



Aug. 25, 2020

To: Washington County Board of Commissioners

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 Sept. 1, 2020 Board of Commissioners Hearing**  
*(The public hearing will begin no sooner than 10 a.m.)*

**I. STAFF RECOMMENDATION**

Conduct the public hearing; at the conclusion of the hearing adopt Ordinance No. 867 as filed.

**II. PLANNING COMMISSION RECOMMENDATION**

After its Aug. 5 public hearing for Ordinance No. 867, the Planning Commission (PC) voted 3 to 2 to recommend the Board of Commissioners (Board) adopt Ordinance No. 867 as filed.

**III. OVERVIEW**

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

As one of several measures to increase access to safe shelter and housing for those experiencing homelessness, proposed Ordinance No. 867 would amend the Community Development Code (CDC) to allow urban religious institution sites in any district, and other

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

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urban sites in nonresidential districts, to offer space where homeless persons can temporarily live in vehicles as part of a program designed to transition them to stable housing. Consideration of this ordinance was authorized in the Fiscal Year (FY) 2020-2021 Long Range Planning Work Program.

#### **IV. BACKGROUND**

##### ***Work Program Request***

The Mayor of Beaverton submitted a request that the Board consider a CDC amendment as part of the FY 2020-21 Long Range Planning Work Program, to allow owners of nonresidential properties in urban unincorporated Washington County to provide space for homeless persons to safely park and camp in their vehicles as part of a program to transition them to stable housing (program). The city of Beaverton has an existing program, discussed below.

##### ***Related State Statute***

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

The ORS currently includes a three-vehicle cap, requires sanitary facilities (toilet, hand-washing, trash disposal) and allows local jurisdictions to establish additional conditions and limitations. In the 2020 Oregon legislative session, 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 some form of this legislation to return 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 criminalizes 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 seeking 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.

##### ***City of Beaverton's Program***

The city of Beaverton launched a pilot Safe Parking Program in April 2019, modeled after a city of Eugene/St. Vincent de Paul program begun in the 1990s that now provides 98 vehicle spaces and serves several hundred people yearly.<sup>1</sup> Beaverton has since adopted formal provisions that do not limit the use to religious institution sites per ORS, but allow it more broadly on

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<sup>1</sup> "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>

nonresidential sites through the city's home rule/general police powers. The city does apply its own conditions as allowed by ORS, including required participation in a program to transition participants to stable housing. The city reports that its program affords participants stability not normally attainable for those living in vehicles, offering dependable access to restrooms and storage, the chance to sleep soundly, and opportunities to work not only toward housing but also employment and educational goals.

Beaverton now operates from three sites but budgets for five per year. Nonprofit Just Compassion of East Washington County is contracted to provide a program manager to oversee program and case management, participant intake, parking assignments, and help to access housing. Program rules apply a 30-day probation and allow participants to stay 120 days.

After one year of operation the city's program had accommodated 17 vehicles and hosted 37 individuals, including nine children. Twelve participants had transitioned to housing, nine continued in the program residing in vehicles, while 16 had left the program. Most noise issues were resolved by relocating on-site parking and facilities, though one vehicle of guests was eventually banned from the site for noise complaints. Of participants required to leave, most cases involved lack of compliance with rules intended to aid in transition to housing – not law enforcement or land use concerns.<sup>2</sup>

The city has had to cap its waitlist, noting a need for assistance much greater than existing sites can accommodate. The city hopes to extend its existing program to the site of a religious institution in urban unincorporated Washington County (designated partly Institutional and partly R-5/Residential 5 Units per Acre). Amendments to CDC prohibitions against use of vehicles for living purposes<sup>3</sup> would be needed to allow Beaverton to do so, and to enable other entities to expand similar services to urban unincorporated sites in the County.

### ***Ordinance Notification***

Notice 2020-04 regarding proposed Ordinance No. 867 was mailed July 10 to parties on the General and Individual Notification Lists (PC, community participation organizations, cities, special service districts and interested parties). A display advertisement regarding the ordinance was published July 17 in *The Oregonian* newspaper.

## **V. ANALYSIS**

In amending the CDC to allow safe vehicle camping/parking for homeless persons, the County would join the cities of Beaverton, Portland, Eugene, Vancouver (Wash.), Seattle, San Francisco, and San Diego, along with Los Angeles County, Benton County, Ore. and a number of other

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<sup>2</sup> See Attachment C, the city of Beaverton Safe Parking Program Year 1 Report, for details.

<sup>3</sup> Except in certain rural districts when an approved temporary health hardship dwelling application allows use of a recreational vehicle for living purposes.

West Coast jurisdictions that offer similar provisions to help stabilize the lives of residents experiencing homelessness. County staff has researched various approaches. Programs vary: some are specific to vehicle camping on religious sites, while others address a range of property and accommodation types; some are linked to housing services, others are not.

### ***The Model for Washington County***

Since the city of Beaverton's program serves as a useful model, and considering the city's request for this ordinance specifically so their program may serve a site in the County's urban unincorporated area, staff recommends beginning with an approach similar to the city's. This would allow the city to move forward without significant delay, while opening the door to provision of similar services by other entities as well. Should state law change in the coming year(s), staff will likely advance additional changes.

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 related to land use are intended to remain outside the CDC. Drafted by the Department of Housing Services and County Counsel, those rules likewise follow Beaverton's model. More detail is provided below.

### ***CDC Provisions***

Proposed CDC amendments provide a definition of the use, revise prohibitions that currently preclude activities essential to the use and list the use under Exclusions from Permit Requirement (Section 201-2) subject to eligibility criteria. The use would be allowable on:

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

Proposed exclusion from the permit requirement is based on a policy consideration to facilitate this use. The ordinance looks to avoid creating barriers that could impact the number of homeless persons who can be afforded safe places to sleep and assistance toward housing, including but not limited to constraints potentially posed by permitting times and costs.

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 type. While public notice is required for a Type II or III review, it 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 not tied to land use regulations (Benton County, for example). Many jurisdictions avoid widely publicizing host sites to maximize the safety of program participants. Equity concerns at the forefront of recent social 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 would 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 on- and off-site uses. Proposed CDC criteria, combined with program rules (for adoption through a separate Resolution and Order, addressed in the following section of this report) are intended to provide parameters that protect the interests of neighbors and site users.

Eligibility criteria in the CDC address where the use may be hosted, required on-site amenities and their placement, and that operation must meet requirements adopted by an authorized public agency, designed to help participants transition to stable housing. More particularly, the proposed ordinance amends CDC sections as detailed in Table 1 below.

*Table 1*

<b>Section</b>	<b>Title</b>	<b>Proposed Change</b>
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	
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 authorized public agency, designed to aid in transition to stable housing:

This certification requirement is intended to ensure that sites hosting the use meet all eligibility criteria, including program rules that do not fall under the land use purview of the CDC. The Program Rules section of this report, below, provides more information.

- Allowed in all urban non-residential land use 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:

Staff presented the Board with several considerations as to where this use should be allowed, as shown in Table 2, below.

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"> <li>• Urban religious institution sites.</li> <li>• Other urban sites in <i>some</i> nonresidential districts (for example, Institutional and certain commercial districts only).</li> </ul>	<ul style="list-style-type: none"> <li>• Urban religious institution sites.</li> <li>• Other urban sites in <i>all</i> nonresidential districts.</li> </ul> <p>(Comparable to Beaverton)</p>

As discussed in details of the Board work session briefing, below, the Board directed staff to look broadly at where to allow the use, most favoring option C, above. That approach is most consistent with city of Beaverton allowances. Though it would allow safe vehicle camping/parking on religious institution sites in any district per ORS, restriction to nonresidential districts for other sites is intended to afford protections to residential properties while still widely allowing the use. Setbacks, vehicle caps and enforcement potential addressed later in this report also provide protections for off-site neighbors.

The fact that ORS 203.082 allows this use on religious institution sites regardless of land use district/zoning is important in the County’s case. This is because the County designated urban religious institutions existing at the time of its 1983 Comprehensive Framework Plan for the Urban Area as Institutional, while those built later exist in a variety of districts including residential. 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 city of Beaverton limit of three vehicles but is intended to accommodate flexibility. Proposed vehicle cap language is intended to limit conflicts with off-site uses, while recognizing that upcoming legislation may allow jurisdictions to establish their own vehicle caps. Staff notes that per the city's 1-year report, the city is contemplating increasing the 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 off-site uses, to avoid traffic conflicts, and to provide safety for users of the site/program.

### ***Program Rules***

As previously noted, specific program rules not clearly related to land use are intended to remain outside the CDC, proposed within a standalone Resolution and Order (R&O) drafted by Housing Services and County Counsel in coordination with planning staff, for adoption as a separate action. Those rules are meant to ensure enough structure and protections to bolster effective program operations and participant success; and to provide transparency so that certification or enforcement efforts are not applied arbitrarily.

The rules focus 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." They require the following:

- Proof that homeless persons residing on the property are enrolled in and receiving case management from Washington County, a city, or other authorized public agency or nonprofit 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 participants (the latter 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, Housing Services 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 Services must revoke certification, LUT could provide some measure of related Code compliance. Issues surrounding noncompliance with on-site locational requirements for amenities and activities would likewise fall under LUT enforcement, while those involving crime or sanitation would remain subject to Sheriff's Office or Environmental Health involvement per Washington County Code (WCC) provisions.

As previously noted, however, in the city of Beaverton's experience noncompliance issues have not typically involved land use or law enforcement concerns, but failure of participants to meet program rules. Noncompliance of this nature has largely been resolved by the contracted nonprofit program manager who oversees case management. County adoption of program rules as described could help ensure management of similar issues on unincorporated sites is equally successful and handled equitably from site to site and case to case.

### ***Board Work Session Briefing***

Staff briefed the Board on this ordinance in work session June 23. As discussed above, staff also sought direction on where the County should consider allowing the use. Several Board members raised concerns about crime potential and enforcement. One preferred allowing the use on religious institution sites only (option A), adding that notice to neighbors should also be a consideration. Another preferred allowance on those sites and also on other sites in *some* nonresidential districts (option B). The remainder suggested allowance on religious institution sites and on other sites in *any* nonresidential district (option C), supporting use of the city's similar approach as a model.

### ***Public Input***

Staff received the following testimony on the proposed ordinance:<sup>4</sup>

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<sup>4</sup> See Attachment A for public testimony.



1. Letter of support from Denny Doyle, Mayor of Beaverton, noting that more than 500 people face homelessness in Washington County per night; the city program's success in serving homeless participants to date while ensuring that trash, parking, sanitation and other neighborhood concerns are addressed; and the city's desire to welcome new host sites throughout the County.
2. Letter from Fair Housing Council of Oregon and Housing Land Advocates raising concern about absence of Statewide Land Use Planning Goal 10 (Housing) findings in the PC staff report.

**Staff Response:** *Legislative findings demonstrating compliance with land use planning goals are provided one week prior to the Board hearing per standard County practice. Please see findings in the Sept. 1 Board meeting packet.*

3. Letter about a business reportedly recycling hypodermic needles and syringes into metal alloy, noting this as a possible process in Multnomah County and raising concerns about its potential impacts on rural lands and services.

**Staff Response:** *The ordinance does not propose this use or affect rural land and the author did not state a connection.*

4. Oral testimony at the Aug. 5 PC hearing from a resident expressing support for the use but requesting vehicle size limit and minimum 2-acre lot area to address concerns about potential impacts to residential neighbors.

**Staff Response:** *The ordinance is modeled after the city of Beaverton's existing program, which appears to effectively minimize potential on- and off-site conflicts without such restrictions, as discussed earlier. As such, staff does not recommend engrossment of the ordinance to add these restrictions.*

### **Planning Commission**

Staff briefed the PC at the July 15 work session and provided a presentation at the Aug. 5 PC hearing. Members shared a range of reactions. One believed neighbors may perceive the use as an impediment to enjoyment of their property but could lack recourse without a permit process, associated appeal provisions and notice. Staff noted that notice occurs only with Type II or III land use reviews, and that this use is proposed to be excluded from permit requirements. Policy choices for its exclusion are discussed above. One member advised removal of the vehicle cap and the requirement for a program to transition to housing and suggested that Americans with Disabilities Act/ADA-compliant sanitation facilities be required. Another supported allowing properties to host homeless persons in their vehicles, absent regulation. Several members further emphasized that program rules proposed through separate R&O (not this ordinance) should be clear, raising concerns that management of related noncompliance issues could otherwise be difficult. Various PC members discussed

potential to submit their individual comments to the Board prior to the Sept. 1 hearing. Please see PC deliberations in Attachment B for further details.

All PC members expressed general support for the use but of five voting, two declined to recommend ordinance approval as filed – one favoring tighter restrictions and the other, none. The PC vote was 3 to 2 to recommend approval of the ordinance to the Board.

### **Summary of Proposed Changes**

Ordinance No. 867 proposes to amend the CDC to:

- Define the use and allow 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 land use 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: Public testimony on Ordinance No. 867

Attachment B: Draft Planning Commission deliberations for Aug. 5 meeting

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



Received 08/04/20  
Wash. Co. LUT

August 4, 2020

Washington County Planning Commission  
155 N First Ave, Suite 300, MS 22,  
Hillsboro, OR 97124

**RE: Proposed Land Use Ordinance No. 867**

Dear Planning Commission Members,

I write today to express my enthusiastic support for Proposed Land Use Ordinance No. 867 that would amend the County Development Code 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.

On any given night in Washington County, more than 500 people are experiencing homelessness. Beaverton's Safe Parking Program, managed by Just Compassion of East Washington County, is one positive solution-focused response to this multifaceted crisis.

For people who have lost their homes, living in a car or camper may be their only option besides living on the streets. Safe Parking provides a safe, legal place to park for families and individuals along with professional case management that is focused on identifying barriers and working toward housing stability.

The program, modeled after a successful program in Eugene, Oregon, has proceeded in a balanced way to meet the needs of program participants, host site locations, neighbors and community members. Coordination between Just Compassion, the city, and host sites ensure that trash, parking, sanitation and other neighborhood concerns are addressed.

In its first year of operation, the program has witnessed tremendous results, including the expansion to a third site. The program served 37 people, nine of whom were children, in 17 vehicles. I am proud to share that twelve people transitioned into housing, and comments from program participants have been overwhelmingly positive.

I am excited for the future of this program and the potential to welcome new host sites throughout Washington County as a result of the proposed changes you consider today, and look forward to working with you to make an expanded Safe Parking program a reality.

Sincerely,

Denny Doyle  
Mayor



Received 08/05/20  
Wash. Co. LUT

August 4, 2020

Washington County Planning Commission  
155 N. First Ave., Suite 350, MS14  
Hillsboro, OR 97124

**Re: 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 (Ordinance 867)**

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

We applaud the County on its effort to address homelessness and protocols to help residents re-establish stable housing. Nonetheless, we are obligated to submit a comment letter raising concerns about the failure to analyze Goal 10 in a manner that allows us to provide useful comments.

As you know, all amendments to the County's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the County must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change. Further, adequate Goal 10 findings are also required for housing related code amendments, including development code changes that have an impact on development type and feasibility. We have reviewed the Planning Commission packet

**Attachment A**



and observed no written findings for Ordinance 867, despite the large impact it may have on the ability of the County to meet its housing needs.

Unrelated to the Goal 10 comments, we point out one typographical error in the draft Ordinance. Under Section 202-2.36.D, the Commission should replace "Statue" with "Statute."

Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at [ldix@fhco.org](mailto:ldix@fhco.org) or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in black ink that reads "Louise Dix".

Louise Dix  
AFFH Specialist  
Fair Housing Council of Oregon

/s/ Jennifer Bragar  
Jennifer Bragar  
President  
Housing Land Advocates

cc: Kevin Young ([kevin.young@state.or.us](mailto:kevin.young@state.or.us))

# Attachment A

Received 08/05/20

Wash. Co. LUT

**From:** Helen Golden <[pethel1971@gmail.com](mailto:pethel1971@gmail.com)>  
**Sent:** Tuesday, August 4, 2020 3:48 PM  
**To:** LUT Planning <[lutplan@co.washington.or.us](mailto:lutplan@co.washington.or.us)>  
**Subject:** [EXTERNAL] Proposed Land Use Ordinance No.867

We were recently watching a Portland, Oregon, news channel where they were doing a special report on how a company had made a business out of recycling hypodermic needles and syringes into metal alloy for further processing. This required the gathering of many thousands of needles to make a ton of alloy.

This may be a possible process in Multnomah County but dispersed over many thousands of acres of farm ground and timber ground would be very impractical, to say the least. We think most people would refuse to walk through land where they may step on or become impaled with used hypodermic needles.

The discussion, as presented does, not give estimates on the cost of maintaining the pristine character of Washington County. The police force would need to be increased, the wells would need to be added for water, and some sort of sewage disposal would need to be budgeted for. The jail space would need increasing and all services needed for these people would need to be budgeted for.

Sincerely,  
Pete and Helen Golden  
15151 NW Mason Hill Rd.  
North Plains, Oregon 97133



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

**Proposed 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**

**Draft Deliberations**

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

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

**Summary**

**Ordinance No. 867 – Safe Parking**

Anne Kelly, Senior Planner with the LRP Community Planning group provided a PowerPoint presentation on the proposed ordinance. Staff discussed the ordinance purpose: 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 Fiscal Year (FY) 2020 –2021 LRP Work Program so that the city may extend their own program to serve a site in urban unincorporated Washington County. 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 that this ordinance would allow Beaverton to initiate service within the County’s urban area and allow other cities to do likewise. Staff discussed proposed amendments to the Community Development Code (CDC) intended exempt the use from permit requirements and lift existing CDC impediments to the program’s operation. Staff also addressed 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 of Commissioners (Board).

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

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### 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) stated that although he generally supports the proposed use, he 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

- Is the Beaverton program funded by the city or by another source? Does the nonprofit organization working with Beaverton have funding from other entities?
- Are there criteria to ensure an operator is qualified to run a program like Beaverton's?
- This proposed ordinance is based on a funded model, potentially allowing program operation by groups with limited funding/experience and unqualified to manage a program the scale of Beaverton's.
- Why does this program need to be government coordinated? Experienced nonprofit organizations could facilitate such programs on their own.
- When is the soonest this proposed ordinance could be implemented?
- What is the maximum length of stay?
- The capacity should be flexible enough to allow larger properties to host more vehicles and smaller properties to host three or less vehicles.
- There should be some government role to ensure proper management of sanitation facilities.
- There should be an established process to provide notice to neighboring property owners.
- Since PC consensus on the provisions is unlikely, PC members should communicate their thoughts to staff or the Board independently by email.
- Ten percent of County residents are below the poverty level. Metro recently passed a housing bond after hearing testimony from both housed and houseless persons. Requirements of the ordinance, including those for sanitation, storage facilities, and vehicle caps, pose barriers and 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

End of deliberations.



## 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 C

### 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 C

- 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.

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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.”*

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### 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 C

- 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.



**PROPOSED LAND USE ORDINANCE NO. 867**  
***Individual and General Notice 2020-04***  
***July 10, 2020***

The Washington County Planning Commission and Board of Commissioners (Board) will soon consider proposed **Ordinance No. 867**. Listed below is a description of the ordinance, hearing dates and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact Long Range Planning at 503-846-3519 or [lutplan@co.washington.or.us](mailto:lutplan@co.washington.or.us).

**ORDINANCE PURPOSE AND SUMMARY:**

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.

**Who is Affected**

Residents, businesses and property owners in urban unincorporated Washington County.

**What Land is Affected**

Religious institution sites and nonresidential land use districts in urban unincorporated Washington County.

**PUBLIC HEARING INFORMATION/LOCATION:**

Hearings are in the auditorium of the  
Charles D. Cameron Public Services Building, 155 N. First Ave., Hillsboro

**Planning Commission**

**1:30 p.m.**

Aug. 5, 2020

**Board of Commissioners**

**10 a.m.**

Sept. 1, 2020

**Planning Commission and Board meetings may be conducted virtually on Zoom.  
Check one week prior to the meeting date for meeting location details.**

At its Sept. 1 public hearing, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted Sept. 1, it would become effective Oct. 1, 2020.

**KEY PROVISIONS:**

Allows certain sites to provide safe parking/camping space, where homeless persons can temporarily live in vehicles, as a use exempt from the development permit requirement, when:

- Managed through a program designed to transition participants to stable housing.
- Parking and program participation are at no cost to participants.

**Department of Land Use & Transportation**  
**Planning and Development Services • Long Range Planning**  
155 N. First Ave., Suite 350, MS14, Hillsboro, OR 97124-3072  
phone: 503-846-3519 • fax: 503-846-4412  
[www.co.washington.or.us/lut](http://www.co.washington.or.us/lut) • [lutplan@co.washington.or.us](mailto:lutplan@co.washington.or.us)

- On a religious institution site in any urban land use district, or other site when the primary use and land use designation are nonresidential.
- Maximum number of vehicles meets specified cap.
- Sanitation and storage facilities are provided, meeting specific setback/siting requirements.

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### **AFFECTED LAND USE PLANNING DOCUMENTS:**

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#### **Community Development Code Sections**

- 106 - Definitions
- 201 - Development Permit
- 308 - Future Development 20-Acre District (FD-20)
- 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
- 430 - Special Use Standards

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### **HOW TO SUBMIT COMMENTS:**

Washington County remains committed to broad community engagement and transparency of government and during the COVID-19 pandemic will host virtual meetings on Zoom.

**Advance registration is required to provide testimony on agenda items or additional communication at designated times**

For Planning Commission registration and contact information, please visit the Planning Commission webpage: <https://www.co.washington.or.us/PlanComm>

For Board registration instructions and contact information, please visit the How to Testify webpage: <https://www.co.washington.or.us/BOC/Meetings/How-to-Testify.cfm>

- Submissions for oral or written testimony, including email must be received at least 24 hours prior to the meeting date.
- Include the author's name and address with any public testimony.

#### **Staff Contact**

Anne Kelly, Senior Planner, [anne\\_kelly@co.washington.or.us](mailto:anne_kelly@co.washington.or.us), 503-846-3583

During facility closures the ordinance is available for review on the Land Use Ordinances webpage: [www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)

Once facilities are re-opened, the ordinance will be available for review at the following locations:

- Department of Land Use & Transportation
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs), call 503-846-6288

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 \_\_\_\_\_ day of \_\_\_\_\_, 2020, being the \_\_\_\_\_ reading  
10 and \_\_\_\_\_ public hearing before the Board of County Commissioners of Washington  
11 County, Oregon.

12 BOARD OF COUNTY COMMISSIONERS  
13 FOR WASHINGTON COUNTY, OREGON

14 \_\_\_\_\_  
15 CHAIR KATHRYN HARRINGTON

16 \_\_\_\_\_  
17 RECORDING SECRETARY

18 READING

18 PUBLIC HEARING

19 First \_\_\_\_\_

19 First \_\_\_\_\_

20 Second \_\_\_\_\_

20 Second \_\_\_\_\_

21 Third \_\_\_\_\_

21 Third \_\_\_\_\_

22 Fourth \_\_\_\_\_

22 Fourth \_\_\_\_\_

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\_\_\_\_\_

VOTE: *Aye*: \_\_\_\_\_

*Nay*: \_\_\_\_\_

Recording Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

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.