



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and First Public Hearing
Land Use & Transportation; County Counsel (All CPOs)

Agenda Title: **CONSIDER PROPOSED ORDINANCE NO. 867 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO SAFE VEHICLE CAMPING/PARKING FOR HOMELESS PERSONS TO AID IN TRANSITION TO STABLE HOUSING**

Presented by: Stephen Roberts, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

Ordinance No. 867 proposes to amend the Community Development Code (CDC) to allow religious institution sites in any urban district, and other urban sites in nonresidential 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. The proposed ordinance is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

Following its Aug. 5, 2020 public hearing for this ordinance, the Planning Commission (PC) voted 3 - 2 to recommend the Board approve Ordinance No. 867 as filed. A staff report will be provided to the Board prior to the Sept. 1 hearing and is posted on the above land use ordinance webpage. Copies of the report will be available electronically and at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to three minutes for individuals and 12 minutes for a representative of a group.

(continued)

The Staff Report is hyperlinked here and is also available at the Clerk's Desk.

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 867 by title only and conduct the Sept. 1, 2020 public hearing. At the conclusion of the hearing, adopt Ordinance No. 867.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	6.d.
Date:	09/01/20

CONSIDER PROPOSED ORDINANCE NO. 867 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO SAFE VEHICLE CAMPING/PARKING FOR HOMELESS PERSONS TO AID IN TRANSITION TO STABLE HOUSING
BOC 09/01/20

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition):

Several letters and oral testimony from one individual have been received on this proposed ordinance. A letter of support was received from the mayor of the City of Beaverton; a letter from the Fair Housing Council/Housing Land Advocates was submitted raising concerns about the absence of Goal 10 (Housing) findings prior to the PC hearing (these are provided prior to the Board hearing per current County practice); a letter of concern about Multnomah County's hypodermic needle recycling program and its potential rural impacts (the ordinance does not propose this use or affect rural land and the author did not state a connection); and oral testimony at the PC hearing from one resident supportive of the proposed use but concerned about potential impacts to residential neighbors and requesting a minimum lot area requirement and vehicle size limit.

Legal History/Prior Board Action:

Board Work Session briefing on Ordinance No. 867 on June 23, 2020.

Budget Impacts: None

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 867

An Ordinance Amending the Community
Development Code Relating to Safe Vehicle
Camping/Parking for Homeless Persons to Aid in
Transition to Stable Housing

The Board of County Commissioners of Washington County, Oregon (“Board”) ordains as follows:

SECTION 1

A. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380-381, 384-386, 392-393, 397, 399-403, 407, 412-413, 415, 417, 421-423, 428-434, 436-437, 439, 441-443, 449, 451-454, 456-457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525-526, 528-529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588-589, 591-595, 603-605, 607-610, 612, 615, 617-618, 623-624, 628, 631, 634-635, 638, 642, 644-645, 648-649, 654, 659-662, 667, 669-670, 674, 676-677, 682-686, 692, 694-698, 703-704, 708-709, 711-712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762-763, 765-766, 769-776, 782-788, 791-792, 797-802, 804, 809-811, 813-815, 820, 822-824, 826-828, 831-835, 838, 840-42, 845-847, 851, 853, and 855-859.

B. The unprecedented need for transitional housing and complementary services for the benefit of homeless individuals indicates the need for amendments to the Community

1 Development Code to facilitate such assistance. The Board recognizes that such changes are
2 necessary for the health, safety, and welfare of the residents of Washington County, Oregon.

3 C. Under the provisions of Washington County Charter Chapter X, the
4 Department of Land Use and Transportation has carried out its responsibilities, including
5 preparation of notices, and the County Planning Commission has conducted one or more
6 public hearings on the proposed amendments and has submitted its recommendations to the
7 Board. The Board finds that this Ordinance is based on those recommendations and any
8 modifications made by the Board, as a result of the public hearings process.

9 D. The Board finds and takes public notice that it is in receipt of all matters and
10 information necessary to consider this Ordinance in an adequate manner and finds that this
11 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan
12 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
13 County Charter, the Washington County Community Development Code, the Washington
14 County Transportation System Plan, and the Washington County Comprehensive Plan.

15 SECTION 2

16 The following exhibit, attached hereto and incorporated herein by reference, is adopted
17 as an amendment to the designated document as follows:

18 A. Exhibit 1 (5 pages), amends the following sections of the Community
19 Development Code:

- 20 1. Section 106 – Definitions;
- 21 2. Section 201 – Development Permit;
- 22 3. Section 308 – Future Development 20-Acre District (FD-20);

- 1 4. Section 309 – Future Development 10-Acre District (FD-10);
- 2 5. Section 311 – Neighborhood Commercial District (NC);
- 3 6. Section 312 – Office Commercial District (OC);
- 4 7. Section 313 – Community Business District (CBD);
- 5 8. Section 314 – General Commercial District (GC);
- 6 9. Section 320 – Industrial District (IND);
- 7 10. Section 330 – Institutional District (INST);
- 8 11. Section 375 – Transit Oriented Districts;
- 9 12. Section 390 – North Bethany Subarea Overlay District;
- 10 13. Section 392 – Pedestrian-Oriented Mixed-Use Districts; and
- 11 14. Section 430 – Special Use Standards.

12 SECTION 3

13 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
14 which are not expressly amended or repealed herein, shall remain in full force and effect.

15 SECTION 4

16 All applications received prior to the effective date shall be processed in accordance
17 with ORS 215.427.

18 SECTION 5

19 If any portion of this Ordinance, including the exhibit, shall for any reason be held
20 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
21 affected thereby and shall remain in full force and effect.

22 ///

1 SECTION 6

2 The Office of County Counsel and Department of Land Use and Transportation are
3 authorized to prepare planning documents to reflect the changes adopted under Section 2 of
4 this Ordinance, including deleting and adding textual material and maps, renumbering pages
5 or sections, and making any technical changes not affecting the substance of these
6 amendments as necessary to conform to the Washington County Comprehensive Plan format.

7 SECTION 7

8 This Ordinance shall take effect thirty (30) days after adoption.

9 ENACTED this 1st day of September, 2020, being the 1st reading
10 and 1st public hearing before the Board of County Commissioners of Washington
11 County, Oregon.

12 BOARD OF COUNTY COMMISSIONERS
13 FOR WASHINGTON COUNTY, OREGON

14 **ADOPTED**

15 *Kathryn Harrington* 09/01/2020
CHAIR KATHRYN HARRINGTON

16 *Kevin Maff*
RECORDING SECRETARY

17 READING

PUBLIC HEARING

18 First September 1, 2020
19 Second _____
20 Third _____
21 Fourth _____
22 Fifth _____
Sixth _____

First September 1, 2020
Second _____
Third _____
Fourth _____
Fifth _____
Sixth _____

VOTE: Aye: Willeg, Rogers, Schouten
Harrington

Nay: _____

Recording Secretary: *Kevin Maff* Date: September 1, 2020

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. SECTION 106 – DEFINITIONS

106-213212 Urban Growth Boundaries (UGB). The legally defined boundaries adopted by Washington County, Metro or appropriate incorporated cities, and acknowledged by LCDC, which identify and separate urbanized land from rural and natural resource land.

106-214213 Vanpool/Carpool. Two (2) or more people who share the use and/or cost of a van or car for transportation to and from a destination.

106-215214 Vegetated Corridor. Lands that are located within the Clean Water Services boundary and are defined in the "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor. Vegetated corridors are generally preserved and maintained lands intended to protect the water quality functions of water quality sensitive areas.

106-215 Vehicle Camping Site for Homeless Persons. A location where overnight camping spaces are provided temporarily to homeless persons living in vehicles, as allowed pursuant to program requirements adopted by a city or County or other public agency that are designed to aid in transition to stable housing (Section 201-2.36).

For the purpose of a Vehicle Camping Site for Homeless Persons, a "vehicle" is a car, van, truck, motorized or towable recreational vehicle/camper/trailer/tiny home on wheels or similar conveyance, without regard to whether the vehicle was designed for use as temporary living quarters.

2. SECTION 201 – DEVELOPMENT PERMIT

201-2 Exclusions from Permit Requirement

The following activities are permitted in each district except as limited to particular districts below, but are excluded from the requirement of obtaining a development permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

201-2.36 Vehicle Camping Site for Homeless Persons as defined in Section 106, on a site in the following non-residential districts: 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 or on the site of a religious institution in any urban district, subject to the following:

- A. Written certification from a city, the County or other authorized public agency that, at the time of certification, the property owner and site are in compliance with program requirements adopted by the city, the County or other public agency, designed to aid in transition to stable housing;
- B. Located in a parking lot on a site that includes a building occupied by a non-residential commercial interest, religious institution, place of worship, public service nonprofit, or public entity, where both the parking lot and building are owned or operated by that entity;
- C. Any storage facility placed onsite is not visible from public rights of way;
- D. Maximum number of vehicles for camping use that will be onsite simultaneously is three unless otherwise provided in Oregon Revised Statue and program rules;
- E. Parking spaces used for vehicle camping, and storage and sanitary facilities, are located:
 - 1. No less than 10 feet from property lines of the subject site; and
 - 2. Storage and sanitary facilities are no less than 20 feet from the property line of any offsite residential use; and
- F. Vehicle camping does not occupy pedestrian walkways, fire lanes or other emergency access areas, or areas needed for corner vision (Section 418-3) or sight distance (Section 501-8.5 F.).

3. SECTION 308 – FUTURE DEVELOPMENT 20-ACRE DISTRICT (FD-20)

308-5 Prohibited Uses

- 308-5.1 Structures or uses not specifically authorized in Section 308, except as listed under Section 201-2 (Exclusions from Permit Requirement).
- 308-5.3 The use of a recreational vehicle as a residence except where specifically authorized as a temporary use in Sections 308-2.8 and 308-3.4 or as allowed under Section 201-2 (Exclusions from Permit Requirement).
- 308-5.4 The outdoor parking or storage of any five or more vehicles on a single lot or parcel for more than 48 hours, except as approved in conjunction with a development or as allowed under Section 201-2 (Exclusions from Permit Requirement).

4. SECTION 309 – FUTURE DEVELOPMENT 10-ACRE DISTRICT (FD-10)

309-5 Prohibited Uses

- 309-5.1 Structures or uses not specifically authorized in Section 308, except as listed under Section 201-2 (Exclusions from Permit Requirement).
- 309-5.2 The use of a recreational vehicle as a residence except where specifically authorized as a temporary use in Sections 309-2.8 and 309-3.4 or as allowed under Section 201-2 (Exclusions from Permit Requirement).
- 309-5.3 The outdoor parking or storage of any five or more vehicles on a single lot or parcel for more than 48 hours, except as approved in conjunction with a development or as allowed under Section 201-2 (Exclusions from Permit Requirement).

5. SECTION 311 – NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

311-5 Prohibited Uses

- 311-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).
- 311-5.4 New residential uses except as provided in Sections 311-3.6 and 311-3.16 or identified under Section 201-2 (Exclusions from Permit Requirement).

6. SECTION 312 – OFFICE COMMERCIAL DISTRICT (OC)

312-5 Prohibited Uses

- 312-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

7. SECTION 313 – COMMUNITY BUSINESS DISTRICT (CBD)

313-5 Prohibited Uses

- 313-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

8. SECTION 314 – GENERAL COMMERCIAL DISTRICT (GC)

314-5 Prohibited Uses

314-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

9. SECTION 320 – INDUSTRIAL DISTRICT (IND)

320-5 Prohibited Uses

320-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

10. SECTION 330 – INSTITUTIONAL DISTRICT (INST)

330-6 Prohibited Uses

330-6.1 Structures or uses not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed as permitted through a Type I, II, or III procedure, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

11. SECTION 375 – TRANSIT ORIENTED DISTRICTS

375-5 Prohibited Uses

375-5.1 Uses in each of the Transit Oriented Districts that are identified in Table A as prohibited use, except as allowed for uses listed under Section 201-2 (Exclusions from Permit Requirement).

375-5.2 Structures or uses not specifically authorized by the applicable Transit Oriented District, unless the structure or use has substantially similar use and impact characteristics to a use listed as determined through the provisions of Section 202-2.2. or is identified under Section 201-2 (Exclusions from Permit Requirement).

12. SECTION 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-6 Prohibited Uses

390-6.2 The following structures and uses are prohibited in all non-residential districts in the North Bethany Subarea.

- A. Structures or uses not specifically authorized by Section 390, unless identified under Section 201-2 (Exclusions from Permit Requirement).
- C. New residential uses except as provided in Sections 390-13.3 H. and 390-14.3 G. and K. or identified under Section 201-2 (Exclusions from Permit Requirement).

13. SECTION 392 – PEDESTRIAN-ORIENTED MIXED-USE DISTRICTS

- 392-5.2 Structures or uses not specifically authorized by the applicable Pedestrian-Oriented Mixed-Use District, unless the structure or use has substantially similar use and impact characteristics to a listed use as determined through the provisions of Section 202-2.2. or is identified under Section 201-2 (Exclusions from Permit Requirement).

14. SECTION 430 – SPECIAL USE STANDARDS

- 430-25 Campground (Camping Areas and Facilities - Public and Private)**
Any area or tract of land used to accommodate two (2) or more camping parties (including tents, travel trailers, other camping outfits and, except in the EFC, EFU, and AF-20 Districts, cabins). A campground is an area devoted to overnight, temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A Vehicle Camping Site for Homeless Persons (Section 201-2.36) is not considered a campground for purposes of this section.



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (All CPOs)

Agenda Title: **ADOPT FINDINGS FOR ORDINANCE NO. 867**

Presented by: Stephen Roberts, Director of Land Use & Transportation

SUMMARY:

Ordinance No. 867 amends the Community Development Code (CDC) to allow religious institution sites in any urban district, and other urban sites in nonresidential 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. Ordinance No. 867 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

Post acknowledgment comprehensive plan amendments are amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 867. Prior to the Sept. 1, 2020 meeting the proposed findings will be provided to the Board, posted on the above land use ordinance webpage and available at the Clerk's desk.

(continued)

Attachment: Resolution and Order

The Ordinance Findings are hyperlinked here and are also available at the Clerk's Desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for Ordinance No. 867 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 20-106

Agenda Item No.	<u>6.e.</u>
Date:	<u>09/01/20</u>

**ADOPT FINDINGS FOR ORDINANCE NO. 867
BOC 09/01/20**

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition): Refer to Ordinance No. 867 Board agenda

Legal History/Prior Board Action: None

Budget Impacts: None

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting)
4 Legislative Findings in Support)
of Ordinance No. 867)

RESOLUTION AND ORDER

No. 20-106

5
6 This matter having come before the Washington County Board of Commissioners (Board)
7 at its meeting of September 1, 2020; and

8 It appearing to the Board that the findings contained in (Exhibit A) summarize relevant
9 facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon
10 Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles
11 of Metro's Urban Growth Management Functional Plan relating to Ordinance No. 867; and

12 It appearing to the Board that the findings attached and herein incorporated as Exhibit A
13 constitute appropriate legislative findings with respect to the adopted ordinance; and

14 It appearing to the Board that the Planning Commission, at the conclusion of its public
15 hearing on August 5, 2020, made a recommendation to the Board, which is in the record and has
16 been reviewed by the Board; and

17 It appearing to the Board that, in the course of its deliberations, the Board has considered
18 the record which consists of all notices, testimony, staff reports, and correspondence from
19 interested parties, together with a record of the Planning Commission's proceedings, and other
20 items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,
21

1 RESOLVED AND ORDERED that the attached findings in Exhibit A in support of Ordinance No. 867
2 are hereby adopted.

3 DATED this 1st day of September, 2020.

4
5 BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

6  09/01/2020
Chair Kathryn Harrington

7 APPROVED AS TO FORM:

8 
County Counsel
9 For Washington County, Oregon

10 
Recording Secretary

	AYE	NAY	ABSENT
HARRINGTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TREECE	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WILLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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EXHIBIT A

FINDINGS FOR 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

Sept. 1, 2020

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 4 – Metro Regional Transportation Functional Plan Findings

Part 1:

GENERAL FINDINGS

Ordinance No. 867 amends the Community Development Code (CDC) to allow hosting of safe parking/camping space where homeless persons can temporarily live in their vehicles as part of a program designed to aid their transition to stable housing.

Key Ordinance Provisions

Ordinance No. 867 proposes to amend the CDC to:

- Define Vehicle Camping Site for Homeless Persons.
- Allow this use subject to qualifying criteria, under Exclusions from Permit Requirement (Section 201-2), on urban religious institution sites in any district and on other urban nonresidential sites when in nonresidential districts, as part of a program designed to help participants transition to stable housing.

Because the ordinance would make certain changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The Washington County Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County. The Board also finds that Goals 3 (Agricultural Lands), 4 (Forest Lands) and 14 (Urbanization) are not applicable because the area affected by this ordinance is entirely within the urban growth boundary.

The County is required to make findings that the amendment is consistent with all applicable Goals, the requirements of Metro’s Urban Growth Management Functional Plan (UGMFP) and the Regional Transportation Functional Plan (RTFP). These findings are addressed in this document.

Part 2:
STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 867 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro’s Urban Growth Management Functional Plan (UGMFP) and Washington County’s Comprehensive Plan (Plan). The County’s Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The County follows the post-acknowledgement plan amendment (PAPA) process to update the Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. Ordinance No. 867 makes no changes to maps within the Plan, and changes to Plan text do not implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 – Citizen Involvement

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate citizen participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County’s Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of Ordinance No. 867.

Goal 2 – Land Use Planning

Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Plan, which includes documents such as the Rural/Natural Resource Plan, Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, Community Development Code (CDC) and Transportation System Plan (TSP). Washington County utilized this process to adopt Ordinance No. 867.

Notice was coordinated with all affected governmental entities. Comments relevant to Ordinance No. 867 were considered/addressed either as part of the proceedings or with subsequent staff coordination.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to promote a healthy environment and natural landscape that contributes to Oregon’s livability for present and future generations.

In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to post-acknowledgment plan amendments (PAPAs) when the PAPA 1) creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource, or 2) allows new uses that could be conflicting uses with a particular Goal 5 site.

Policies 10, 11 and 12 of the CFP, Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural Resource Plan, and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources.

Ordinance No. 867 amends the CDC to allow safe temporary vehicle camping/parking for homeless persons on developed nonresidential sites in the urban unincorporated area where a parking lot and building are present. The CDC allowance for this use under Exclusions from the Permit Requirement does not provide for new permanent improvements. Any permanent improvements otherwise proposed on a host site would be subject to permitting outside of this allowance. All existing protections for significant natural resources still apply. Ordinance No. 867 does not amend the applicable Plan policies, Community Plans or CDC standards related to Goal 5 resources. Plan compliance with Goal 5 is maintained with the amendments made by Ordinance No. 867. The amendments are consistent with the County’s acknowledged policies and standards for protection of Goal 5 resources.

Goal 6 – Air, Water and Land Resources Quality

Goal 6 requires the maintenance and improvement of the quality of the air, water and land resources of the state through the implementation of local plans that address waste and process discharge. Policies 4, 5, 6 and 7 of the CFP, Policies 4, 5, 6 and 7 of the Rural/Natural Resource Plan and various sections of the CDC provide for the maintenance and improvement of the quality of air, water and land resources.

Ordinance No. 867 does not amend the applicable Plan policies or CDC standards related to air, water or land resources that impact the County’s compliance with Goal 6. Plan compliance with Goal 6 is maintained with the amendments made by Ordinance No. 867. The amendments are consistent with the County’s acknowledged policies and standards for protection of Goal 6 resources.

Goal 7 – Areas Subject to Natural Hazards

Goal 7 requires the implementation of local land use programs that reduce the risk to people and property from natural hazards such as floods, landslides and earthquakes. Policy 8 of the CFP and Policy 8 of the Rural/Natural Resource Plan set out the County’s policy to protect life and property from natural disasters and hazards.

Ordinance No. 867 does not amend the applicable Plan policies and strategies for natural disasters and hazards, or CDC standards related to flood plain areas. Plan compliance with Goal 7 is maintained with the amendments made by Ordinance No. 867. The amendments are consistent with the County’s acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7.

Goal 8 – Recreational Needs

Goal 8 requires local jurisdictions to satisfy the recreational needs of citizens and visitors by planning and providing for the siting of necessary recreational facilities. Policies 17, 33, 34, 35 and 39 of the CFP, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of Washington County’s residents and visitors.

Ordinance No. 867 does not amend the applicable Plan policies or Community Plans regarding recreational needs. Plan compliance with Goal 8 is maintained with the amendments made by Ordinance No. 867. The amendments are consistent with the County’s acknowledged policies and standards for satisfying recreational needs as required by Goal 8.

Goal 9 – Economic Development

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. Policy 20 of the CFP and Policies 15, 16, 20 and 21 of the Rural/Natural Resource Plan set out the County’s policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

Ordinance No. 867 does not amend the applicable Plan policies or CDC standards relating to economic development. Plan compliance with Goal 9 is maintained with the amendments made by Ordinance No. 867. The amendments are consistent with the County’s acknowledged policies and standards for strengthening the local economy as required by Goal 9.

Further, consistent with Goal 9, Ordinance No. 867 is intended to afford homeless persons opportunities vital to the health, welfare and prosperity of individuals, including greater access to housing, services and employment.

Goal 10 – Housing

Goal 10 requires the provision of housing, including adequate numbers of units within a range of prices, types and densities that provide realistic options to meet citizen needs. Policies 21,

22, 23 and 24 of the CFP, and Policies 19, 25 and 26 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the county. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

While Oregon’s House Bill 2001 looks to help bring about adequate housing numbers, types and price points to meet citizen needs, the need is critical as evidenced by high rents/home prices, housing shortages and lack of shelter space that are fast-increasing homelessness. A 2018 point-in-time count found that over 64% of homeless Oregonians were living without shelter, and that Oregon had the highest rate of unsheltered families in U.S. – meaning that their primary nighttime residence, whether in a public or private place, may be on the street, in tents, boxes, motor homes, vans, cars or other makeshift shelters not designed as regular sleeping accommodations for human beings.

Ordinance No. 867 is intended to accommodate stable environments where those completely without homes, residing in vehicles, are assured sanitation facilities and a level of stability while participating in a program designed to help them transition to housing. Consistent with Goal 10, the ordinance is meant to provide realistic options for those who may otherwise have little access to housing opportunities at all.

The ordinance allows hosting of safe vehicle camping/parking in residential districts only on lots that are developed with an existing religious institution and associated parking lot – thus already committed to a nonresidential use. Other developed sites may host the use as well, but only in nonresidential land use districts. Further, the use does not involve permanent improvements to land. For these reasons, Ordinance No. 867 does not displace potential for housing on lots intended and available for such or negatively affect the County’s ability to meet its housing needs.

Proposed CDC amendments are consistent with Goal 10 and acknowledged County policies that implement it.

Goal 11 – Public Facilities and Services

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP, and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The CDC requires that adequate public facilities and services be available for new development.

Ordinance No. 867 does not amend the applicable Plan policies or CDC standards relating to public facilities and services. Plan compliance with Goal 11 is maintained with the amendments made by Ordinance No. 867. The amendments are consistent with the County’s acknowledged policies and strategies for provision of public facilities and services as required by Goal 11.

Goal 12 – Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal and economic transportation system. Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County Transportation System Plan (TSP) describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the TSP, Community Plans and the CDC.

Ordinance No. 867 does not amend the TSP, nor does it include any transportation-related amendments to the Community Plans or the CDC.

The amendments in Ordinance No. 867 do not significantly affect the transportation system as described by the criteria in OAR 660-012-0060. The amendments in Ordinance No. 867 do not change the functional classification of an existing or planned transportation facility; change standards implementing a functional classification system; result in types or levels of travel or access that are inconsistent with the adopted functional classification system designated by the acknowledged TSP for any existing or planned transportation facility; or degrade the performance of any existing or planned transportation facility. Therefore, the amendments in Ordinance No. 867 are consistent with the County's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12).

Goal 13 – Energy Conservation

Goal 13 requires developed land uses to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Policies 35, 36, 37, 38, 39 and 40 of the CFP, and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County. The CDC implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV (Development Standards).

Ordinance No. 867 does not amend the applicable Plan policies or CDC standards relating to energy conservation. Amendments made by Ordinance No. 867 do not impact compliance with the County's acknowledged policies and strategies for promoting energy conservation as required by Goal 13. Plan compliance with Goal 13 is maintained.

Part 3:

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP) requires that County comprehensive plan changes be consistent with the UGMFP. The following Ordinance No. 867 findings have been prepared to address Title(s) 1, 3, 4, 6, 7, 8, 11, 12, 13 and 14 of the UGMFP.

Title 1 – Housing Capacity

Title 1 requires a city or county to maintain or increase its housing capacity (except as provided in Section 3.07.120) per the Regional Framework Plan, which calls for a compact urban form and a “fair share” approach to meeting housing needs.

RESPONSE

Ordinance No. 867 will not decrease housing capacity. It is intended to help meet housing needs of persons currently living in vehicles, particularly at a time when access to housing is made inequitable by high costs and short supply. The ordinance widely allows hosting of vehicle camping/parking for homeless persons, subject to minimal criteria, on built nonresidential unincorporated lands within the existing urban form. Required operation of this use through a program designed to transition participants to stable housing is consistent with a fair share approach to meeting housing need – creating opportunities for those who may not otherwise have fair access to housing. The ordinance is therefore consistent with Title 1.

Title 3 – Water Quality and Flood Management

Title 3 protects beneficial water uses and functions and values of resources within Water Quality and Flood Management Areas by limiting or mitigating impacts from development activities and protecting life and property from dangers associated with flooding.

RESPONSE

Ordinance No. 867 does not amend any Plan policies or CDC standards related to water quality or flood management and does not affect compliance with Title 3.

Title 4 – Industrial and Other Employment Areas

Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of “clustering” to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region’s transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities.

RESPONSE

The amendments in Ordinance No. 867 do not affect protection of RSIAs or to the location of employment areas in Metro-designated Centers, Corridors, Main Streets and Station Communities. Ordinance No. 867 does not affect compliance with Title 4.

Title 6 – Centers, Corridors, Station Communities and Main Streets

Title 6 calls for enhancements of Centers, Corridors, Station Communities and Main Streets as principal centers of urban life in the region via actions and investments by cities and counties, complemented by regional investments.

RESPONSE

While this ordinance does not propose or require enhancement of centers, corridors, station communities or main streets or permanent public improvements of any kind in connection with hosting of safe vehicle camping/parking for homeless persons, it does not impact the County's ability to maintain compliance with Title 6 through other measures.

Title 7 – Housing Choice

To increase the supply of affordable housing opportunities, Title 7 implements policies of the Regional Framework Plan regarding establishment of voluntary affordable housing production goals to be adopted by local governments.

RESPONSE

Ordinance No. 867 is intended to provide a safe and stable environment for those living in vehicles and to help them attain housing. It does not amend County policies regarding affordable housing production goals. Ordinance No. 867 is consistent with Title 7.

Title 8 – Compliance Procedures

Title 8 sets forth Metro's procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

RESPONSE

Consistent with Title 8, a copy of proposed Ordinance No. 867 was mailed to Metro July 1, 2020, 35 days prior to the first evidentiary hearing. Metro provided no comments on Ordinance No. 867.

Title 11 – Planning for New Urban Areas

Title 11 guides planning of urban reserves and areas being added to the urban growth boundary for conversion from rural to urban use. Title 11 includes requirements that the development of areas added to the urban growth boundary implement the Regional Framework Plan and the 2040 Growth Concept.

RESPONSE

Ordinance No. 867 applies to lands within the urban growth boundary that are already designated for urban use. Title 11 is not applicable to Ordinance No. 867.

Title 12 – Protection of Residential Neighborhoods

Title 12 protects existing residential neighborhoods from air and water pollution, noise and crime, and provides adequate levels of public services.

RESPONSE

Ordinance No. 867 does not impact the County's ability to comply with Plan policies or CDC standards related to air or water pollution, noise or crime, or adequate levels of public services.

Title 13 – Nature in Neighborhoods

Title 13 conserves, protects and restores a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape.

RESPONSE

Ordinance No. 867 does not impact Plan policies or CDC standards related to streamside corridors or upland wildlife habitat.

Title 14 – Urban Growth Boundary

Title 14 prescribes criteria and procedures for amendments to the urban growth boundary to provide a clear transition from rural to urban development, an adequate supply of urban land to accommodate long-term population and employment, and a compact urban form.

RESPONSE

The ordinance does not propose to amend the urban growth boundary. Title 14 is not applicable to Ordinance No. 867.

Part 4:

REGIONAL TRANSPORTATION FUNCTIONAL PLAN FINDINGS

This section addresses the consistency of Ordinance No. 867 with the applicable policies of Metro's Regional Transportation Functional Plan (RTFP).

The applicable elements of the RTFP are Title 1, which pertains to street system design and Title 4, which pertains to parking management and standards. Brief summaries of the applicable RTFP provisions and findings of compliance follow.

Title 1: Street System Design

RESPONSE

Ordinance No. 867 addresses vehicle camping/parking for homeless persons as part of a program to transition to stable housing, making the use exempt from permit requirements and associated conditions. As such, conditions for public infrastructure improvements are not required for this use. The use does not impact street system design and does not impact compliance with Title 1.

Title 4: Parking Management and Standards

RESPONSE

Ordinance No. 867 is intended to provide a safe and stable environment for those living in vehicles and to help them attain housing. Ordinance No. 867 does not amend any Plan policies or CDC standards related to the provision of parking. Ordinance No. 867 maintains consistency with Title 4.