



Oct. 10, 2022

To: Washington County Board of Commissioners

From: Erin Wardell, Interim Manager  
Planning and Development Services

Subject: **Status Report on 2021-2022 Long Range Planning Work Program and Potential New Mandatory Tasks**

**BRIEFING MEMO**

**For the Oct. 18, 2022 Board of Commissioners Work Session**

**I. STAFF RECOMMENDATION**

Consider the report. Provide direction to staff to prepare an Action Item for Board consideration to modify the adopted 2021-2022 Long Range Planning (LRP) Work Program Table 1 to add mandated tasks and authorize filing of new ordinances for these tasks for FY 2022-23. Direct staff to begin the process for a two-year Work Program for FYs 2023-24 and 2024-25 in early 2023.

**II. OVERVIEW**

In past years, the Long Range Planning section prepared an annual Draft Work Program for Board consideration, public review and comment. Based on public comments and Board input at a Work Session, changes from the Draft were typically proposed and adopted by the Board in a Final Work Program. This document would then guide the work of Long Range Planning staff.

The historic events of the past two years, including the pandemic, state-mandated work and deadlines, legal challenges, and staff shortages in Current Planning, have delayed some of the work included in the most recent Work Program. In addition much of the work in the LRP Work Program is either long-term or ongoing. Staff has discussed the idea of converting the annual Work Program to a Biennial Work Program, with a status report and opportunity for minor changes in the “off year.” In effect, this is what has happened this year.

This report outlines the status of 2021-2022 Work Program tasks, additional mandatory or Board-directed work that has arisen and Work Program task requests we have received since adoption of the Work Program.

### **III. BACKGROUND**

On June 22, 2021, the Board adopted the [Final 2021-2022 LRP Work Program](#). It included 19 tasks in Tier 1, representing highest priority tasks. Tiers 2 and 3 include another 11 potential tasks that are longer term or lower priority. The intended time frame for the Work Program is the fiscal year, which runs from July 1 to June 30 of the subsequent year.

The 2021-2022 Work Program was ambitious but reflected staff's judgement on the breadth and depth of tasks that could be accomplished in that period. Staff had estimated the total number of full-time equivalent (FTE) staff resources required to do the Tier 1 work at just over 28, which was 5% over-programmed, assuming all positions were filled. LRP, however, currently has one vacancy and budget challenges in Current Planning impacted the ability to successfully implement the Work Program. This included Long Range Planning staff assistance in reviewing land use applications and preparing materials to implement ordinances that might normally be done by Current Planning staff. Additionally, the LRP Principal Transportation Planner is currently serving as the Interim Planning and Development Services Manager which reduces availability for transportation planning work. These circumstances resulted in some tasks being delayed or taking longer than anticipated.

As noted in the staff report for last year's Work Program, much of the significant work of Long Range Planning is long-term and ongoing. Many tasks started in one year will not be completed until a later year through ordinances, issue papers or other products. The flow of work does not neatly start and end with adoption of a new work program, so a number of tasks are carried over from one Work Program period to the next. In addition to ongoing tasks, some tasks are likely to proceed over several years, either due to their nature, funding limitations, or likelihood of intensive public response.

### **IV. STATUS REPORT ON 2021-2022 WORK PROGRAM TASKS**

#### ***Ongoing Work***

Each year, more than half of LRP staff resources are spent on ongoing programs and projects, including coordination with cities and other regional partners, and work with state and federal agencies. These broad categories and some specific projects are shown on the first two pages of the [adopted Work Program Table](#). This work is constant and ongoing, and sometimes the specific projects shift or change as one project ends another begins.

These activities are a critical part of the work of our section. Staff participates with cities in their planning efforts, including planning for new urban areas, and participates in Metro and other jurisdictions’ planning efforts related to mobility and transportation infrastructure. This work continues to be a major focus.

One task, serving on the Climate Friendly and Equitable Communities (CFEC) rulemaking committee, required far more time and staff resources than anticipated this past fiscal year. Resulting rules will require additional staff time and effort over the coming 3-5 years. This is covered below, under Potential New Tasks.

**Status of Remaining Tier 1 Tasks on 2021-2022 Work Program**

Of the remaining Tier 1 tasks, some have been completed or substantially completed while others are underway and are either long-term and multiyear, have taken longer than expected or were delayed for a variety of reasons. Following is a summary of these remaining Tier 1 tasks from the [2021-2022 Work Program](#) and their status:

# <sup>1</sup>	Tasks	Status
<b>COMPLETED TASKS</b>		
S1.7	<b>FD-20 in new Urban Growth Boundary (UGB) expansion areas</b> Amend County plan documents to designate areas added to the UGB in 2019 as future urban development until each is annexed by the respective city.	<b>Work completed</b> Ordinance No. 865, filed in 2020 but continued pending appeals of Metro/DLCD decision, was adopted by the Board on Jan. 18, 2022.
<b>WORK UNDER WAY – SUBSTANTIALLY COMPLETED</b>		
S1.1	<b>House Bill (HB) 2001 (Middle Housing) implementation / housing affordability</b> Encourage development of a greater variety of housing types and enhance affordability through modifications to County regulations. Ensure compliance with state law changes in HB 2001 and 2003. Work included: a) Ongoing participation in state-level implementation discussions. b) Code and Plan changes to implement requirements of HB 2001. c) Equitable community engagement/public outreach. d) Consideration of how other topics/studies relate to middle housing, including sidewalk gaps and infill concerns. e) Addressing state law changes in Senate Bill (SB) 458, Middle Housing Land Divisions.	<b>Ordinances to implement HB 2001 adopted. Ordinance to implement SB 458, Middle Housing Land Divisions, underway.</b> A-Engrossed Ords. No. 885 and 886 adopted. Ordinance No. 890, Middle Housing Land Divisions, has been filed and is expected to be adopted in early 2023.  Work to implement new CDC changes is required, including development of checklists, staff training, participation in preapplication meetings, preparation of applicant materials, and likely identification of refinements needed to CDC standards.  Future Work Program topics include further amendments to CFP policies related to anti-harassment and anti-discrimination, further work on infill policies and updating other CDC sections for consistency with policy changes for middle housing.
<b>WORK UNDER WAY – PARTIALLY COMPLETED</b>		

<sup>1</sup> R = Regional, S = Short-Term, L = Long-Term

<p><b>S1.2 Significant Natural Resources (SNR) Follow-up</b>        Implementation of recommendations from SNR Program Review and Assessment and follow-up to A-Engrossed Ordinance No. 869 adopted in 2020. Work focused on response to appeals of Ord. No. 869A and Habitat Assessment Guidelines to Land Use Board of Appeals (LUBA) and resulting remands.</p>	<p><b>Work is underway</b>        Ordinance and Guidelines were remanded to the County for further work, therefore work this year on this task has been limited to responding to the remand. Additional work to update the Wildlife Habitat inventory as part of the remand response will add time and staff resource needs to this task.         See New Tasks, p. 6 for additional discussion.</p>
<p><b>S1.3 Transportation System Plan (TSP) updates</b>        Includes outcomes from the URTS, adding the Tonquin Employment Area East-West collector and general updates.</p>	<p><b>One ordinance adopted, two still under consideration</b>        A-Engrossed Ord. No. 881, general updates, adopted. A-Engrossed Ord. No. 882 (Tile Flat Road) was engrossed and continued to January 2023. Ord. No. 883 (Cornelius Pass Rd.) was continued to October 18, 2022.</p>
<p><b>S1.4 Short-term rental (STR) license regulations</b>        Develop regulations and license/registration process for short-term rentals focused on: 1) minimizing community impacts, including “party houses,” noise, parking and trash; and 2) increasing accountability of STR operators.</p>	<p><b>Work is underway</b>        Draft regulations have been developed and are being refined. Board provided direction on enforcement and license program implementation and ordinance is expected for Board consideration this winter.</p>
<p><b>S1.5 Minor Comprehensive Plan amendments (rural and urban)</b>        Address several minor but important Comprehensive Plan and Code amendments. Includes Rural Omnibus, code changes requested by Current Planning, a change to address CCI bylaws change, a North Bethany map change and other minor technical code changes.</p>	<p><b>One ordinance adopted, another underway</b>        Rural omnibus A-Engrossed Ord. No. 877 adopted Nov. 2, 2021. Second ordinance on other items listed in Work Program is underway and expected this fall.</p>
<p><b>S1.6 CDC Update – Phase 1 and Housekeeping</b>        Nonsubstantive “housekeeping” CDC changes and Phase 1 of the CDC update to include format changes, updated definitions, CDC review for inconsistent, outdated, repetitive or subjective standards.</p>	<p><b>Work is underway</b>        Housekeeping items are included in the Minor Amendments Ordinance No. 890. Further work has been delayed due to other Work Program demands and staffing limitations. Phase 1 of CDC review recommended to be moved to Tier 3.</p>
<p><b>S1.8 Complete Streets Design Update</b>        Multiyear project to review and update County road standards and processes to implement road standards that better reflect the variety of land use contexts within Washington County. Includes an update of the transportation development review process and procedures.</p>	<p><b>Work is underway</b>        Community engagement and technical work complete. County Engineer is completing other updates to the Road Design and Construction Standards, expecting to bring it to the Board in 2023.</p>
<p><b>L1.1 Trails planning and coordination (rural and urban)</b>        Includes the Tualatin Valley (TV) Trail project and actively participating in planning efforts for the Salmonberry Trail, Council Creek Trail and other regional trail facilities.</p>	<p><b>Multiyear project</b>        A-Engrossed Ord. No. 881 adopted the TV Trail into the TSP. Council Creek project funded for construction through RAISE grant, ongoing work through RFFA grant to complete preliminary design. Other trails coordination (Salmonberry, Westside, etc.) ongoing.</p>

<p><b>L1.2 Countywide Transit Study planning and implementation</b>                  Study identifies opportunities to increase transit use and meet potential demand identified in the <i>Washington County Transportation Futures Study</i>.</p>	<p><b>Work is underway and ongoing</b>                  Consultant under contract and project initiated in June 2022. Ordinance may go forward in 2023 or 2024 as part of a TSP update.</p>
<p><b>L1.3 Major Streets Transportation Improvement Program (MSTIP)</b>                  Provide project support for the next cycle of MSTIP fund allocations, including development of program criteria, evaluation, development of project lists and cost estimates, public engagement and an equity lens.</p>	<p><b>Work is underway</b>                  Project is anticipated to be complete in early 2023 when Board adopts the project list, programmatic allocations and administrative procedures. Community engagement complete.</p>
<p><b>L1.6 Racial equity lens</b>                  Consider how to incorporate equity principles in planning processes and LRP tasks, including an inventory of best practices, developing an equity lens for new projects, adopting an equity analysis tool and updating data for use in analysis.</p>	<p><b>Work initiated</b>                  In concert with County’s broader Equity, Diversity and Inclusion (EDI) efforts.                   Early research started. Some lessons learned through the MSTIP/HB 2001 engagement project.</p>

<b>DELAYED WORK</b>	
<p><b>L1.4 Housing development data collection and assessment to meet state, regional and County information needs</b>                  Develop clear data for the urban unincorporated area on existing housing and housing production and analyze against need (as identified in regional analyses) to assist in determining whether various County actions are resulting in changes in housing development and if the County is making progress over time toward meeting community housing goals.</p>	<p><b>Work has just begun</b></p>
<p><b>L1.5 Community planning Issue Paper for Raleigh Hills Town Center (Beaverton Hillsdale/Scholls Ferry/Oleson Road)</b>                  Prepare an issue paper in coordination with Economic Development and Housing to assess opportunities for infrastructure improvements that can also support housing, transit, and economic opportunities. This could lead to changes in land use and transportation plans. Project will need grant or other funding source to move forward. Depending on available funding, project could update plan for future intersection improvements and identify housing and other development opportunities in partnership with Beaverton, Portland and ODOT.</p>	<p><b>Work has been delayed due to implications of state Climate Friendly and Equitable Communities (CFEC) Rulemaking</b>                  Issue Paper was expected to start late in this fiscal year (FY) given other priorities and time commitments.                   Whether and/or when we take next step may depend on funding.</p>

**V. POTENTIAL NEW TASKS – MANDATED**

When the 2021-2022 Work Program was adopted, staff noted we would return to the Board for refinements to the Work Program as needed. Over the past year, several new or unanticipated tasks have arisen based on a State Executive Order and associated Climate Friendly and Equitable Communities rulemaking, a UGB expansion proposal, a legal decision, a state ballot measure, and new regional projects. Staff believes these tasks must be addressed in this and future Work Programs and are considered mandatory.

Tasks	Status
<b>POTENTIAL NEW MANDATED TASKS</b>	
<p><b>Climate Friendly and Equitable Communities Rules implementation</b>                      New state rules guiding transportation and land use planning were adopted in July 2022 and require most local governments in Oregon to make significant changes in their planning processes and documents. The first requirements, which apply to parking standards and require changes to the Community Development Code by ordinance, take effect in early 2023. Additional changes to other Comprehensive Plan elements will be required for later phases.</p>	<p>State level rules have been adopted and implementation is required.</p>
<p><b>North Plains UGB expansion ordinance</b>                      North Plains is planning to expand its UGB this year. The process for this UGB expansion is different from that for expansions to the Metro UGB. This work will include an ordinance and update to the City-County Urban Planning Area Agreement (UPAA).</p>	<p>Staff has been working with North Plains as they do their work leading up to the UGB expansion decision. An ordinance, aside from the UPAA, was not anticipated in the current Work Program.</p>
<p><b>Significant Natural Resources remand and other legal challenges</b>                      Additional work required to respond to remand and update County Wildlife Habitat Inventory, as directed by the Board on July 26. Staff is also participating on an appeal of a land use approval on a site with natural resources and a possible Enforcement Order petition.</p>	<p>Board provided direction to update Wildlife Habitat inventory as part of overall response to LUBA remand on A-Engrossed Ordinance No. 869. Work has commenced.</p>
<p><b>Develop Psilocybin Time, Place and Manner regulations</b>                      Measure 109, passed by the state’s voters in 2020, made certain psilocybin-related businesses legal. The state will start accepting applications for these uses in January 2023. LUT determination of where these uses are allowed and under what standards may be done through a Director’s Interpretation, with eventual codification in the CDC.</p>	<p>Board decided not to adopt an ordinance temporarily opting out of allowing psilocybin businesses when the state program begins in January 2023. However, some level of land use regulations may be needed for consistency with state statutes and rules.</p>
<p><b>Climate Action Plan work</b></p>	<p>Minor level of work on this task included in Ongoing Non-discretionary Tasks. Staff commitment needs are to be determined through further discussions about Board-directed climate planning efforts.</p>
<p><b>New Regional and Interagency Coordination</b>                      Includes Tualatin Valley Highway HOPE grant funded work led by Metro and the Westside Multimodal Improvement Study led by ODOT and Metro.</p>	<p>Both studies are underway with support from County staff and elected officials participating on the steering committees. They were not identified as specific tasks in the previous workplan, but given the amount of time they are taking, we propose including them now.</p>

**At this time, staff believes there is capacity to work on remaining Tasks on the 2021-2022 Work Program Tier 1 and to start work on these other mandatory items with budgeted staff, although some other work may be delayed. There is not capacity to add other tasks at this time.**

**VI. WORK PROGRAM REQUESTS**

While comments on a draft Work Program were not solicited, throughout the year the Department fields requests for additions to the Work Program list of tasks. This past year we received a number of requests, including several within the annual CCI request letter and others from a range of community members, local businesses, and staff.

As noted above, at this time staff does not believe any new tasks can be added to the Work Program, except those mandated tasks listed in Section V. Staff recommends all requests be held over to the Work Program for the following biennium (FYs 2023-24 and 2024-25), and that the process for considering Work Program requests start early in 2023.

In the event the Board wishes to add more tasks to Tier 1 at this time, or speed up the timelines, staff will propose the Board move some Tier 1 tasks to Tier 2. Further adjustments to the Work Program may be needed if additional tasks are added or existing tasks are expanded.

The following table lists those requests received since the last Work Program adoption.

Tasks	Notes
<b>NEW REQUESTS</b>	
<b>Possible amendment to Tektronix Development Agreement</b> (Tek, Current Planning) May be needed to facilitate Tek campus development	If needed, would be an ordinance. Other work might be delayed as a result.
<b>Possible amendment to height limits for the industrial district</b> Could be specific CDC amendment or broader look at the County's Industrial (IND) district	Would be an ordinance.
<b>Gas station siting requirements</b> (Brandon Philips, Dr. Jennifer McKee, CCI) Different ideas for limiting gas stations. Possibly limit in NC District or limit within certain distance of other sensitive uses and sensitive resources. Possibly include siting and other requirements.	Currently in Tier 3 to consider changing NC allowance as part of overall update of CDC.  No staff capacity at this time – consider as part of next year's Work Program discussion.  If overall look at possible County Climate Change actions was being done, an audit of CDC for potential changes could be part.
<b>Rural ADUs</b> (Miki Barnes) Develop regulations to allow rural ADUs, as allowed (but not required) under state law.	Currently limited due to Wildland Urban Interface work, but that will likely be completed by the end of this year. Consider as part of next year's Work Program discussion.
<b>Review of nonconforming uses regulations to align with state law and address other issues</b> (LRP and Current Planning Staff) Some issues have been identified by staff in various sections of the CDC related to nonconforming uses. Issues were larger than could be addressed through minor amendments ordinance.	Not immediate need – consider as Tier 2, or fold into eventual CDC audit and update (Tier 3) as part of next Work Program discussion.

<p><b>Dog training on resource lands</b> (Elissa Looney and Brody Ferguson)          Revise the requirements in Washington County as they relate to dog training in agricultural buildings (CDC §340-5.1(C) and CDC §344-5.1(C)) to change the Land Use review process from Type III (Public Notice and Hearing) to Type I (no public process).</p>	<p>No staff capacity at this time – consider as part of next year’s Work Program discussion.</p>
<p><b>Rural tourism</b> (Kiza Miller)          Implement SB 960, expanding rural tourism by allowing more commercial events on farmland.</p>	<p>Major work task. Could consider in next year’s Work Program discussion if other tasks complete.</p>
<p><b>Significant Natural Resources – fund expanded SNR protections, including urban tree code</b> (Jim Long, CPO 4M, CCI, others)          Additional work required to respond to remand and update County Wildlife Habitat Inventory</p>	<p>Remand is part of Work Program, including additional inventory work.</p>
<p><b>Annual CCI letter</b> (Bruce Bartlett)          Miscellaneous additional CCI requests included updating neighborhood meeting rules, 1% for the Arts for commercial/ industrial/institutional developments, incentives for SNR preservation, update infill policy, issue paper on governance, parking for multifamily units, light pollution, climate change updates to the Comprehensive Framework plan for the Urban Area (CFP), sidewalk gaps, others.</p>	<p>Potential Climate Action Plan as directed by the Board. No staff capacity to consider other items - consider as part of next year’s Work Program discussion.</p>
<p><b>MSTIP eligibility</b> (LRP Staff)          Develop policy guidelines for the System of Countywide Interest map, and update the map as directed by the policies to inform future investment priorities, including land use context. This work will include engagement and decision-making with the community, WCCC TAC, WCCC and the Board, and should be completed in advance of the next MSTIP Funding Allocation, tentatively scheduled for 2026.</p>	<p>Future item – consider during next year’s Work Program discussion.</p>
<p><b>Sidewalk Fee in lieu program</b> (LRP Staff)          Raised during Ord 885 HB 2001 implementation discussions and noted for possible future Work Program task. Would include research, analysis, program development and adoption.</p>	<p>Future item – consider during next year’s Work Program discussion.</p>
<p><b>Consider recommendations from the DOGAMI Natural Hazard Risk Report for Washington County (Open-File Report O-22-04)</b>          A 2022 report provides new information on geological hazards as well as recommendations for future County actions.</p>	<p>Future item – consider during next year’s Work Program discussion.</p>

**VII. DRAFT ORDINANCE HEARING SCHEDULE**

A draft schedule for ordinance topics to be undertaken this fiscal year is as follows:

Ordinance Topic	Proposed Ordinance Filing	Initial PC Hearing	Initial Board Hearing
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▪ Minor Comprehensive Plan amendments II	Sept. 12	Oct. 19	Nov. 29
▪ Middle Housing Land Divisions	Late September	Early November	Mid-December
▪ Short-term rentals (not a land use ordinance)	January 2023	N/A	March 2023
▪ Complete Streets Design Update	Fall 2023	N/A	Fall 2023

**VIII. SUMMARY AND RECOMMENDATION**

Much of the work of Long Range Planning is long-term and multi-year. While some tasks have been completed, others are still underway and at different stages of completion. One major project – the middle housing regulations – was completed this year. Several other major projects, including Significant Natural Resources regulations and the Major Streets Transportation Improvement Project (MSTIP), are well underway. And a number of projects are ongoing.

Due to circumstances, preparation of the annual Work Program this year has been delayed. This, however, may allow for a transition to a proposed two-year Work Program, with a check-in and adjustment in the intervening year.

Some changes are proposed to the Work Program to address mandatory tasks that have arisen since the Work Program was adopted June 22, 2021. Given the volume of work still to be done, however, staff recommends that only these tasks be added to the Work Program and consideration of any new requests be delayed to the next biennial Work Program discussion, which will begin in early 2023.