



WASHINGTON COUNTY PLANNING COMMISSION (PC) MINUTES OF WEDNESDAY, AUG. 5, 2020

ALL PUBLIC MEETINGS ARE RECORDED

1. CALL TO ORDER: 1:30 p.m. Zoom virtual meeting

The meeting was called to order by Vice Chair Wellner.

2. ROLL CALL

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

Staff Present: Andy Back, Planning and Development Services (PDS); Theresa Cherniak, Anne Kelly, Bryan Robb, Todd Borkowitz, and Susan Aguilar, Long Range Planning (LRP); Jacquilyn Saito-Moore, County Counsel

3. DIRECTOR'S REPORT

Andy Back, Manager of PDS:

- The OAPA Planning Commissioner Training will be done virtually (online) and is scheduled for Sept. 16 from 5:30 p.m. to 7:30 p.m. PC members should let staff know if they are interested in attending.
- In a previous PC meeting, staff mentioned updating the PC on rulemaking for Oregon House Bill 2001 (middle housing). Staff will brief the Board of Commissioners (Board) on this rulemaking Aug. 18 and may be able to update the PC at its Aug. 19 meeting.
- The recruitment for the PC District 3 position goes through Sept. 1.

Upcoming PC Meetings

Aug. 19 (via Zoom; 6:30 p.m. start):

- Hearings on the following:
 - Ord. No 868 – Tektronix
 - Ord. No. 869 – Significant Natural Resources (Hearing 1)

Sept. 2 (via Zoom; 1:30 p.m. start):

- Continue hearing on Ord. No. 869 – Significant Natural Resources (Hearing 2).

Sept. 16 (via Zoom; 6:30 p.m. start):

- The PC may want to cancel this meeting to allow PC members to attend the OAPA Planning Commissioner Training scheduled for the same time.

4. ORAL COMMUNICATIONS

(none)

5. PUBLIC HEARING**a. Ordinance No. 865 – Urban Growth Boundary (UGB) Expansion Areas**

Todd Borkowitz, Associate Planner with the LRP Community Planning group, provided a PowerPoint presentation on the proposed ordinance. Staff gave a brief overview of UGB expansion, the policy framework for the ordinance, a description of the four 2018 UGB expansions in the County, and the recommended ordinance provisions. The ordinance was authorized in the Fiscal Year (FY) 2020 – 2021 LRP Work Program.

In 2018, Beaverton, Hillsboro, and King City submitted proposals to Metro for UGB expansion into Urban Reserve Areas to accommodate projected future demand for needed housing. Concept plans were completed by these cities and acknowledged by the Board. The UGB expansions were approved by Metro Council in December 2018 and the Land Conservation and Development Commission in January 2020.

The proposed changes in Ordinance No. 865 will transition these new UGB areas from the rural to the urban area.

Staff recommendation

- Commence the public hearing on Ordinance No. 865 and continue it to Aug. 19, 2020.

Written testimony received

- Housing Land Advocates and Fair Housing Council of Oregon
- Matthew Martin, Attorney - Vial Fotheringham, LLP

Oral testimony

Alice Kinzer (10915 SW Avocet Court, Beaverton, OR) expressed concern about the timing of Ordinance No. 865. Since Beaverton's plan for annexation is three to four years out, she asked why the County must immediately change the land use designations within the UGB expansion areas. The ordinance provisions will likely increase property taxes and will cause undue hardship for affected property owners in the Cooper Mountain UGB expansion area. It will also take away the farm and forest land deferral many property owners depend on and may force some property owners into foreclosure. For these reasons, Ms. Kinzer advocated to delay implementation of Ordinance No. 865.

PC Discussion and Comments

- Questions about tax impacts, including impact on assessed property value when a new land use district is designated by a jurisdiction, interest in tax impacts for properties subject to past UGB expansions, and whether tax impacts resulting from the land use changes can be delayed or phased in over time.
- How much housing is projected in each UGB expansion area?
- Request that staff invite a representative from the County's Department of Assessment and Taxation to the Aug. 19 PC meeting to assist with tax questions.

County Counsel suggested the PC leave the public testimony portion of the hearing open and continue it to the Aug. 19 PC meeting. Staff noted the timing of tax collection is complicated and often dependent on state statute. Staff also noted that tax implications are not a land use issue and not usually part of the deliberations on land use ordinances.

Final Vote

Commissioner Lockwood moved to keep the public testimony portion of the hearing open and continue the hearing to the Aug. 19 PC meeting. Commissioner Poddar seconded the motion.

Vote: 5 - 0. Motion passed.

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

b. Ordinance No. 866 – Minor Amendments

Bryan Robb, Associate Planner with the LRP Community Planning group, provided a PowerPoint presentation on the proposed ordinance. Staff indicated Ordinance No. 866 is a housekeeping and minor amendments ordinance, and that in past years, the County filed separate ordinances for each. The proposed changes would amend Comprehensive Plan elements to improve accuracy, clarity, and consistency with federal, state, and local requirements. Staff's presentation provided an overview of these proposed changes.

Staff Recommendation

- Conduct the public hearing.
- Recommend approval of Ordinance No. 866 to the Board.

Written Testimony

- Housing Land Advocates and Fair Housing Council of Oregon
- Jennifer and Allen Flanagan
- Mary Manseau

Oral Testimony

- Jennifer Flanagan (29697 SW McNay Road, Hillsboro, OR) requested the County provide some assurance for implementation of Oregon House Bill 2106 (2019) that farm parcels and farm buildings utilizing the law's provisions are verified to have been used in agricultural operations, as defined in Oregon Revised Statutes 455.315.
- Mary Manseau (5230 NW 137th Avenue, Portland, OR) shared concern for North Bethany maps in Chapters One and Two of the Bethany Community Plan. Maps for North Bethany were in Chapter Two in the past and the information was since added to some of the Chapter One maps. If this ordinance is adopted, the Board should address this issue in the coming year.

PC Discussion and Comments

- If farm buildings are not being utilized for a farm use, certain taxes may be affected.
- Property taxes for dog training facilities should be adjusted if not being used for farming.
- Does LUT do periodic inspections to ensure Community Development Code compliance?

Final Vote

Commissioner Mills moved to recommend approval of Ordinance No. 866 to the Board.

Commissioner Havener seconded the motion. **Vote: 5-0. Motion passed.**

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

c. Ordinance No. 867 – Safe Parking

Anne Kelly, Senior Planner with the LRP Community Planning group, provided a PowerPoint presentation on the proposed ordinance. The ordinance's purpose is to allow safe vehicle parking/camping for homeless persons as part of a program to help them transition to stable housing. Beaverton requested the ordinance and its basic provisions as part of the FY 2020 – 2021 LRP Work Program so that the city may extend its own program to serve a site in the urban unincorporated area. Staff provided information on a related Oregon statute from 1999, court findings that spurred many West Coast jurisdictions to begin related programs, and Oregon's rate of unsheltered families – noted as the highest in the U.S. in 2018.

Staff also shared background on Beaverton's program, modeled after a Eugene program initiated in the 1990s, and noted that this ordinance would allow Beaverton to initiate service within the County's urban area and allow the County or other public agencies to do likewise. Staff discussed proposed CDC amendments for exempting the use from permit requirements and lifting impediments to the program's operation. Staff also highlighted compliance considerations and likely provisions of a separate Resolution & Order under development by the County's Housing Services to govern certification of the required program to aid participants transition to housing.

Staff Recommendation

- Conduct the public hearing.
- Recommend approval of Ordinance No. 867 to the Board.

Written Testimony

- Mayor Denny Doyle, City of Beaverton
- Housing Land Advocates and Fair Housing Council of Oregon
- Helen Golden

Oral Testimony

Wayne Hayson (12669 NW Westlawn Terrace, Portland, OR) generally supports the proposed use but has concerns about its impacts on residential neighbors, particularly when occurring at religious institutions within residential land use districts. Limits on vehicle size and lot minimums (two acres) may help the ordinance gain community acceptance. Any future increases to the proposed vehicle cap could cause adverse effects on neighboring properties.

PC Discussion and Comments

- How is Beaverton program funded?
- Are there criteria to ensure an operator is qualified to run a program like Beaverton's?
- Why does this program need to be government coordinated? Experienced nonprofit organizations could facilitate such programs on their own.
- Questions about program operation, including maximum length of stay and responsibility for ensuring proper management of sanitation facilities.

- Some interest in flexibility in capacity to allow larger properties to host more vehicles and smaller properties to host three or less vehicles.
- Discussion about establishing process to provide notice to neighboring property owners.
- 10 percent of County residents are below the poverty level. Metro recently passed a housing bond after hearing testimony from both housed and houseless persons. Proposed requirements, including those for sanitation, storage facilities, and vehicle caps, pose barriers that will cause more people to sleep in unsafe locations, and should be removed.

Final Vote

Commissioner Mills moved to recommend approval of Ordinance No. 867 to the Board.

Commissioner Poddar seconded the motion. **Vote: 3-2. Motion passed.**

Yes: Lockwood, Mills, and Wellner; **No:** Havener and Poddar

6. CONSIDERATION OF MINUTES

Vice Chair Wellner moved to approve the PC meeting minutes for June 17, 2020. **Vote: 5-0.**

Motion passed.

7. PLANNING COMMISSION COMMUNICATION

(none)

8. ADJOURN: 8:05 p.m.

Matt Wellner, Vice Chair
Washington County Planning Commission

Andy Back, Secretary
Washington County Planning Commission

Minutes approved this _____ day of _____, 2020

Submitted by LRP Staff