and other standards.

Ordinance Notification

Notice 2020-02 regarding proposed Ordinance No. 865 was mailed by the County July 10, 2020, 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 (PC) at that time. A display advertisement regarding the ordinance was published July 17, 2020, in *The Oregonian* newspaper.

In 1998, Oregon voters approved Measure 56 (M56), which requires cities and counties to provide affected property owners with notice when there is a change in zoning classification for their property. This can be the result of a comprehensive plan amendment in a manner that changes the underlying zone, or limits or prohibits previously allowed uses. Given the land use designation changes in this ordinance, an M56 notice was mailed by the County July 29, 2020, to 312 unincorporated property owners, notifying them of the changes proposed. A copy of the M56 notice is provided as Attachment A to this staff report.

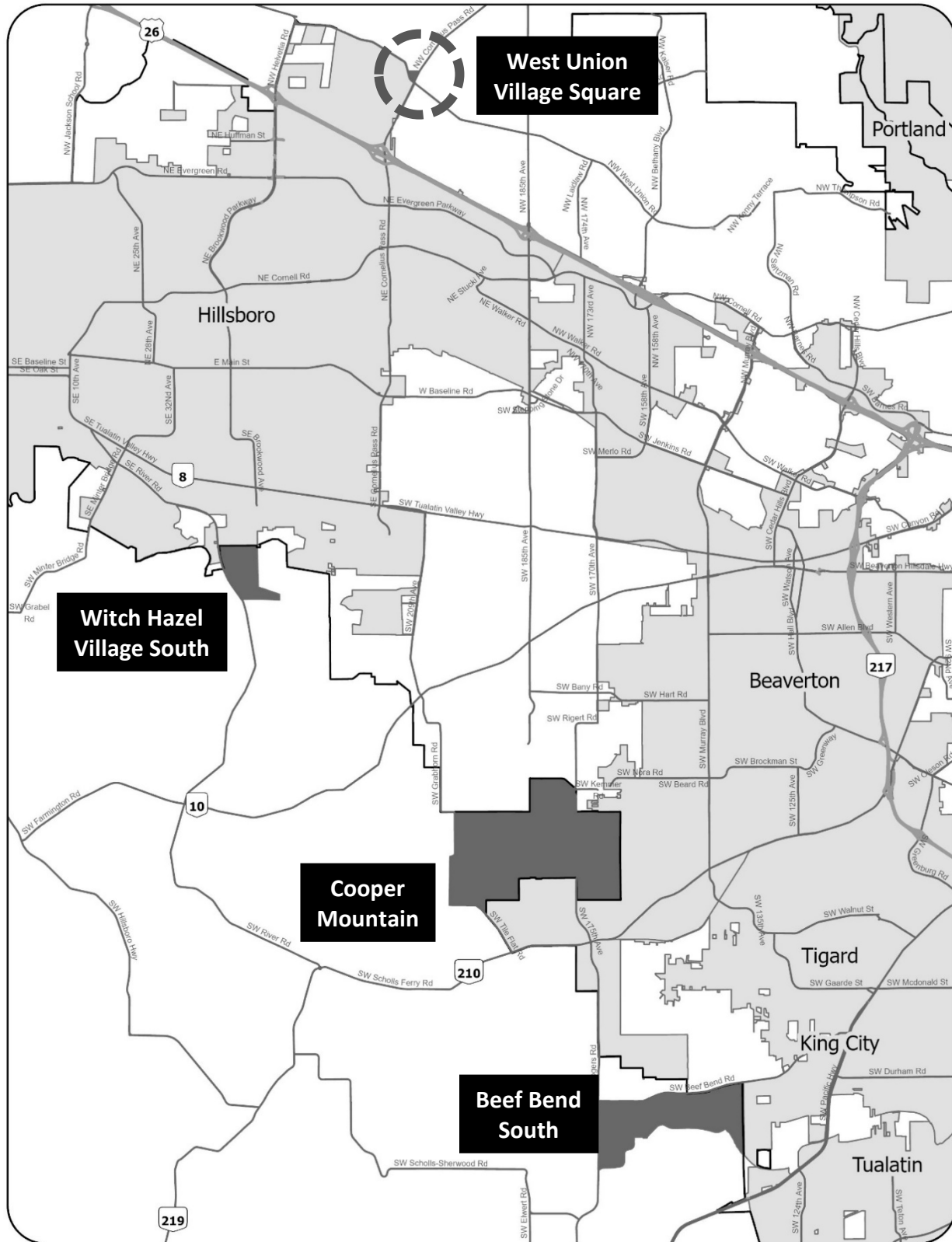
IV. ANALYSIS

Amending the Comprehensive Plan to incorporate the UGB expansions affects four locations in the County. The table and map below provide summary information and the location of the UGB expansions. Further detail about these areas and considerations that informed the ordinance follow.

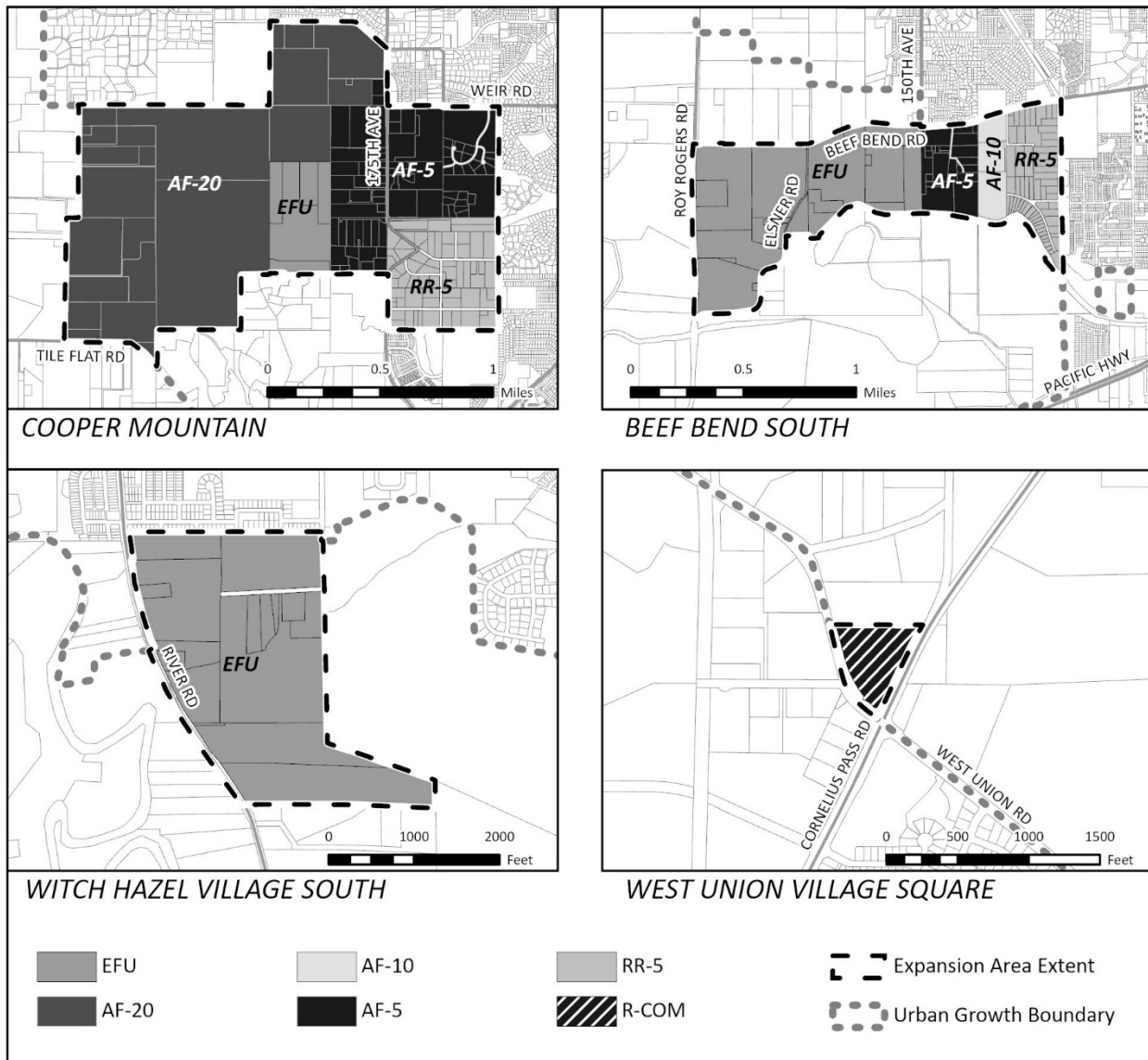
Summary of 2018 UGB Expansion Areas in Washington County				
UGB Expansion Area	Cooper Mountain	Beef Bend South	Witch Hazel Village South	West Union Village Square
Approximate Acreage*	1,232 acres	528 acres	150 acres	5 acres
City	Beaverton	King City	Hillsboro	Hillsboro
URA	Cooper Mountain (URA 6B)	Beef Bend South (URA 6D)	Witch Hazel Village South (URA 6A)	Portion of Bendemeer (URA 8C)
Community Plan	Aloha–Reedville–Cooper Mountain	Bull Mountain	East Hillsboro	West Union
Subarea	Cooper Mountain Area (existing)	Southern Lowlands (existing)	Witch Hazel Village South (new)	(none)
Land Use	FD-20 (new)	FD-20 (new)	FD-20 (new)	R-COM (existing)
Gross Acreage of Goal 5 Resources	101 acres	222.5 acres	21 acres	(none)
Goal 5 Resources Present (approximate acreage)	<ul style="list-style-type: none"> • <i>Water Areas and Wetlands and Fish and Wildlife Habitat</i> (99.5 acres) • Mineral and Aggregate Areas - <i>District B</i> (1.5 acres) 	<ul style="list-style-type: none"> • <i>Water Areas and Wetlands</i> (61.5 acres) • <i>Water Areas and Wetlands and Fish and Wildlife Habitat</i> (78.5 acres) • <i>Wildlife Habitat</i> (10 acres) • Historic and Cultural Resources (46 acres) • Mineral and Aggregate Areas - <i>District B</i> (25.5 acres) 	<ul style="list-style-type: none"> • <i>Water Areas and Wetlands</i> (11.5 acres) • <i>Water Areas and Wetlands and Fish and Wildlife Habitat</i> (9.5 acres) 	(none)

* Includes right-of-way.

2018 UGB Expansion Areas in Washington County



Existing Land Use Districts



Approximate Acreage by RNRP Land Use District*				
	Cooper Mountain	Beef Bend South	Witch Hazel Village South	West Union Village Square
EFU	86.5 acres	313 acres	144.5 acres	0
AF-20	704.5 acres	0	0	0
AF-10	0	37 acres	0	0
AF-5	273 acres	64 acres	0	0
RR-5	144 acres	79 acres	0	0
R-COM	0	0	0	5 acres

* Does not include right-of-way.

Transferring UGB Expansion Areas from the Rural Area to the Urban Area

When areas are added to the UGB, they move from the rural area to the urban area. This ordinance removes designations from the UGB expansion areas for land use districts, Goal 5 resources and urban reserves currently contained in the RNRP and transfers them to relevant urban community plans in accordance with RNRP Policy 1 and CFP Policy 41. It also amends CFP Policy 41, Map A – Future Development Areas to reflect the UGB expansion areas.

Except for West Union Village Square, which will maintain its Rural Commercial (R-COM) designation, rural land use designations will be removed and the FD-20 urban land use designation will be added in relevant community plans. Implications of these changes are discussed below. RNRP Goal 5 resources in the UGB expansions will be transferred as Significant Natural and Cultural Resources, with no changes, to relevant community plans.

Cooper Mountain UGB Expansion

The 1,232-acre Cooper Mountain UGB expansion area near Beaverton is generally bounded by SW Stonecreek Drive, SW Kemmer Road and SW Weir Road on the north; Tenax Woods Natural Area and residential development to the east; SW Horse Tale Drive to the south; and SW Grabhorn Road to the west. Beaverton borders the area to the east. An area to the immediate northwest of the Cooper Mountain UGB expansion was brought into the UGB in 2002 and another area immediately to the south was added in 2011. Concept planning was completed by Beaverton in 2014 and acknowledged by the Board in 2015.

This area includes the Cooper Mountain Regional Park and Natural Area, both referenced in the RNRP. The RNRP also identifies the entire UGB Cooper Mountain expansion as Special Concept Plan Area A. Since this area will no longer be in the rural area, the references will be removed.

The RNRP identifies Goal 5 Significant Natural Resources (*Water Areas and Wetlands and Fish and Wildlife Habitat*) along McKernan Creek and three tributaries flowing to it from the north. The same Goal 5 designation applies along Summer Creek in the eastern portion of the UGB expansion. A small area in the northwest contains Goal 5 Mineral and Aggregate Areas *District B* resources. To comply with CFP Policy 41, these designations will all be transferred from the RNRP to the Community Plan's Significant Natural and Cultural Resources map.

The ordinance proposes to add this area to the Aloha–Reedville–Cooper Mountain Community Plan, since it is the only community planning area it borders. It will be added to the Cooper Mountain Area subarea given their adjacency and geophysical commonalities.

The RNRP identifies four rural land use designations in the Cooper Mountain UGB expansion area: Agricultural and Forest District (AF-20) in the western half and north; Exclusive Farm Use District (EFU) in the southern central; and Agricultural and Forest District (AF-5) and Rural Residential Five-Acre Minimum District (RR-5) in the eastern third, closest to Beaverton. As noted above, these designations will be replaced with FD-20 to comply with CFP Policy 41.

Beef Bend South UGB Expansion

The 528-acre Beef Bend South UGB expansion area near King City is bounded by SW Roy Rogers Road to the west, SW Beef Bend Road to the north, SW 137th Avenue to the east and SW Elsner Road to the southwest. The Tualatin River generally serves as the southern boundary. King City borders the area to the east and northeast. Areas to the immediate east were brought into the UGB in 1988, 1998 and 2002. Concept planning for the King City West (Beef Bend South) expansion area was completed by King City and acknowledged by the Board in 2018.

The RNRP identifies Goal 5 Significant Natural Resources (*Water Areas and Wetlands, Water Areas and Wetlands and Fish and Wildlife Habitat and Wildlife Habitat*) along the Tualatin River and two tributaries flowing to it from the north. Goal 5 Historic and Cultural Resources exist in the northwest of the UGB expansion, and Mineral and Aggregate Areas *District B* resources exist in the southwest. To comply with CFP Policy 41, these designations will be transferred from the RNRP to the Community Plan's Significant Natural and Cultural Resources map.

The ordinance proposes adding this area to the Bull Mountain Community Plan, since it is the only community planning area it borders. It will be added to the Southern Lowlands subarea given their adjacency and geophysical commonalities.

This area borders two Areas of Special Concern (ASC) identified in the Bull Mountain Community Plan. ASC 1 is northwest of the UGB expansion in the Summit and Slopes subarea across SW Beef Bend Road and is intended to mitigate visual and transportation impacts on medium density residential development. ASC 9 is to the east of the UGB expansion in the Southern Lowlands subarea; while it remains in the Community Plan, the entire ASC 9 area is now within King City. Neither ASC poses a barrier for transferring the Beef Bend South UGB expansion area to the urban area.

The RNRP identifies four rural land use designations in the Beef Bend South UGB expansion area: EFU in the western two-thirds of the area; and AF-5, AF-10 and RR-5 in the eastern one-third closest to King City. As noted above, these designations will be replaced with FD-20 in accordance with CFP Policy 41.

Witch Hazel Village South UGB Expansion

The 150-acre Witch Hazel Village South UGB expansion area near Hillsboro is bounded by SW River Road to the west, properties facing SE Oakhurst Street to the north and SW Brookwood Avenue and Reserve Vineyard & Golf Club to the northeast. The Tualatin River lies just to the west beyond SW River Road. Hillsboro borders the UGB expansion to the north. An area to the immediate north and northeast was brought into the UGB in 2002. Concept planning for the Witch Hazel Village South UGB expansion area was completed by Hillsboro and acknowledged by the Board in 2018.

The RNRP identifies Goal 5 Significant Natural Resources (*Water Areas and Wetlands and Fish and Wildlife Habitat* along Gordon Creek, and *Water Areas and Wetlands* in the southwest area along SW River Road near the Tualatin River). To comply with CFP Policy 41, these designations will all be transferred from the RNRP to the Community Plan's Significant Natural and Cultural Resources map.

The ordinance proposes adding this area to the East Hillsboro Community Plan, as it is the only community planning area it borders. As no defined subareas border the UGB expansion area, it will be added to a new Witch Hazel Village South subarea.

The RNRP identifies one rural land use designation (EFU) in the Witch Hazel Village South UGB expansion area. As noted above, this designation will be replaced with FD-20 to comply with CFP Policy 41.

West Union Village Square UGB Expansion

The five-acre West Union Village Square UGB expansion area near Hillsboro is an anomaly to how areas are typically added to the UGB. It is bounded by NW West Union Road to the southwest (Hillsboro is on the other side) and NW Cornelius Pass Road to the east. Metro Council, in its 2018 approval of the UGB expansions, amended the UGB in this area to alleviate a health hazard from a failing septic system on the one property comprising this area.

As prescribed in a development agreement between Hillsboro and the property's owner, use of the property will remain subject to County zoning and cannot be developed for more intensive urban uses until Hillsboro adopts Comprehensive Plan provisions and implements zoning for the entire Bendemeer URA. In exchange for UGB inclusion and a sanitary sewer service connection from Hillsboro, the property owner must consent to annex the property into Hillsboro.

Given that the West Union Village Square UGB expansion was approved by Metro Council but cannot be developed for more intensive urban uses, this ordinance will remove the area from the RNRP and add it to an urban community plan while maintaining the R-COM rural land use designation. There are no mapped Goal 5 resources within the area. RNRP urban reserves designations will be removed from this area and a parking maximum designation will be added.

The ordinance proposes adding this area to the West Union Community Plan, since it is the only community planning area it borders.

Implications of Land Use Designation Changes

The FD-20 District is applied to unincorporated urban lands newly added to the UGB, recognizing the desirability of encouraging and retaining limited, interim uses until comprehensive planning for future urban development in these areas is complete. The FD-20 provisions detailed in CDC Section 308 implement requirements of Metro's UGMFP.

Uses in the FD-20 District are listed in CDC Section 308. Certain uses, such as a detached dwelling unit with or without accessory dwelling units (ADUs) may be allowed through a Type I review procedure. Other uses, such as day care facilities and certain home occupations, may be allowed as a Type II Director’s decision. And certain other uses, such as commercial greenhouses, commercial equestrian facilities, contractor’s establishments, schools and religious institutions, may be allowed, subject to a public hearing (Type III). Prohibited uses include auto wrecking yards, keeping of most fowl and swine, feedlots and recreational marijuana facilities. Farming is considered a limited, interim use in the FD-20 District, and can continue.

FD-20 dimensional requirements differ from many rural land use designations. Pertinent requirements are shown in the table below. All new permitted uses in the FD-20 District must be constructed in a manner which does not interfere with future conversion of the land to planned urban densities or uses.

Minimum Lot Size – Comparison of FD-20 and RNRP Land Use Districts						
	FD-20	EFU	AF-20	AF-10	AF-5	RR-5
Area	20 acres	80 acres generally applies	80 acres generally applies	10 acres	5 acres	5 acres
Lot Width	70 feet at building line	None	None	None	None	100 feet (average)
Lot Depth	100 feet	None	None	None	None	100 feet (average)
Lot Width at Street	40 feet	30 feet	30 feet	30 feet	30 feet	40 feet

As noted above, RNRP land use designations in the UGB expansion areas include rural resource lands – EFU and AF-20 – with minimum lot sizes of 80 acres generally applying and limited allowable land uses. Smaller portions of the areas (see Page 6 for RNRP land uses maps) are designated AF-5, AF-10 and RR-5, which allow lot sizes of 5 or 10 acres. Existing lots smaller than the 20-acre minimum in FD-20 are considered legal nonconforming and could be built upon, but further partitioning is not allowed. Lawful nonconforming uses in the FD-20 District may be expanded or rebuilt to the limit of available services through a Type II procedure when in conformance with the Comprehensive Plan.

Properties brought into the UGB are expected to transition to urban uses. The process of redesignating UGB expansion areas FD-20 and restricting expansion of rural and other uses that may conflict with development of future urban uses is required by Metro and County policy.

Summary of Proposed Changes

Ordinance No. 865 proposes to:

- Remove references to some concept plans from the RNRP.
- Remove designations for land use districts, Goal 5 resources and urban reserves in UGB expansion areas from the RNRP.
- Add the FD-20 land use designation to new UGB areas and transfer one land use designation from the RNRP to a relevant community plan.
- Add designations for Significant Natural and Cultural Resources and parking maximums in UGB expansion areas to relevant community plans and associated subareas.
- Make minor amendments to reflect the addition of UGB expansion areas to the urban area.

List of Attachments

The following attachments identified in this staff report are provided:

Attachment A: Measure 56 Notice



July 29, 2020

This is to notify you that the Washington County Board of Commissioners (Board) has proposed a land use regulation that may affect the permissible uses of your property and other properties.

This notice is provided to comply with Ballot Measure 56 (M56), approved Nov. 3, 1998 by Oregon voters. M56 requires the County to provide notice to property owners when a proposed land use regulation would change the zoning of their property or change existing land use regulations in a way that might limit or prohibit land uses previously allowed. M56 also requires that the following sentence be included in this notice: "The Board has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property."

The Washington County Planning Commission (PC) will hold a public hearing for proposed Ordinance No. **865** on **Aug. 5, 2020** at **1:30 p.m.** The PC will forward a recommendation about the proposed ordinance to the Board.

The Board will hold a public hearing regarding adoption of proposed Ordinance No. **865** on **Sept. 1, 2020** at **10 a.m.**

The PC and Board welcome public participation at their meetings. During the COVID-19 pandemic, the PC and Board remain committed to broad community engagement and transparency of government and will host virtual business meetings on Zoom. Those wishing to provide testimony on agenda items or provide oral communication at designated times must register in advance. Please visit the webpages below for registration instructions and contact information.

How to Testify (PC):

<https://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/PlanningCommission/public-testimony.cfm#top>

How to Testify (Board):

<https://www.co.washington.or.us/BOC/Meetings/How-to-Testify.cfm>

Regular PC and Board Meeting Location:

Charles D. Cameron Public Services Building Auditorium
155 N First Avenue, Hillsboro, Oregon 97124

Department of Land Use & Transportation
Planning and Development Services • Long Range Planning
155 N First Avenue, Suite 350, MS 14, Hillsboro, OR 97124-3072
phone: 503-846-3519 • fax: 503-846-4412
www.co.washington.or.us/lut • lutplan@co.washington.or.us

Proposed Ordinance No. 865

Ordinance No. **865** proposes to amend the Comprehensive Framework Plan for the Urban Area (CFP), the Rural/Natural Resource Plan (RNRP) and the Community Plans for Aloha–Reedville–Cooper Mountain, Bull Mountain, East Hillsboro and West Union to address recent urban growth boundary (UGB) expansions approved by Metro Council and acknowledged by the Land Conservation and Development Commission (LCDC).

The Future Development 20-Acre District (FD-20) will be applied to the entirety of the Cooper Mountain Urban Reserve Area (Urban Reserve Area 6B), Beef Bend South Urban Reserve Area (Urban Reserve Area 6D) and Witch Hazel Village South Urban Reserve Area (Urban Reserve Area 6A). CFP Policy 18 requires the FD-20 designation be applied to all land newly added to the UGB through a major or legislative amendment in order to protect and retain for future urban density development lands that are predominantly in limited agricultural, forest or residential use. The ordinance also brings one property within the Bendemeer Urban Reserve Area (Urban Reserve Area 8C) into the UGB but retains its current Rural Commercial District (R-COM) designation.

Ordinance No. **865** adds designations for land use districts, significant natural and cultural resources and parking maximums for these UGB expansion areas to the applicable community plans. The ordinance also removes designations for land use districts, Goal 5 resources and urban and rural reserves in these UGB expansion areas from the RNRP.

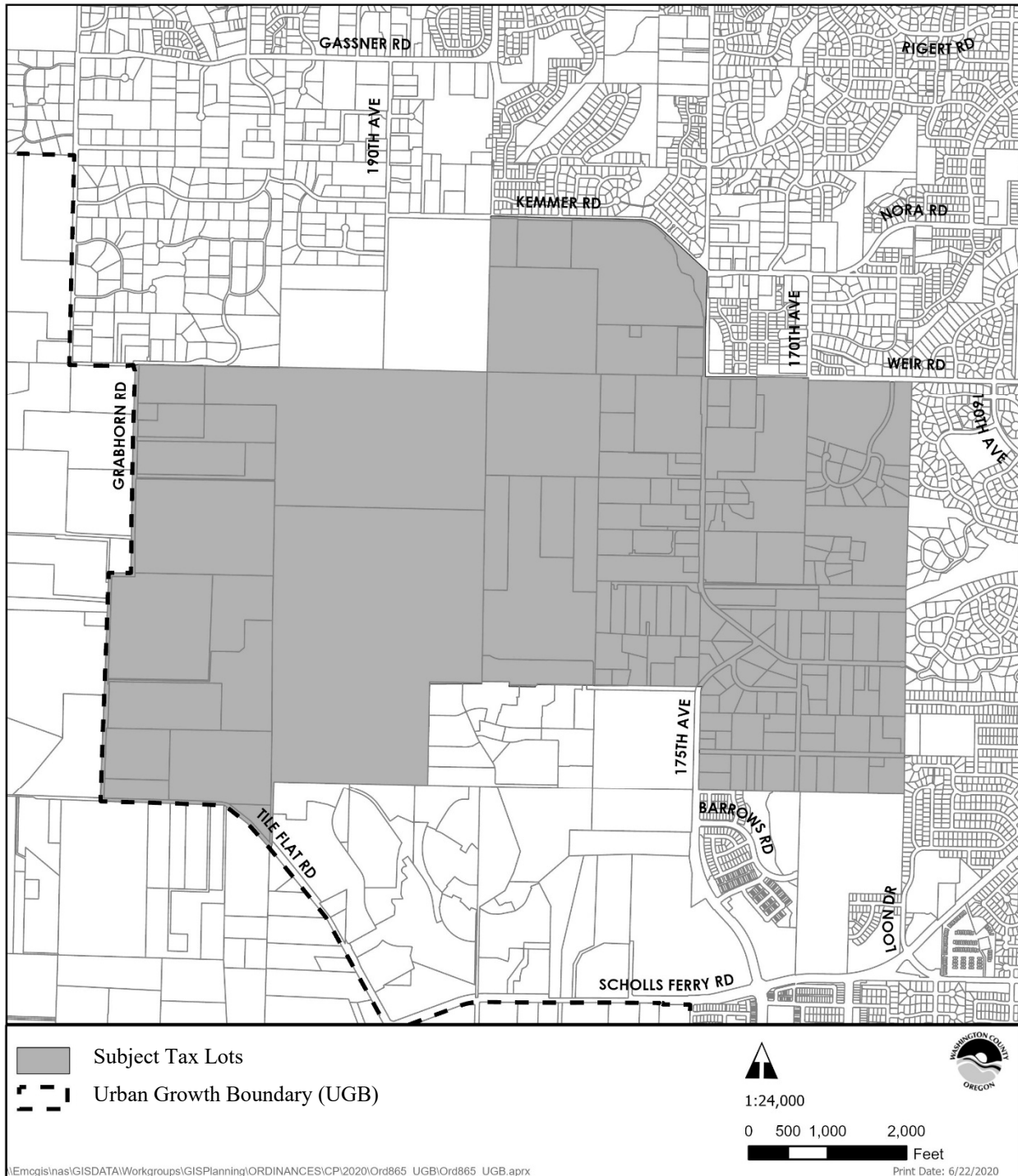
Ordinance No. **865** is available for inspection at the Washington County Department of Land Use & Transportation, Planning and Development Services, in the Charles D. Cameron Public Services Building at 155 N. First Ave. Suite 350, Hillsboro. An electronic copy of the proposed ordinance is available on the County's webpage: www.co.washington.or.us/landuseordinances

For additional information concerning proposed Ordinance No. **865**, you may contact Todd Borkowitz, Associate Planner, at 503-846-3593 / todd_borkowitz@co.washington.or.us

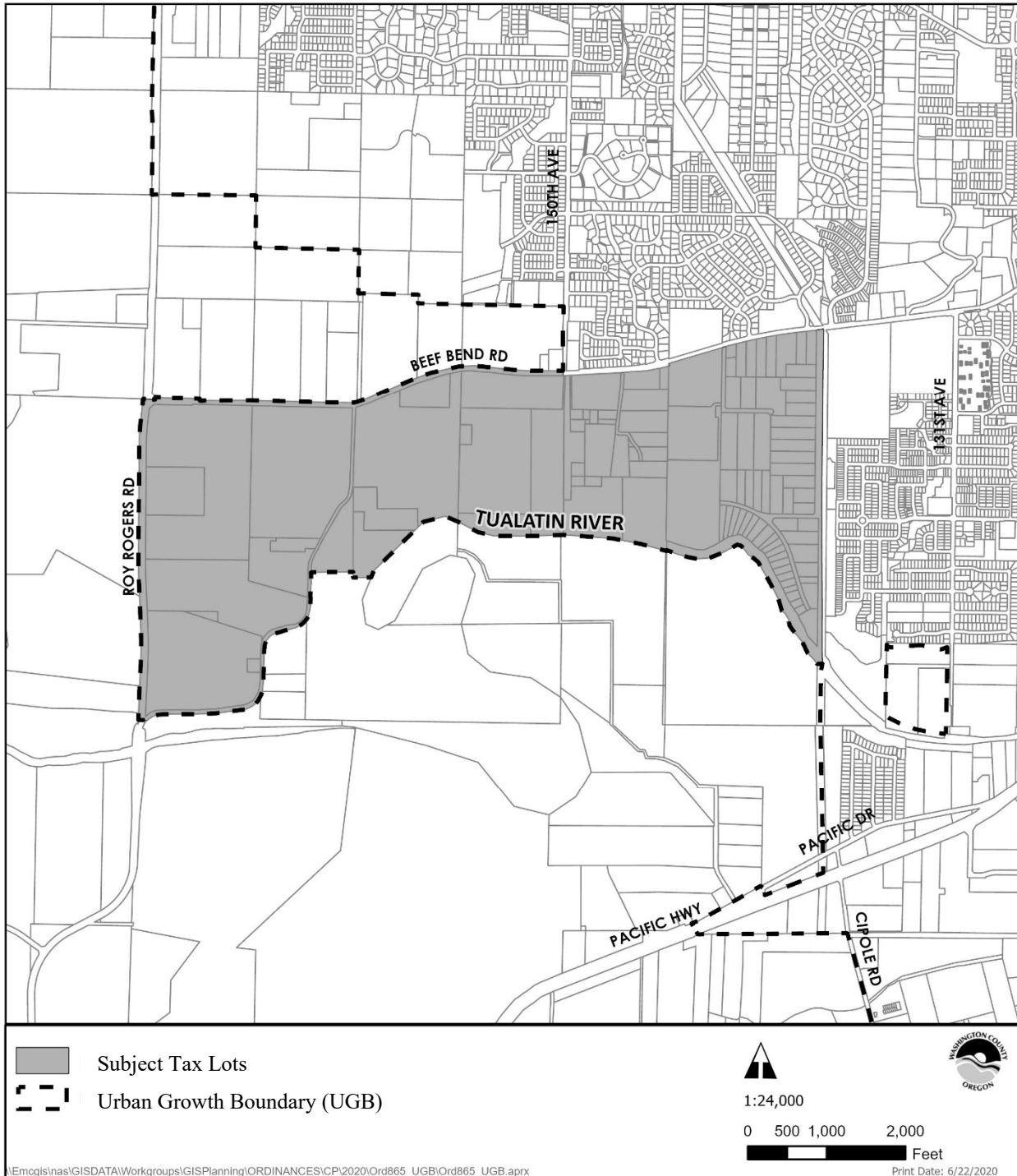
The property owner is further advised that:

- The above description of the proposed ordinance and its effect on property may change prior to adoption as the Board considers testimony from the public, PC and County staff.
- A free self-subscription to Land Use Ordinance Updates is available: <http://washtech.co.washington.or.us/subscriptions/>
- No additional notice about the proposed ordinance will be mailed to you unless you subscribe to Washington County's Individual Notice for land use ordinances, which generally describes each proposed land use ordinance and future proposed substantive changes, if any. The Individual Notice also includes the dates and times of initial public hearings before the PC and Board, and the first two public hearings before the Board for proposed substantive changes to an ordinance. The annual cost to receive the notice is \$31.00. Please contact Long Range Planning at 503-846-3519 to subscribe to this notice.

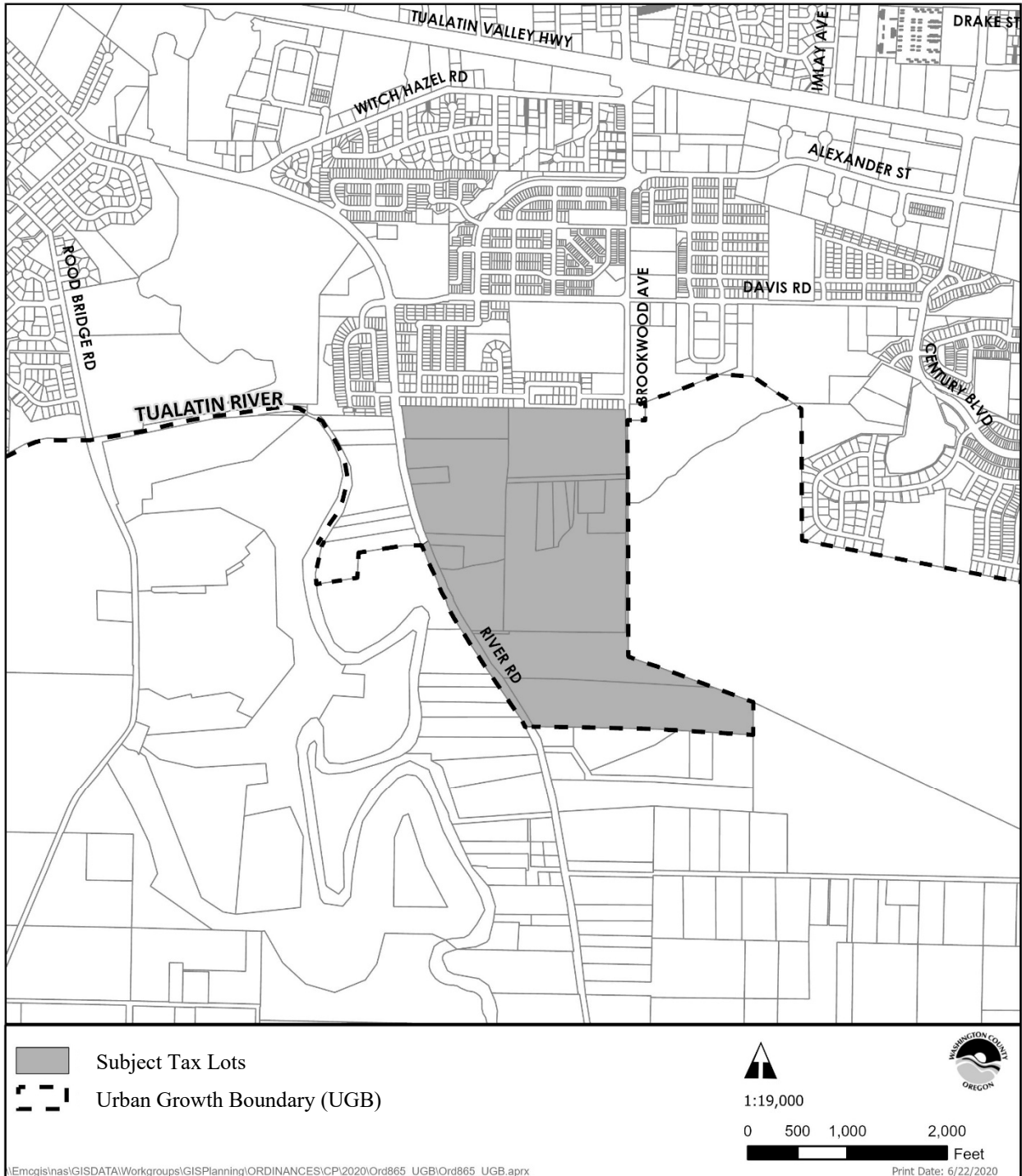
Cooper Mountain Urban Reserve Area (also known as Urban Reserve Area 6B)



Beef Bend South Urban Reserve Area (also known as Urban Reserve Area 6D)




Witch Hazel Village South Urban Reserve Area (also known as Urban Reserve Area 6A)





July 29, 2020

To: Washington County Planning Commission

From: Andy Back, Manager 
Planning and Development Services

Subject: **PROPOSED LAND USE ORDINANCE NO. 866 – An Ordinance Amending the Comprehensive Framework Plan for the Urban Area, the Bethany Community Plan and the Community Development Code Relating to General Updates, Minor Amendments and Housekeeping**

STAFF REPORT

For the August 5, 2020 Planning Commission Hearing
(The public hearing will begin no sooner than 1:30 p.m.)

I. STAFF RECOMMENDATION

Conduct the public hearing; recommend approval of Ordinance No. 866 to the Board of Commissioners (Board).

II. OVERVIEW

Ordinance No. 866 proposes minor updates, corrections and revisions to Washington County's Comprehensive Framework Plan for the Urban Area (CFP), Bethany Community Plan and Community Development Code (CDC). The changes proposed in Ordinance No. 866 are intended to ensure consistency with federal, state, regional and local requirements and improve efficiency and operation of the Plan, especially the Community Development Code.

III. BACKGROUND

Each year, staff addresses limited changes to elements of the Washington County Comprehensive Plan (Plan) as part of a housekeeping and/or minor amendments ordinance.

The Board authorized this minor amendments and housekeeping ordinance as part of the FY 2020-2021 Long Range Planning Work Program.

Ordinance Notification

Notice 2020-03 regarding proposed Ordinance No. 866 was mailed July 10, 2020, 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 July 17, 2020, in *The Oregonian* newspaper.

IV. ANALYSIS

Ordinance No. 866 proposes several general and minor amendments to the CFP, Bethany Community Plan and the CDC. Each proposed amendment, including a description of the change and the reason for it, is described below.

Comprehensive Framework Plan for the Urban Area Amendments

Ordinance No. 866 proposes amendments to CFP Policy 41, Urban Growth Boundary Expansions, to remove the following from Map C: Future Development Areas – Detailed Areas:

- Area 93, now known as Bonny Slope West (located generally east of NW 125th Avenue and north of NW Thompson Road).
- Area of Special Concern (ASC) 8.

No longer a “future development area,” the County completed comprehensive planning and applied long-term land use designations to the area through adoption of the Bonny Slope West subarea into the Cedar Hills – Cedar Mill Community Plan in 2015 by Ordinance No. 802. That ordinance intended to remove ASC 8 from the Future Development Areas Map but removed only related text references to Goal 5 resources identified by Multnomah County for this area. The changes to the map replace these with the Goal 5 resources (*Water Areas and Wetlands and Fish and Wildlife Habitat*) identified through the Bonny Slope West planning process.

Ordinance No. 866 also adds Bonny Slope West to the Washington County CPO Boundary Map in Appendix F, as adopted by Resolution and Order 14-34.

Bethany Community Plan Amendments

The ordinance proposes to update the Bethany Community Plan Significant Natural and Cultural Resources Map to accurately reflect the North Bethany resources. The current map does not include amendments adopted in several ordinances beginning with A-Engrossed Ordinance No. 730 in 2010 and Ordinance No. 843 in 2018 that included designed Open Space as well as *Water Areas and Wetlands*, and *Water Areas and Wetlands and Fish and Wildlife Habitat*.

A member of the public raised questions regarding whether North Bethany information should be included on the Bethany Community Plan maps, since it is a subarea of that Community Plan and has its own set of maps. There are implications to deleting North Bethany information from the Bethany Community Plan maps, and staff recommends against it at this time. After further research, this amendment could potentially be included in a future housekeeping ordinance.

Community Development Code Amendments

Proposed general and minor amendments to the CDC are listed and discussed below.

CDC Section	Proposed Amendments
Various	Removes and replaces references to the Latin abbreviations “i.e.” and “e.g.” throughout the CDC, for ease of use or clarity dependent upon the context or core meaning in each instance.
Various	Updates cross references.
106-7 <i>Definitions</i> <i>Adult Bookstore</i>	Deletes definition consistent with Court decisions regarding constitutional First Amendment Freedom of Speech rights. This use is no longer regulated differently from other retail bookstores.
106-9 <i>Definitions</i> <i>Adult Motion Picture Theater</i>	Deletes definition, given there are no additional references or corresponding standards in the CDC.
106-175, 106-176 <i>Definitions</i>	Amends definitions of “Recreational Vehicle” and “Park Model Recreational Vehicle” to reflect new definitions adopted by the Department of Motor Vehicles in Oregon Administrative Rule (OAR) 735-022-0140 as a result of the passage of Senate Bill 410 in 2019.
201-2 <i>Development Permit: Exclusions from Permit Requirement</i>	Clarifies the required topsoil material to be used following excavations or fills for accepted farm practices within Section 201-2.12 G. This was required by this section previously, but the way in which it was written in the code was difficult to understand.
302-5, 303-5, 304-5, 305-5, 306-5, 307-5 <i>R-5, R-6, R-9, R-15, R-24, R-25+ Districts: Prohibited Uses</i>	Adds references under “Prohibited Uses” to exceptions listed within “Exclusions from Permit Requirement” in CDC Section 201-2. This creates a cross reference to those uses that are excluded from permit requirements and are therefore not prohibited. Without these references, users of the CDC might not be aware that such exclusions exist.

<p>305-2 <i>R-15 District</i></p>	<p>Adds expansion of an existing school as an allowed use through a Type III procedure in the R-15 District. This responds to a request by Hope Chinese Charter School included in the adopted FY 2020-2021 Long Range Planning Work Program.</p> <p>At this time when needed housing is in short supply, staff would not support allowing <i>new</i> schools in the R-15 District. This District can accommodate more housing than lower density districts and its capacity to off-set housing need should be prioritized over introduction of new nonresidential uses. However, since the need for school capacity increases with housing development, staff finds it reasonable that school <i>expansion</i> be allowed where an <i>existing</i> school needs to expand into R-15 land.</p> <p>Such expansions would be consistent with the presence of schools in lower density districts, and for R-15 properties that are not adjacent to an existing school, schools would remain prohibited. The ordinance therefore proposes allowing expansion of an existing school within the R-15 District.</p>
<p>311-5, 313-3, 314-3 <i>NC, CBD, GC Districts:</i> <i>Prohibited Uses, Uses Permitted Through a Type II Procedure</i></p>	<p>Deletes references to CDC Section 430-3 (Adult Book Stores) since under constitutional First Amendment Freedom of Speech rights, this use can no longer be regulated differently from other retail bookstores.</p>
<p>320-3 <i>IND District:</i> <i>Uses Permitted Through a Type II Procedure</i></p>	<p>Adds passenger vehicle rental services as an allowed use accessory and incidental to a passenger and/or non-passenger vehicle repair service in the Industrial District (Section 320-3.2). This is consistent with common practice that pairs auto service facilities with vehicle rental services and responds to a request by Enterprise Rent-A-Car included in the adopted FY 2020-2021 Long Range Planning Work Program.</p> <p>To avoid undue displacement of industrial land by nonindustrial uses, the proposed change does not allow for standalone passenger vehicle rental services.</p>

<p>340-5, 344-5 <i>EFU, AF-20 Districts:</i> <i>Uses Which May be Permitted Through a Type III Procedure</i></p>	<p>Amends the definition of a preexisting dog training facility in Sections 340-5.1 and 344-5.1 to mean farm buildings that existed on January 1, 2019, in accordance with recent state law changes.</p>
<p>375-6 <i>Transit Oriented Districts:</i> <i>Changes or Expansions of Existing Uses or Structures</i></p>	<p>Changes reference to “Institute of Traffic Engineers” to “Institute of Transportation Engineers” in Section 375-6 C. 5. to reflect the correct organization name.</p>
<p>375-7 <i>Transit Oriented Districts:</i> <i>Table A. Permitted and Prohibited Uses in Transit Oriented Districts</i></p>	<p>Changes the review type for Accessory Dwelling Units (ADUs) from a Type II review procedure to a Type I in the TO:R9-12, TO:R12-18 and TO:R18-24 districts. The change is proposed for consistency with review type in other residential land use districts and per guidance issued by the Department of Land Conservation and Development (DLCD) in response to Senate Bill 1051 (2017).</p>
<p>409-3 <i>Private Streets:</i> <i>Urban Private Street Standards</i></p>	<p>Clarifies in Section 409-3.3 that ADUs do not count as units for the purpose of determining the applicable private street standards, consistent with current practice.</p>
<p>415-5.3 <i>Lighting:</i> <i>General Provision</i></p>	<p>Edits Section 415-5.3 for clarity. The introductory sentence immediately preceding the lighting examples appears to be an incomplete thought and/or grammatically incorrect. This proposed amendment corrects the language to be better understood by users.</p>
<p>430-2 <i>Special Use Standards:</i> <i>Accessory Dwelling Unit</i></p>	<p>Edits Section 430-2.1 B. to clarify that an ADU may occupy <i>up to</i> an entire floor of the primary dwelling or existing attached garage, not that the entire floor must be included in its entirety when converted to an ADU. This change is to provide the greatest flexibility possible, while still maintaining a limit to floor area in relationship with the primary dwelling.</p>
<p>430-3 <i>Special Use Standards:</i> <i>Adult Book Stores</i></p>	<p>Deletes special use standards for this use, since under constitutional First Amendment Freedom of Speech rights such uses cannot be regulated differently than other retail bookstores, as noted above.</p>

<p>430-53 <i>Special Use Standards: Group Care</i></p>	<p>Amends the description of a “Retirement Housing Community” in CDC Section 430-53.5 to more closely reflect the Fair Housing Act’s definition of “Housing for Older Persons.”</p>
<p>440-10 <i>Nonconforming Uses and Structures: Alteration or Expansion of Uses with an Access Not Conforming to the Access Requirements to Public or County Roads</i></p>	<p>Clarifies that ADU construction shall not count toward the 25% increase in Average Daily Trips (ADT) that triggers site access improvement requirements under Section 501-8.5. This amendment is consistent with current County practice, as ADUs are considered exempt from CDC Article V, Public Facilities and Services. See details on Section 501-2 below for more information.</p>
<p>501-2.2, 501-2.3 <i>Public Facility and Service Requirements: Application of the Public Facility and Service Standards Inside a UGB</i></p>	<p>Changes reference to “Institute of Traffic Engineers” to “Institute of Transportation Engineers” to reflect the correct organization name.</p>
<p>501-2.6 <i>Public Facility and Service Requirements: Application of the Public Facility and Service Standards Inside a UGB</i></p>	<p>Amends the Public Facility and Service Requirements to exempt ADUs, except as required to meet the Access to Public Roads provisions of Section 501-8, discussed below.</p> <p>Section 501-2 establishes the applicability of Article V, Public Facilities and Services. For an ADU application, Section 501-2.2 is the applicable subsection since it covers new construction of structures or expansion of an existing structure. Staff considers an ADU similar to an apartment for trip generation (ITE Land Use 220, 7.32 weekday ADT per unit). A single ADU on a property therefore meets all exemption criteria in this section (less than 14 ADT; 2,000 square feet or less; less than 12 fixtures; and, no unique safety/health issues).</p> <p>Staff notes this section also exempts construction of a single detached dwelling unit on an approved lot. In the larger policy context, this suggests that accessory structures and uses for a single detached dwelling, including ADUs, should similarly be exempt from CDC Article V.</p> <p>Changes that occurred with Ordinance No. 859, the ADU updates ordinance approved in 2019, affect the applicability criteria in CDC Section 501-2. That ordinance allowed two ADUs to be approved per single-family detached home (one</p>

	<p>attached to the home and one detached). The total trip generation for <i>two</i> ADUs would slightly exceed 14 additional weekday ADT. Additionally, the size of an expansion to a single-family dwelling to create an <i>attached</i> ADU plus the size of a separate <i>detached</i> ADU could, together, exceed 2,000 square feet. Exceeding either of these thresholds would make Article V applicable.</p> <p>An applicant could, however, be exempt from Article V by submitting two separate ADU applications, each of which would individually be exempt. In order to provide a consolidated review and reduce the workload associated with two separate applications, the current policy for applications that propose two ADUs is to treat them as though they are individual development applications that are each exempt from Article V. Staff believes this is in keeping with state law and County direction to encourage ADUs while applying reasonable requirements.</p>
<p>501-8 <i>Standards for Development: Access to Public Roads</i></p>	<p>Clarifies that existing driveways serving new ADUs are not subject to the minimum requirement for intersection sight distance but are subject to sight distance maximization as necessary, consistent with treatment of detached dwellings, duplexes and other uses meeting exemption criteria under CDC Section 501-2.2.</p> <p>New access points for ADUs would remain subject to minimum sight distance standards.</p>
<p>605-1 <i>Land Divisions and Property Line Adjustments Inside a UGB: Property Line Adjustment (Property Line Relocation)</i></p>	<p>Modifies Section 605-1.2 to change “lot lines” to “property lines” for clarity and consistency, as requested by County Surveyor staff.</p>
<p>610-1 <i>Land Divisions and Property Line Adjustments Outside a UGB: Property Line Adjustment (Property Line Relocation)</i></p>	<p>Modifies Sections 610-1.2 and 610-1.3 to change “lot lines” to “property lines” and “lot(s) or parcel(s)” to “unit(s) of land” for clarity and consistency, as requested by County Surveyor staff.</p>

Summary of Proposed Changes

Ordinance No. 866 proposes to amend Washington County's Comprehensive Framework Plan for the Urban Area (CFP), Bethany Community Plan and Community Development Code (CDC) relating to general updates/housekeeping and minor amendments, as discussed in detail in this report.

List of Attachments

The following attachments identified in this staff report are provided:

Attachment A: Public testimony with staff response

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Attachment A

From: mary manseau <marymanseau@gmail.com>
Sent: Sunday, July 19, 2020 2:40 PM
To: Bryan Robb <Bryan_Robb@co.washington.or.us>
Subject: [EXTERNAL] Ordinance 866

Hi Bryan,

In reviewing the Proposed Ordinance No. 866, I'm struggling to understand the motivation for the changes to the SNR mapping in Community Plan as proposed in Exhibit 2.

- Are all of these mapping changes as a result of previously adopted Ordinances--firstly the ordinance reshaping the West Community Park and secondly the realignment of Shakelford Rd.?
- Did the above Ordinances fail to update the impacts to the SNR maps when adopted?
- Were there any other other Ordinances that reshaped the SNR maps in Bethany?
- Will it take an Ordinance to allow any unmapped parks to the SNR mapping in Bethany?

Thanks,

Mary

From: Bryan Robb <Bryan_Robb@co.washington.or.us>
Sent: Monday, July 20, 2020 10:05 AM
To: mary manseau <marymanseau@gmail.com>
Subject: RE: [EXTERNAL] Ordinance 866

Hi Mary – you are correct. These updates were made in a previous ordinance, we just neglected to update the community plan SNR map. As for your last question, I am assuming that if the existing map doesn't cover the parks that a new map would need to be adopted.

Bryan

Bryan Robb | Associate Planner

503-846-3717 direct | 503-846-4412 fax

On 7/20/2020 11:25 AM, Theresa Cherniak wrote:

Hi Mary –

Further clarification – there are no changes to these maps from anything already adopted – the maps were just not updated properly and need to be adopted via ordinance to reflect that. The issue was that the Bethany Community Plan SNR map did not reflect the same things as in the North Bethany SNR maps. This is to correct that.

In my understanding, the SNR maps are not the maps of all parks – what is mapped there is official open space that was designated during community planning. So if another park is added I don't believe it

Attachment A

would necessitate a change to this map. But I am cc'ing Suzanne since she is more an expert on North Bethany than either Bryan or me!

Theresa Cherniak, AICP, MLA | Principal Planner

503) 846-3961 direct | theresa_cherniak@co.washington.or.us

From: mary manseau <marymanseau@gmail.com>
Sent: Tuesday, July 21, 2020 8:14 AM
To: Theresa Cherniak <Theresa_Cherniak@co.washington.or.us>; Bryan Robb <Bryan_Robb@co.washington.or.us>
Cc: Anne Kelly <Anne_Kelly@co.washington.or.us>; Suzanne Savin <Suzanne_Savin@co.washington.or.us>
Subject: Re: [EXTERNAL] Ordinance 866

Thanks for this information. However:

1. I am concerned that as time passes the structure of the Bethany Community Plan (BCP) is getting muddled. Chapter One of the BCP is the planning document for the "Bethany Area," the portion of the BCP lying south of Springville plus Arbor Oaks. Chapter Two is the planning document for North Bethany (NB). The SNR mapping planned to be updated in Ordinance 866 is located in Chapter One and as such should only contain information pertaining to the "Bethany Area" in the BCP. Instead of adding updated information for NB, shouldn't this Ordinance be removing all references to NB from this map? There is a separate SNR mapping for NB in Chapter Two that has already up-to-date.
2. Planning for NB includes both fixed parks and "Neighborhood Park Areas" and these can be found on the Park, Trails and Pedestrian Connections Map. As the required parks develop in the required "Neighborhood Park Areas," will the Park, Trails and Pedestrian Connections Map be updated? When the park locations are fixed in the Neighborhood Park Areas, will they be added to the SNR mapping in Chapter 2?
3. In the "Bethany Area" of the BCP, will the "P" designation for Park Deficient Area ever be removed? Or will the SNR mapping in the "Bethany Area" forever be a snapshot of resources from the 1980s with an updated overlay of development? How does the development overlay happen on the SNR mapping without an Ordinance to approve this change to the mapping?

Mary

On 7/23/2020 9:54 AM, Theresa Cherniak wrote:

Mary –

We looked further into your questions and offer the following responses:

1. The maps for Bethany Community Plan (BCP) and North Bethany Subarea Plan (NB) should be split apart, with no content overlap between the two. The Bethany Community Plan's Significant Natural Resource Map should not be updated through the Minor Amendments ordinance to include North Bethany information that is already on the North Bethany Significant Natural Resource Map.

Attachment A

Response: Both SNR maps have been in existence for a long time with overlapping content. However, the BCP SNR Map had the “wrong” overlapping content for NB and that’s why it is being fixed. The current structure of the Bethany and North Bethany maps is that the Bethany maps include the North Bethany information (Land Use Districts, Areas of Special Concern, Parking Maximum Designations, and Local Street Connectivity). Until we would change that overall structure we believe it is best to correct this one instance where the information doesn’t match. This is something we can consider changing next year.

2. The North Bethany Parks & Trails Map shows “Neighborhood Park Areas.” Will the limits of these areas be updated after specific neighborhood park boundaries are approved through the development review process?

Response: The Neighborhood Park Areas are flexible geographic areas, each approximately 5 to 10 acres in size, within which a future neighborhood park is expected to be located. Per Section V.A.5.e of the North Bethany Subarea Plan, each neighborhood park is required to be 1.5 to 2 acres in size. The exact location, configuration and size of the neighborhood parks will be determined during the development review process.

The North Bethany Subarea Plan text does not contain any language indicating that the North Bethany Parks and Trails Map is expected to be updated in the future to conform with the specific neighborhood park boundaries determined through the development review process. We see potential benefits to doing this, however, the County doesn’t have a regular process in place to update community plans, so this is not something we would anticipate at this time. This is something that could be made as a work program request and we could consider it in context of the other work we are doing.

3. Will the North Bethany Significant Natural Resource Map be updated to include the specific neighborhood park boundaries as Open Space when they are “fixed” through the development review process?

Response: The “Fixed Parks” are identified on both the North Bethany Core Design Elements Map and the Parks & Trails Map as being specific geographic areas. These include the two large Community Parks, the Park Blocks, and the linear parks, all of which are expected to serve the entire North Bethany community. These areas are all mapped as Open Space on the North Bethany Significant Natural Resource Map.

In contrast, due to their less central locations and smaller sizes, the neighborhood parks are expected to primarily serve their immediate neighborhoods. When the specific neighborhood park boundaries are determined through the development review process, their boundaries become “fixed” or static in a generic sense. However, they do not become “Fixed Parks” since that designation is specific to the areas identified as such on the North Bethany Core Design Elements Map.

The description of Open Space resources on the North Bethany Significant Natural Resources Map (Section IV.F) specifically states that ball fields and playgrounds for future schools will be designated as Open Space when they have been constructed, but does not state that future neighborhood parks will be designated as Open Space when their boundaries have been determined through development review. This omission appears to be intentional, so we do not think the neighborhood park boundaries should be added as Open Space to the Significant Natural Resources Map.

Attachment A

4. When will the "Park Deficient Areas" identified on the Bethany Community Plan's Significant Natural Resource Map be removed?

Response: We realize that the Bethany Community Plan and several other community plans designate "Park Deficient Areas" that may be outdated and no longer relevant. However, updates of the community plans are not on the Long Range Planning Work Program adopted by the Board of Commissioners (Board). As noted above, members of the public may submit requests for community plans to be updated as part of future Work Programs, with the final decision on specific Work Program items to be made by the Board.

Let us know if you would like to talk further or have additional comments.

Theresa Cherniak, AICP, MLA | Principal Planner

(503) 846-3961 direct | theresa_cherniak@co.washington.or.us

From: mary manseau <marymanseau@gmail.com>
Sent: Friday, July 24, 2020 12:51 PM
To: Theresa Cherniak <Theresa_Cherniak@co.washington.or.us>
Subject: [EXTERNAL] Re: Ordinance 866 - Response to Mary's questions

Theresa,

Thanks for your response.

However--as usual--your response leads to more questions.

You note that the SNR mappings have had overlapping content for "a long time." What is "a long time?" Do we know when this mapping error occurred? Are we sure it happened via an ordinance--or is it just a clerical error?

The structure with separate maps was established with the adoption of Ordinance 730 in 2010. I have an outdated Bethany Community Plan (BCP) with a Chapter 1 SNR mapping dated 3/1/11. The 3/1/11 Chapter 1 SNR mapping does not show any NB SNR. Ordinance 866 provides a Chapter 1 mapping dated 11/17/2016 that includes a portion of the NB SNR. I've reviewed the Ordinances amending the BCP from 2011-2016 on the list provided in the legal description for Ordinance 866 and found no Ordinances modifying the Chapter 1 SNR mapping. If I didn't miss the changes in my review, it possible that the NB additions to Chapter 1 SNR mapping were dues to a clerical error? If the change to the Chapter 1 SNR mapping was a clerical error, is an ordinance required to correct?

Regardless of the history of how the NB mapping ended up in the SNR mapping in Chapter 1, it seems odd that we would double down on this error rather than correcting it. Are we letting this error go forward because it would require engrossing Ordinance 866?

Yes, please include my questions with your responses in the record.

Attachment A

Thanks,
Mary Manseau
5230 NW 137th Avenue
Portland, OR 97229
503.645.1672

On 7/28/2020 4:40 PM, Theresa Cherniak wrote:

Mary –

We will include your emails and our responses in the PC packet on the ordinance. Your follow-up questions are quite detailed and require some research and analysis, which we are not able to do prior to completing the staff report. I will see what we are able to discern prior to the PC meeting.


Theresa Cherniak, AICP, MLA | Principal Planner

(503) 846-3961 direct | theresa_cherniak@co.washington.or.us



July 29, 2020

To: Washington County Planning Commission

From: Andy Back, Manager 
Planning and Development Services

Subject: **PROPOSED LAND USE ORDINANCE NO. 867 – An Ordinance Amending the Community Development Code Relating to Safe Vehicle Camping/Parking for Homeless Persons as Part of a Program to Aid in Transition to Stable Housing**

STAFF REPORT

For the August 5, 2020 Planning Commission Hearing
(The public hearing will begin no sooner than 1:30 p.m.)

I. STAFF RECOMMENDATION

Conduct the public hearing; recommend approval of Ordinance No. 867 to the Board of Commissioners (Board).

II. OVERVIEW

For people who have lost their homes, living in a vehicle may be their only option besides sleeping on the street. Accommodating safe places for people to park while living in their vehicles can help families and individuals stabilize their lives and improve their chances of gaining access to housing, services and employment.

As proposed, Ordinance No. 867 would amend the Community Development Code (CDC) to allow religious institution sites and other properties in certain urban, nonresidential land use districts to offer space where homeless persons can temporarily live in vehicles, subject to participation in a program designed to transition them to stable housing. This ordinance was authorized in the FY 2020-2021 Long Range Planning Work Program.

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III. BACKGROUND

Work Program Request

The Mayor of Beaverton submitted a request that the Board consider a CDC amendment as part of the 2020 Long Range Planning Work Program, to allow owners of nonresidential properties in urban unincorporated Washington County to provide space within their parking lots for homeless persons to safely park/camp as part of a program to transition to stable housing (program). Beaverton has an existing program, discussed below.

Related State Statute

Chapter 203 of Oregon Revised Statutes (ORS) – *County Governing Bodies; County Home Rule* – provides that jurisdictions may allow religious institution sites to offer space for homeless persons to reside on-site in their vehicles (ORS 203.082 circa 1999).

The ORS currently includes a three-vehicle cap, requires sanitary facilities (toilet, hand-washing, trash disposal), and allows local jurisdictions to establish additional conditions/limitations. In 2020, draft legislation proposing to remove the current vehicle limit in favor of locally set caps and to enable use of other property and accommodation types was introduced but not adopted. Staff expects this legislation to return in some form in 2021.

Related Case Law

In 2019, the U.S. Supreme Court *Martin v. Boise* decision upheld a Ninth U.S. Circuit Court of Appeals ruling that a city ordinance violates the Eighth Amendment (which prohibits cruel and unusual punishment) when it imposes criminal sanctions against homeless individuals for sleeping outdoors on public property when the individuals have no alternative shelter available to them. Cities and counties across the west coast, including Beaverton, responded by looking to provide alternatives where homeless people can safely sleep. Some more recent programs also respond to shelter-in-place/social distancing concerns affecting homeless persons during the pandemic.

Beaverton's Program

The city of Beaverton launched a test/pilot Safe Parking Program in April 2019, modeled after one initiated in the 1990s by the city of Eugene with St. Vincent de Paul. The Eugene/Springfield area now provides 98 vehicle parking spaces for homeless persons, with several hundred people cycling through the program yearly.¹ Beaverton has since formally adopted provisions allowing this use. Through its home rule/general police powers, the city opted not to limit this allowance to religious institution sites as prescribed within the ORS, but to extend it to all nonresidential sites. The city does apply its own conditions to the use as allowed by ORS, including required participation in a program to transition participants to stable housing.

¹ "Beaverton aims to accommodate more who live out of their vehicles,"
<https://www.streetroots.org/news/2020/02/14/beaverton-aims-accommodate-more-who-live-out-their-vehicles>

Beaverton budgets for five locations per year and is evaluating potential to expand that target. Through a contract with the city, nonprofit Just Compassion of East Washington County provides a program manager to coordinate host sites and oversee program and case management, managing participant intake, parking space assignments, and assistance with access to housing. Program rules allow participants to stay for up to 120 days, subject to a 30-day probation period. The program now operates from two sites in the city.

According to Beaverton's *Safe Parking Program Year 1 Report* (Attachment A), as of April 2020, the city's program had accommodated 17 vehicles and hosted 37 individuals, including nine children. Twelve participants had transitioned to housing and nine were continuing in the program, residing in vehicles. A total of 16 people had exited the program: a family of six chose to move closer to family; 10 others (in four vehicles) were exited for not participating in case management meetings/lack of progress in plans toward finding stable housing.

Per the report, four months into the city's program, police had received several noise complaints from program site neighbors and responded with visits characterized as welfare checks. One vehicle of guests was eventually banned from the parking lot in connection with noise complaints, but the remainder of noise-related issues were addressed by relocating onsite parking and facilities. Comparatively, as described above, the majority of cases where participants were required to exit the program and site resulted from their lack of compliance with rules of the program intended to aid in transition to housing – not law enforcement or land use concerns.

The city reports that its program affords participants stability not normally attainable for those living out of vehicles – providing dedicated help to find housing while affording dependable access to restrooms and storage, the chance to sleep more at night and work toward employment and educational goals.

The city has had to cap its wait list, noting that demand/need for assistance is much greater than existing program sites can accommodate. The program collaborates with Family Promise of Beaverton to provide a place for those with children to park until they are able to get into the program. (See Attachment A for additional details). The city hopes to extend its existing program to the site of a religious institution in urban unincorporated Washington County that has expressed interest in participating (designated partly Institutional and partly R-5 or Residential – 5 Units per Acre). Amendments to certain CDC standards, such as those that currently prohibit use of vehicles for living purposes,² are needed to allow Beaverton to do so, and to provide opportunity for other government entities to expand similar services to additional urban unincorporated sites in the County.

² Except in certain rural districts when an approved temporary health hardship dwelling application allows use of a recreational vehicle for living purposes.

Ordinance Notification

Notice 2020-04 regarding proposed Ordinance No. 867 was mailed July 10, 2020, 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 July 17, 2020, in *The Oregonian* newspaper. Staff has received no response to date.

IV. ANALYSIS

In amending the CDC to allow safe vehicle camping/parking for homeless persons, the County would join Beaverton, Portland, Eugene, Vancouver (WA), Seattle, San Francisco, San Diego, Los Angeles County, Benton County and a number of other western jurisdictions that offer similar provisions to help stabilize the lives of community members experiencing homelessness. County staff has researched various approaches. Programs vary, some specific to vehicle camping on religious sites, others addressing a range of property and accommodation types, some linked to housing services, others not.

The Model for Washington County

Given that the city of Beaverton has conducted a local test/pilot program that serves as a useful model, and considering their request for this ordinance specifically so their existing program may serve a site in the County's urban unincorporated area, staff currently recommends proceeding with an approach similar to the city's at this time. This is intended to allow the city to move forward without significant delay, while opening the door to provision of similar services by other government entities, as well. Should state law change in the coming year(s), staff would likely seek to advance additional changes.

As proposed, CDC amendments would treat safe vehicle camping/parking for homeless persons in a manner comparable to treatment of the use within the Beaverton Development Code. The ordinance would generally affect the CDC by removing existing code barriers to the use, excluding it from permit requirements and outlining basic eligibility criteria.

Program rules not strictly land use-related are intended to remain outside the CDC. Program rules are under consideration through coordination with County Counsel and the Department of Housing Services. As drafted, these are also modeled after those applied by the city of Beaverton. More detail is provided below.

CDC Provisions

Proposed CDC amendments provide a definition of the use, revise general prohibitions that currently preclude certain activities essential to the use, and list the use under Exclusions from

Permit Requirement (CDC Section 201-2) subject to eligibility criteria. The use would be allowable on:

- Urban religious institution sites in any district.
- Other urban sites when in nonresidential districts.

Proposed exclusion from the permit requirement is based on a policy consideration to facilitate this use. If a permit were required, permit review time would represent delays at a time when solutions to address homelessness are critically needed statewide. Monetary permitting costs could pose a financial barrier to willing property owners, precluding their potential to host. The ordinance looks to avoid creating constraints such as these, that could impact the numbers of homeless persons who can be afforded safe places to sleep and assistance toward housing.

CDC processes for allowing uses are separated into categories – from those fully excluded from permitting requirements, to permit review types ranging from I to III – the more discretion involved in decision-making, generally the higher the review. Further, while public notice is required for a Type II or III review, notice is not required for a Type I or a use excluded from the permit requirement (“excluded use”). Though this ordinance does not propose it, a number of jurisdictions address safe vehicle camping/parking for homeless persons through city or county code alone, often as an emergency measure (Benton County for example) not tied to land use regulations/notice. Many jurisdictions avoid widely publicizing host sites as a means to maximize the safety of program participants. Equity concerns at the forefront of recent civil movements also underscore the importance of accommodating individuals in need without furthering their displacement through zoning restrictions and associated procedures that may represent systemic bias.

Given that this ordinance proposes treatment within the CDC as an excluded use, public notice requirements will not apply to host sites (nor would they under Type I review). Clear and objective CDC criteria for eligibility are therefore important not only to eliminate discretion but to minimize potential for conflicts between onsite and offsite uses. Proposed CDC criteria, combined with program rules (proposed for adoption through a separate R&O, addressed in the following section of this report) are intended to provide parameters that protect the interests of neighbors and site users.

Eligibility criteria within the CDC address types of entities that may conduct the use and where, required on-site amenities and their placement, and a requirement that operation is through a government-run program designed to transition participants to stable housing.

More particularly, the proposed ordinance amends CDC Sections as indicated in Table 1 below.

Table 1

Section	Title	Proposed Change
106	Definitions	Adds definition of Vehicle Camping Site for Homeless Persons.
201	Development Permit	Adds the use under Exclusions from Permit Requirement (Section 201-2), subject to eligibility criteria (addressed below table).
308	Future Development 20-Acre District (FD-20)	Removes existing prohibitions on use of a vehicle as a residence and outdoor parking of vehicles when either is allowed as part of a use listed under Exclusions from Permit Requirement.
309	Future Development 10-Acre District (FD-10)	
311	Neighborhood Commercial District (NC)	
312	Office Commercial District (OC)	
313	Community Business District (CBD)	
314	General Commercial District (GC)	
320	Industrial District (IND)	
330	Institutional District (INST)	
375	Transit Oriented Districts	
390	North Bethany Subarea Overlay District	
392	Pedestrian Oriented Mixed-Use Districts	Amends language prohibiting uses not specifically authorized under district standards, adding an exception for uses identified under Exclusions from Permit Requirement.
430	Special Use Standards	
		Specifies the use is not considered a campground for purposes of Section 430-25 (Campground - Camping Areas and Facilities, Public and Private).

Eligibility criteria proposed under CDC Section 201 are summarized and discussed below.

- Certification from a city, the County or other authorized public agency that the property owner and site comply with program requirements adopted by a city, the County or other public agency, designed to aid in transition to stable housing:

This certification requirement is intended to ensure that sites offering safe parking/vehicle camping for homeless persons meet all eligibility criteria, including program rules that do not fall under the land use purview of the CDC. Please see the “Program Rules” section of this report, below, for additional information.

- Allowed in FD-20, FD-10, NC, OC, CBD, GC, IND, INST, TO:RC, TO:EMP, TO:BUS, NCC NB, NCMU NB, INST NB, CCMU or NMU land use districts or on the site of a religious institution in any urban district: The city of Beaverton has asked that the County’s allowance/program be developed in a manner as close as possible to the city’s, to best

enable their management of the host site within the County's jurisdiction. As previously noted, the city allows this use on all nonresidential sites, subject to criteria. The ordinance proposes to do likewise by allowing the use within all nonresidential land use districts. In addition to setbacks and vehicle caps, this is intended to afford protections to residential properties while still widely allowing the use. Enforcement potential, addressed later in this report, also provides important protections for offsite neighbors.

Staff notes, however, that ORS 203.082 is not specific to any land use designations or zoning in its allowance of this use on religious institution sites. This is important in the County's case, considering that religious institutions existing at the time of the County's 1983 Comprehensive Framework Plan adoption were designated Institutional, while those built later exist in a variety of districts, including residential. For this reason, while the ordinance limits the use to nonresidential districts for other types of sites, for religious institution sites it does not. As described earlier, the site of a religious institution in urban unincorporated Washington County, where the city plans to provide program services, exists partly within the R-5 residential district.

- Located in a parking lot with a building occupied by a nonresidential commercial interest, religious institution, place of worship, public service nonprofit, or public entity, where both parking lot and building are owned/operated by that entity.

Consistent with the city's provisions, this allows for a wide range of entities to host the use but precludes it where landowner and building tenant differ. As such, potential for conflicts between property owner and building tenant that might interfere with program operation are avoided.

- Three-vehicle maximum or as otherwise allowed under ORS.

This provision is consistent with the current ORS and Beaverton limit of three vehicles but is intended to accommodate flexibility. Proposed vehicle cap language is intended to limit conflicts with offsite uses, while recognizing that upcoming legislation may allow additional vehicles. Staff notes that per the city's one-year report, the city is contemplating an increased cap to six vehicles.

- Siting requirements for eligibility:
 - Vehicle camping spaces, storage and sanitary facilities are at least 10 feet from property lines.
 - Storage and sanitary facilities are at least 20 feet from the property line of any off-site residential use.
 - Storage facility is not visible from public rights-of-way.
 - Vehicle camping does not occupy pedestrian walkways, fire lanes, other emergency access areas, or impact vehicle corner vision or sight distance.

Setbacks and siting standards affecting vehicle parking spaces and required amenities are intended to minimize potential for conflicts with offsite uses, to avoid traffic conflicts, and to provide safety for users of the site/program.

Program Rules

As previously noted, specific program rules that are not clearly land use elements are intended to remain largely outside the CDC. As such proposed program rules are intended at this time to be included in a standalone Resolution and Order (R&O) being drafted in conjunction with Housing Services (Housing) and County Counsel. The intent is that the R&O will be presented for adoption as a separate action at the Sept. 1 Board hearing.

Rules within the R&O would be intended to ensure enough structure and protections to bolster effective program operations and participant success; and to provide transparency such that related certification or enforcement efforts is not carried out in an arbitrary manner.

The focus of the R&O is on elements necessary to issuance of the CDC-prescribed *“certification... that... the property owner and site are in compliance with program requirements... designed to aid in transition to stable housing.”* Rules under consideration within the R&O require the following:

- Proof that homeless persons residing on the property are enrolled in and receiving case management services from Washington County, an incorporated city, or another authorized public agency or nonprofit organization, dedicated to facilitating their transition to stable housing.
- Agreement to allow site access by Housing Services and to charge no rent/fees to homeless persons participating in the program.
- Proof of storage and sanitation facilities for use by participating homeless persons (the former is a basic requirement of the ORS in connection with this use on religious institution sites, however the County would apply it to all eligible sites).
- If a property owner fails to comply with program rules, the Housing Director can revoke certification and report noncompliance to the Department of Land Use and Transportation (LUT).

Enforcement

Since proposed CDC provisions require the above noted certification, in the event that Housing must revoke certification, LUT could provide some measure of related code compliance. Issues surrounding noncompliance with onsite locational requirements for amenities and activities would likewise fall under LUT enforcement, while those involving crime or sanitation would remain subject to Sheriff or Environmental Health involvement per Washington County Code (WCC) provisions.

As previously noted, however, in Beaverton’s experience noncompliance issues have not typically involved land use or law enforcement concerns, but failure of participants to meet program rules. Within the city program, noncompliance of this nature has largely been resolved by the contracted nonprofit program manager responsible for overseeing case management. County adoption of program rules through R&O could help ensure that management of similar issues arising at sites in unincorporated Washington County is equally successful and handled equitably from site to site and case to case.

Work Session Briefings

Board of Commissioners

At the June 23 Work Session staff briefed the Board on this ordinance, after which several members expressed familiarity with and significant praise for the city’s existing program, supporting its use as a model. Staff also presented several options for locations where the use should be allowable, as shown in Table 2, below. A majority of Board members favored Option C, which, comparable to Beaverton’s approach, would allow the use on urban religious institution sites and on other urban sites in ALL nonresidential districts. The proposed ordinance reflects this approach.

Staff notes that some Board members raised concerns about crime potential and enforcement, and one Board member preferred the more conservative Option A and suggested provision of notice to neighbors should be a consideration. Another preferred Option B.

Table 2

Where to allow safe vehicle camping/parking for homeless persons		
Option A	Option B	Option C (Board majority preference)
Urban religious institution sites only.	<ul style="list-style-type: none"> Urban religious institution sites. Other urban sites in <i>SOME</i> nonresidential <i>districts</i> (e.g., only Institutional and certain commercial districts). 	<ul style="list-style-type: none"> Urban religious institution sites. Other urban sites in ALL nonresidential districts. (Comparable to Beaverton)

Planning Commission

Staff also briefed the Planning Commission in Work Session July 15. Planning Commission members shared a range of reactions. One believed sites accommodating vehicle camping for homeless persons may be perceived by neighbors as an impediment to use of their property, and that neighbors could lack recourse without a permit process, associated appeal provisions and notice. Staff noted that notice occurs only with the more extensive Type II or III land use reviews, and this use is proposed to be excluded from permit requirements.

Other members acknowledged this viewpoint but supported the goal of the ordinance, particularly in cooperation with the city of Beaverton. Some expressed reservations about making a recommendation on the ordinance before program rules are fully defined and suggested that, without clear rules, nuisance and noncompliance issues could arise that may be difficult to address.

Another member, having worked with similar programs, had several specific recommendations:

- Allow accommodation of more than three vehicles.
- Require ADA sanitation facilities.
- Remove the requirement for a program to transition to stable housing (in the event there is not enough availability among social service partners to serve the number of sites willing to offer space).

Other views expressed included insights surrounding homelessness and vehicle-residency and support for allowing properties to host homeless persons in their vehicles, absent regulation, as a matter of dignity and basic human rights. For people experiencing homelessness, one member expressed the opinion the County should facilitate by every means possible, access to safe shelter, safe places to park and public restrooms.

Staff recommends proceeding with the ordinance as proposed. Staff values and appreciates the depth of discussion shared by Planning Commissioners, and has noted points shared by Planning Commissioners toward ongoing development of related ordinances to increase access to safe shelter and housing for those experiencing homelessness.

Summary of Proposed Changes

Ordinance No. 867 proposes to amend the CDC to:

- Define the use and allow it under Exclusions from Permit Requirement (Section 201-2), subject to qualifying criteria, hosting of safe parking/camping space where homeless persons can temporarily live in their vehicles on urban religious institution sites in any district, and on other urban sites when in nonresidential districts, as part of a governmental program designed to help them transition to stable housing.
- Make the use exempt from certain existing prohibitions that preclude activities essential to its operation.

List of Attachments

The following attachments identified in this staff report are provided:

Attachment A: City of Beaverton Safe Parking Program Year 1 Report

Safe Parking Program Year 1 Report

About

The City of Beaverton Safe Parking Pilot Program (Safe Parking) provides a safe, legal place to park for people experiencing homelessness and living out of their vehicles. While no one should have to live in their car, providing a safe place to park can help families and individuals in this situation stabilize their lives and gain better access to services. The program was designed after a successful model in Eugene, Oregon and provides case management through a contract with Just Compassion of East Washington County. The case management focuses on identifying barriers and working towards housing stability.

Timeline

- Program development: July 2018- March 2019
- Program Start with two host sites (City, THPRD): April 2019
- Municipal Code Changes: September 2019
- Development Code Changes: February 2020
- Washington County adds Safe Parking code changes to Long Range Work Planning Program: March 2020
- Third host site (faith partner) is added to the program: April 2020

Program Statistics (April 2019- April 2020)

Overview of people served

- # of individuals served: 37 (28 adults, 9 children)
- # of vehicles in the program: 17
- # of vehicles exited into housing 6 (12 individuals)
- # of vehicles continuing in the program: 6 (9 individuals)
- # of vehicles exited not into housing (noncompliance or self-exited): 5 (16 individuals)

Demographic Information

	Race	Gender	Veterans
Adults	White – 16 Black – 3 Latinx – 4 Asian and Pacific Islander – 1 Not reported – 4	Female -- 17 Male – 11 Non-binary – 0	1
Children	White – 5 Latinx – 4	Female – 6 Male – 3 Non-binary - 0	N/A

The program has served both families and single adults and has identified senior women on fixed incomes as a high need population. The gap between income and rent is the primary reason for homelessness among program participants.

Attachment A

Guests Exited from the Program

- One vehicle, representing a family of six self-exited from the program to move closer to family support (a decision made through discussions with Just Compassion).
- Four vehicles have been exited from the program for not attending case management meetings or showing progress on their plan towards housing. One of the vehicles exited from the program for non-compliance with case management housed a senior woman who was going to school with the goal of earning an associate degree and a better stream of income. She was eventually able to do so during her time in the program with additional assistance from Holy Trinity Church.

Police Calls

- In August, there were several calls to BPD from neighbors next to the city site regarding noise from guests. BPD responded and characterized their interaction as a welfare check (they didn't make any arrests). One vehicle of guests associated with the noise complaint was eventually exited from the program and trespassed from the parking lot. City staff changed the location of the parking spots/restrooms on the lot to address neighbor concerns about noise.

Strengths of the Safe Parking Pilot Program to Date

- **Transition to Housing.** Safe Parking has provided its participants with stability that they don't normally find when living out of their vehicles. They have had access to a regular restroom and storage and an entry point for services. This stability has allowed them the chance to have more sleep at night, work towards employment and school, and receive dedicated assistance in finding housing.
- **Access to Resources.** Participants in the program have had access to the Just Compassion Resource Center, including meals, laundry service, laptops, assistance with rental application fees, and a permanent address to receive mail. They have also been able and more likely to access the Beaverton Severe Weather Shelter during the winter season to have a warm place to stay and a hot dinner.
- **Community Collaboration.** The program has collaborated with Family Promise of Beaverton to provide a place for families on their waitlist to park until they are able to get into the program. This has helped keep kids in school and supported more consistent communication with the families, so they don't get lost in the system. Just Compassion has built strong partnerships with Luke Dorf, Community Action, and the Beaverton School District for referral and resourcing of guests, which has clearly increased the overall impact of the program.

Attachment A

- Livable Neighborhoods. BPD has worked with the program to address needs of people experiencing homelessness that they encounter living out of their vehicles in neighborhoods and public spaces. Having a place to refer people in this situation has helped alleviate neighborhood concerns and provided an alternative option to enforcement of the camping ordinance.

Testimony from former program participant:

“My partner and I, both working full time, were desperate to have a place to call our own. However, due to the fact that we didn’t have a rental history, we had been denied by every apartment, house, and trailer park that we applied to. Finally, in October we received a business card from a policeman telling us about Just Compassion and the safe parking program. This would be a huge step up since they offered a place where we could sleep safely near our work with a restroom... Sooner than we could have ever hoped we were applying to an apartment building that was lenient and we were ACCEPTED! Now we have a one bedroom with a full kitchen, living room, and bathroom with a tub. It has done wonders for our health, both mental and physical. We are eternally grateful for Just Compassion and the safe parking program. I don’t know what we would have had to do if we hadn’t finally found them. They allowed us to keep our family together and let us feel like real members of society again. I will never forget that kindness.”

Challenges and Program Modifications

- Staffing. Just Compassion was in transition over the first six months of the program, as the primary case manager left the organization and they had to rehire. A new coordinator was hired October 1, 2019 and brought a wealth of experience to case management that benefited guests working towards housing.
- High Need. The need is so much greater than what can be offered. The waitlist had to be capped early on because the demand was so high. Additionally, the first guests to enter the program were previously known from the severe weather shelter and point-in-time count. While this made relationship building easier, the barriers to housing for these guests (part of the chronically homeless population) were very high. Just Compassion had to schedule more regular meetings to connect with guests. The intensive case management represents an increased cost in services provided.
- Privacy. Guests staying at the city site are highly visible to neighbors and daily visitors to the location and surrounding area. This leads to a lack of privacy for these guests, as well as a higher likelihood for neighbor complaints.
- Lack of affordable housing. The biggest service gap at this point is the lack of affordable and available housing. This has led to participants needing extensions on their allotted time in the program while they are waiting for housing. The longer guests need to stay in the program before they can access housing, the less turnover there is at host sites and the fewer people can be served.

Attachment A

- Hesitancy for host sites. Commitment of faith partners to sign on as host sites has taken significantly longer than expected. Several partners who initially stepped forward to express interest later backed away or found they had to engage in extensive internal processes to build buy in and discern as a congregation if they would participate. Outreach has included informational sessions and updates, presentations to congregations and leadership boards, discussions with local neighbors and NACs, multiple site visits to talk through program administration and potential logistics, etc.

Recommendations

1. Transition from pilot to established program.
2. Increase budget to recognize additional case management provided by Just Compassion and additional guest needs such as gas vouchers.
3. Explore options for moving the city site to a new location, to provide additional privacy to program guests and reduce neighbor concerns.
4. Allow the City to place up to six vehicles on their sites as it provides more capacity for the program without increased site infrastructure costs.
5. Collaborate with Washington County on countywide Safe Parking.
6. Continue to convene quarterly internal stakeholder meetings consisting of staff from several departments.
7. Evaluate capacity and need to expand beyond the original target of five host sites.