



CITY OF BEAVERTON
Planning Division
Community Development Department
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STAFF REPORT

Report date: December 7, 2022

Application/project name: Shelter Code Project

Application Numbers: TA2022-0004

Proposal: The City of Beaverton proposes to amend the Beaverton Development Code to change where and how shelters will be allowed in Beaverton. Proposed Development Code amendments allow shelters in all zoning districts citywide and require that new land use applications include public noticing as part of the review process. New definitions are created for mass shelter and domestic violence shelter, and some existing definitions are updated for additional clarity.

Proposal location: Citywide

Applicant: City of Beaverton

Approval Criteria: Development Code Section 40.85.15.

Recommendation: Staff recommend the Planning Commission review the proposal, take public testimony, deliberate on the proposal, and make a recommendation to City Council.

Hearing information: 6:30 p.m. December 14, 2022, at City Hall, 12725 SW Millikan Way
Notice: Public hearings are held remotely and can be viewed at the following link: <https://www.beavertonoregon.gov/291/Agendas-Minutes>

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Background

Homelessness is a growing crisis in Beaverton, Washington County, and across the country. In January 2022, Washington County counted 808 people experiencing homelessness during its Point in Time (PIT) Count. Twenty-eight percent of people experiencing homelessness were without shelter. The actual need is significantly undercounted.

While shelters alone are not enough to end homelessness, they play a critical role in saving lives and connecting people to services and permanent housing. Shelters can also provide a safe place to stay for people without air conditioning during a heat wave or for those displaced by wildfire or other disaster. The community has long identified the need for a year-round shelter and for supporting individuals experiencing homelessness, as described in Beaverton's Diversity, Equity and Inclusion Plan, Community Vision Plan, Comprehensive Plan, and Housing Five-Year Action Plan.

Currently, Beaverton's Development Code allows emergency shelters, but permanent or year-round shelters are not defined or addressed. State law requires the City to approve shelters under certain conditions, but that law expires June 30, 2023. For a more long-term solution, the Shelter Code Project is proposing updates to the Development Code to clarify the rules for permanent shelters and make necessary improvements to how the code handles shelters that operate on a temporary basis.

City staff presented the draft code amendments to Planning Commission on September 14, 2022. Planning Commission expressed support for the draft code in general and agreed that the definitions were clear and that the code changes achieve the outcomes described in the Preferred Approach. On November 1, 2022, staff presented the draft code to City Council. Council members supported the draft code as a whole but had specific feedback on the language for Emergency Shelters (Section 10.70) as well as designated smoking and vaping areas (Section 60.50.25). Feedback is summarized below and has been incorporated into the proposed code amendments.

Proposed Development Code Amendments

The proposed Development Code amendments are attached in **Exhibit 1**. A summary of the major changes is below with references to page numbers. Underlined text is proposed for addition to the Development Code; text with strikethrough is proposed for deletion.

Chapter 10 (p. 3-4 of Exhibit 1)

- Language is edited to update how and when Emergency Shelters can open (Section 10.70).
 - The uses originally listed (“places of worship, secondary public schools, public buildings”) are updated to match the uses listed under the civic use category in the land use tables in Chapter 20, specifically Places of Worship, Public Buildings, Social Organizations, Commercial Schools, and Educational Institutions.

- The language of “as determined by the City Manager” is used to ensure alignment with the Beaverton Code. In the event that the City Manager cannot be reached, the Beaverton Code describes the line of succession.
- The language of “Severe Heat” and “Severe Cold” is replaced with “disaster, emergency, or other events that threaten life or public health.” This gives the ability to open an Emergency Shelter during other types of emergencies, such as earthquakes or wildfire smoke, instead of relying on a particular temperature threshold and time of year. It also allows shelters to be opened for intermittent needs or needs that continue longer than the time limits in Beaverton Code for emergencies and disasters. For example, cold weather and hot weather that can threaten life and public health often can happen intermittently throughout the year or extend for significant periods of time.
- During the November 1, 2022, Council work session, Council members expressed concern that the code changes would require a formal declaration of disaster or emergency for Emergency Shelters to open. City staff have updated the language to provide clarification. The language of “disaster or emergency” may suggest a formal declaration as described in the Beaverton Code. The addition of “other event that threatens life or public health” is broad enough to include the winter shelter or other events where people may be at risk, but a formal declaration is not required. These processes are described separately for clarity.

The proposed edits to Section 10.70 are shown below:

~~Incident Weather~~ Emergency Shelters. [ORD 4505; May 2009] In the event of ~~Severe Heat or Severe Cold weather conditions~~ a disaster or emergency designated or ratified consistent with the Beaverton Code, ~~land use approvals for~~ places of worship, ~~secondary public schools, and~~ public buildings, social organizations, commercial schools, and educational institutions shall not be required to obtain land use approval to use ~~include use of~~ the facilities as Emergency Shelters, ~~provided such facilities comply with the requirements set forth in the Washington County Severe Weather Shelter Response Plan, or successor plans.~~ For disasters and emergencies, the Emergency Shelter shall not remain in activation beyond the ~~Severe Heat or Severe Cold condition~~ time limits specified in the Beaverton Code. For other events that threaten life or public health (including, but not limited to, severe weather and wildfire smoke) as determined by the City Manager, places of worship, public buildings, social organizations, commercial schools, and educational institutions shall not be required to obtain land use approval to use the facilities as Emergency Shelters for the length of operation required to protect life or public health during or after the event as determined by the City Manager.

Chapter 20 (p. 5-19)

- The land use tables are updated to add Domestic Violence Shelters, Emergency Shelters, and Mass Shelters as permitted uses in all zoning districts (Sections 20.05.20, 20.10.20, 20.15.20, 20.20.20).

- Exemptions are added for Domestic Violence Shelters, Emergency Shelters, and Mass Shelters in commercial, industrial, and multiple use zones to allow the provision of outdoor space onsite (Sections 20.10.30, 20.10.35, 20.10.40, 20.15.30, 20.20.35).

Chapter 40 (p. 20-23)

- A provision is added that requires design review for Mass Shelters and Domestic Violence Shelters in all zones (Section 40.20.10).
- A new Type 2 application for Mass Shelters is created (Section 40.65).

Note about the review process: While the Preferred Approach proposed that shelters go through a Type 1 review with the addition of a public notice, the proposed amendments would have Mass Shelter applications be processed under a Type 2 procedure to use an existing process with a public notice, which will be easier for applicants and staff to understand. Type 2 reviews already include a notice, which reflects City Council’s direction to include noticing as part of the shelter review process. The proposed Type 2 process will still review Mass Shelters under clear and objective criteria, similar to a Type 1. Because there is a fee difference between a Type 1 and Type 2 review, staff is recommending a reduced fee for Type 2 Mass Shelter applications so the fee is not an obstacle to providing needed shelters. Type 2 application fees vary but range from \$6,500 to \$25,000. [Consistent with Type 1 applications](#), staff will propose that the City Council approve a fee resolution (as part of a separate process from this text amendment) with a fee of \$420 (in FY 22/23 dollars – updated annually as part of the Planning Division Fee Structure) for Mass Shelters. City Council supported this fee reduction for Mass Shelter Applications during the November 1, 2022, work session.

Chapter 50 (p. 25-27)

- A provision is added requiring appeals of Mass Shelter applications to go to City Council, rather than Planning Commission (Section 50.65).
- Language is added to specifying the expiration date for Mass Shelter applications (Section 50.90).

Chapter 60 (p. 28-39)

- The off-street loading and parking tables are updated to specify no minimum parking or loading requirements for shelters. The state’s new [Climate Friendly and Equitable Communities rules](#) will remove the city’s ability to require off-street parking for shelters, so the draft rules were written to reflect the state’s rules (Sections 60.25.15, 60.30.10).
- A requirement is added for shelters that have designated smoking or vaping areas (Section 60.50.25). This requirement is to promote the health of shelter residents and occupants of buildings on abutting lots by ensuring outdoor smoking remains at least 20 feet from abutting residential uses and building openings – either on-site or off-site – that would allow smoke inside the building, including air intakes, windows that open, and doors. The Draft Code initially proposed a minimum 20-foot buffer with option to reduce the distance if the 20-foot distance is not possible on the site. During the November 1,

2022, City Council work session, Council members directed staff to remove the option to reduce the 20-foot distance. This change is reflected in the proposed code amendments.

Domestic Violence Shelters, Emergency Shelters, or Mass Shelters. If smoking or vaping is allowed outdoors on the property, there shall be a designated smoking or vaping area. If a Domestic Violence Shelter, Emergency Shelter, or Mass Shelter site includes a designated outdoor smoking or vaping area, the smoking or vaping area shall be located at least 20 feet from any lot line that abuts a residential use and any on-site or off-site building air intakes including entrances, exits, windows that open, or ventilation intakes that serve an enclosed area.

Staff prepared two exhibits to show what this might look like on properties in Beaverton. Note that these sites are not proposed for shelters and were not evaluated for their suitability for shelters. Staff is not suggesting these buildings should be converted to shelters. Regarding methodology, staff identified door locations using aerial photography and did not visit the sites to verify the locations of doors and air intakes. These exhibits were prepared solely to show what 20-foot buffers required by the proposed amendments might look like. The buffers, shown in yellow on the figures, are as close to scale as possible but should be considered diagrammatic approximations. For example, rectangles are used rather than a 20-foot radius that would be more precise.

Figure 1 shows an office/industrial type building. It includes buffers from the abutting residential property to the north as well as buffers around loading doors and person doors on all four sides of the building. Because the site also includes parking areas and landscape areas, sufficient space would be available to designate an outdoor smoking area consistent with the 20-foot buffers described in the proposed amendments.

Figure 1: Example site with 20-foot buffers required in Section 60.50.25

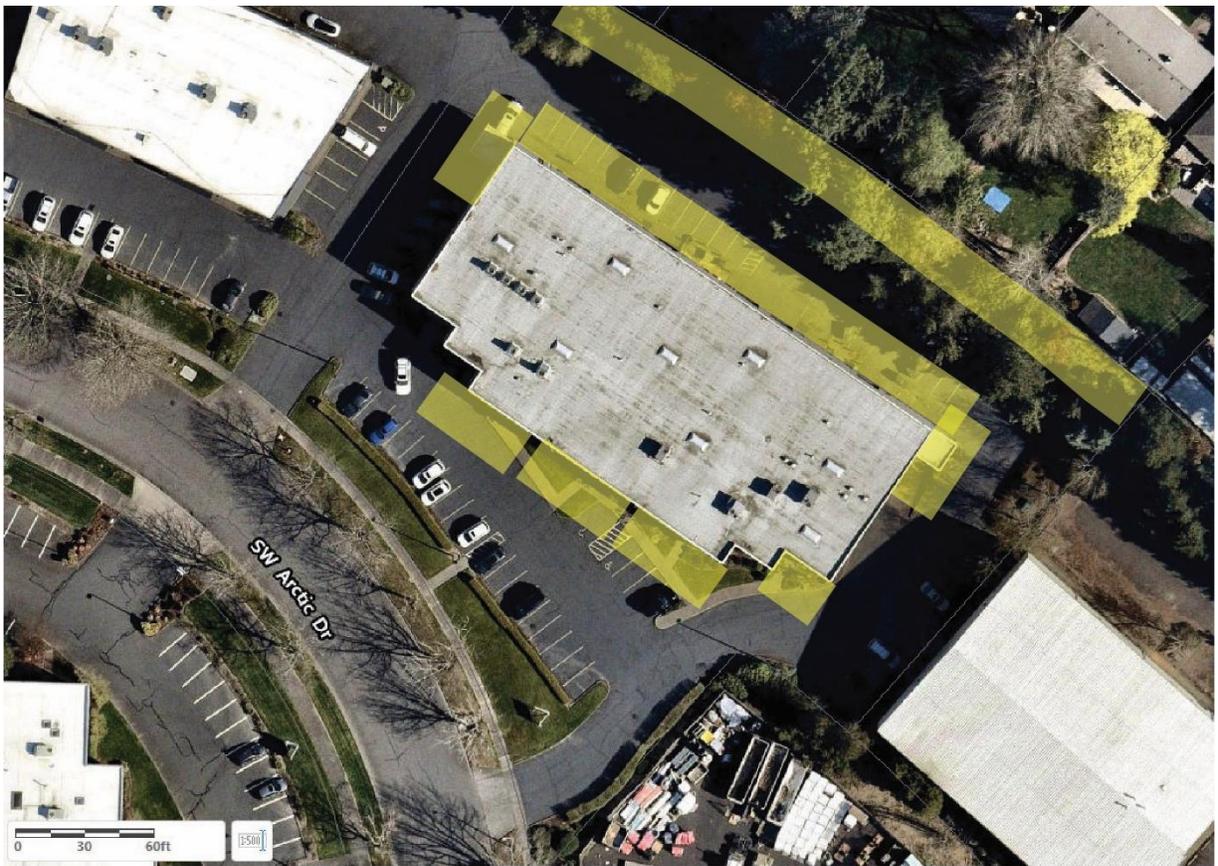
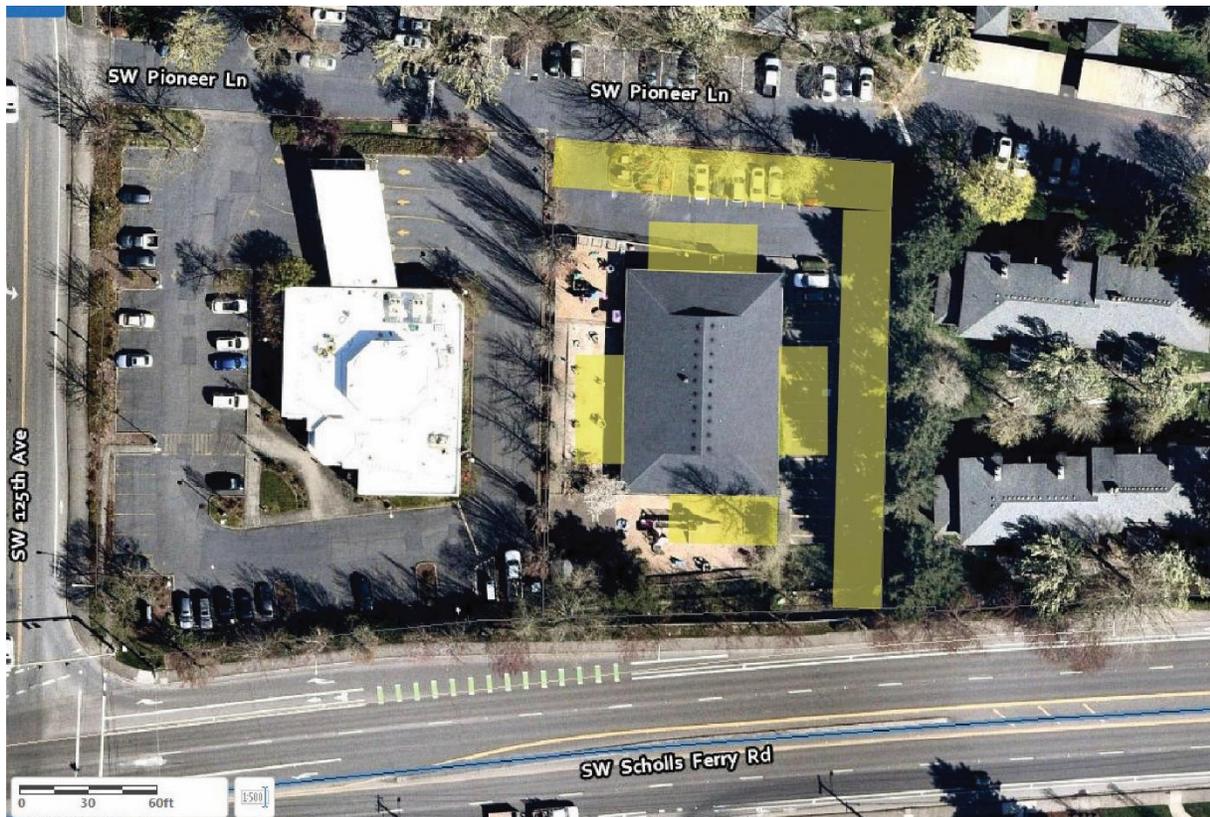


Figure 2 shows buffers around another example location. In this case, 20-foot buffers would be required on the north and east side because of abutting residential uses on those lots. (Note: The street to the north is not public right of way but a private street on that property. Because that site has residential uses and there is no intervening public right of way, it still counts as a residential use on an abutting lot.) Buffers also are shown around doors on each side of the building. Those were identified as best as possible using aerial imagery, so it is possible the door locations might be different. In addition, staff did not conduct a site visit to see if the windows open on the site, which could add additional buffers. Even so, the site configuration would allow an outdoor smoking area to be designated, such as on the south side of the property (the bottom of the image) near Scholls Ferry Road or possibly on the west side of the lot away from doors and windows.

Figure 2: Example site 2 with 20-foot buffers required in Section 60.50.25



If for some reason a shelter is located on a site where the buffers provide no feasible location for outdoor smoking, the shelter could potentially provide an enclosed space with ventilation and filters that would count as an indoor smoking area, if that complies with other laws regarding smoking indoors. A second option would be for people staying at the site to smoke off-site, such as in the right of way or, with permission, a neighboring site that has a place where outdoor smoking is allowed.

Chapter 70 (p. 40-42)

- The land use table is updated to add Domestic Violence Shelters, Emergency Shelters, and Mass Shelters as permitted uses in all Downtown Zones (Section 70.15.20).

Chapter 90 (p. 43-45)

- Definitions are added for Domestic Violence Shelter and Mass Shelter. Domestic Violence shelters will be treated differently from other types of shelters in the land use process and are not required to follow the same noticing requirements to protect clients' privacy. Creating a separate definition clarifies the distinction from other types of shelters.

Shelter, Domestic Violence. A facility providing temporary shelter and support for survivors of domestic violence.

Shelter, Mass. Any facility with indoor sleeping accommodations, the purpose of which is to provide temporary shelter for the general population on a long-term or short-term basis. Mass Shelters may offer meals, lodging and associated services on-site. Mass Shelters are not considered Dwellings and do not include Residential Care Facilities or Temporary Living Quarters.

- The definition of Emergency Shelter (renamed to begin with “shelter” so all shelter definitions appear next to each other in Ch. 90) is updated. The language is broadened so that day shelters, such as cooling centers, may be included.

Emergency Shelter, Emergency. Any facility ~~with overnight sleeping accommodations, the purpose of which is to that~~ provides temporary shelter for the general population ~~in a time of crisis during a disaster, emergency, or other event that threatens life or public health, the existence of which shall be determined by the~~ City Manager.

- The definitions of Dwelling, Dwelling Unit, Guest House, Residential Care Facilities, and Temporary Living Quarters are updated to provide additional clarification and distinction from Shelter uses. The definition for Temporary Living Quarters is also updated to clarify the distinction with other uses that are not rented out or rented for longer periods of time.

Dwelling. Any building or portion thereof designed or used as the residence or sleeping place for one or more persons. This use classification does not include Domestic Violence Shelters, Emergency Shelters, or Mass Shelters.

Dwelling Unit. One or more rooms used or intended to be used by one household containing, at a minimum, the living facilities required by the current Oregon Structural Code or applicable ordinance. This use classification does not include Domestic Violence Shelters, Emergency Shelters, or Mass Shelters.

Guest House. An accessory building used for the purpose of providing temporary living accommodations, and containing no kitchen facilities. This use classification does not include Domestic Violence Shelters, Emergency Shelters, or Mass Shelters.

Residential Care Facilities. A living facility for more than five (5) non-related persons, which provides specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to Assisted Living Facilities, Congregate Care Facilities, Nursing Homes, Convalescent Homes, and Sanatoriums. This use classification does not include Domestic Violence Shelters, Emergency Shelters, or Mass Shelters.

Temporary Living Quarters. Temporary living accommodations that can be rented out for an increment of less than 30 days, such as: Hotels, Motels, Extended-Stay Hotels, Single-Residency Occupancy Hotels, Bed and Breakfasts, or Boarding, Rooming or Lodging House. This use classification does not include Domestic Violence Shelters, Emergency Shelters, or Mass Shelters.

- The definitions of Severe Cold and Severe Heat are removed, which are only referenced in Section 10.70 regarding Inclement Weather Emergency Shelters. With these references removed, these definitions are no longer needed. Due to the ongoing climate crisis, severe cold and severe heat is harder to predict and may fall outside the June-August or November-March timeframes. People can also be in danger at temperatures that do not reach these thresholds.

~~**Severe Cold.** A period of two or more days where temperatures are forecasted or actually reach 32 degrees Fahrenheit or below (November to March).~~

~~**Severe Heat.** A period of two or more days where temperatures are forecasted or actually reach 98 degrees Fahrenheit or above (June to August).~~

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Tables

Table 1. Projected Future Need for New Housing Units (2035)

TA2022-0004

ANALYSIS AND FINDINGS FOR TEXT AMENDMENT

Recommendation: Based on the facts and findings presented below, staff recommends the Planning Commission review the proposal, take public testimony, deliberate on the proposal, and make a recommendation to City Council.

Section 40.85.05 Purpose

The purpose of a text amendment application is to provide a mechanism for legislative amendments to the Development Code. It is recognized that such amendments may be necessary from time to time to reflect changing community conditions, needs, and desires, to fulfill regional obligations, and to address changes in the law. This Section is carried out by the approval criteria listed herein.

Section 40.85.15.1.C Approval Criteria

Section 40.85.15.1.C of the Development Code specifies that in order to approve a text amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all the criteria specified in Section 40.85.15.1.C.1-7 are satisfied.

Section 40.85.15.1.C.1

Approval Criterion: The proposal satisfies the threshold requirements for a Text Amendment application.

FINDING:

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is any change to the Development Code, excluding changes to the zoning map. TA2022-0004 proposes to make changes to the Development Code, as shown in Exhibit 1.

Conclusion: Therefore, staff finds the amendment meets the criterion for approval.

Section 40.85.15.1.C.2

Approval Criterion: All City application fees related to the application under consideration by the decision making authority have been submitted.

FINDING:

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a city-initiated application are not required where the application fee would be paid from the City's General Fund. The Planning Division, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required.

Conclusion: Staff find that criterion 40.85.15.1.C.2 is not applicable.

Section 40.85.15.1.C.3

Approval Criterion: The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

FINDING:

Title 1: Housing Capacity.

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

The proposed text amendment allows for the siting of shelters citywide and will not reduce minimum zoned capacity or decrease overall housing capacity. Therefore, the proposed text amendment will not impact housing capacity, in compliance with Title 1.

Title 4: Industrial and Other Employment Areas

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

Shelters are classified as a civic use and are not listed as a use that is limited or prohibited in Title 4. Therefore, the proposed text amendment will not impact the provision and protection of employment and industrial areas.

Title 8: Compliance Procedures.

Title 8 ensures all cities and counties are fairly and equitably held to the same standards and that the Metro 2040 Growth Concept is implemented and sets out compliance procedures and establishes a process for time extensions and exemptions to Metro

Code requirements. Section 3.07.820 Review by the Chief Operating Officer, the Functional Plan states that: “(a) A city or county proposing an amendment to a comprehensive plan or land use regulation shall submit the proposed amendment to the COO at least 35 days prior to the first evidentiary hearing on the amendment. The COO may request, and if so the city or county shall submit, an analysis of compliance of the amendment with the functional plan. If the COO submits comments on the proposed amendment to the city or county, the comment shall include analysis and conclusions on compliance and a recommendation with specific revisions to the proposed amendment, if any, that would bring it into compliance with the functional plan. The COO shall send a copy of comment to those persons who have requested a copy.”

The city provided notice to Metro on November 8, 2022, meeting the requirement to provide notice at least 35 days prior to the first evidentiary hearing on the amendment. The city received no comments from Metro.

Conclusion: Therefore, staff finds the amendment meets the criterion for approval.

Section 40.85.15.1.C.4

Approval Criterion: The proposed text amendment is consistent with the City's Comprehensive Plan.

FINDING:

Chapter 3: Land Use Element. Goal 3.4.1 Provide effective and inclusive planning and development review services

Policy b) Ensure that land use planning, notification, and public involvement procedures and processes are inclusive and provide meaningful opportunities for engagement by all community members.

The proposed text amendment will be reviewed and processed in accordance with the applicable requirements outlined in the Beaverton Development Code. The proposed text amendment requires that Mass Shelter Applications go through a Type 2 review, which requires public notification and opportunity for public comment as part of the land use process. Therefore, the amendment meets Goal 3.4.1.

Chapter 4: Housing. Goal 4.4.1: Encourage the development and preservation of fair and affordable housing

Policy g) Support regional efforts to combat homelessness and provide a Continuum of Care, including housing, medical and social services, and job training

The proposed text amendment adds Mass Shelters and Domestic Violence Shelters as a permitted use citywide. These shelters serve people experiencing homelessness and

often contain medical and social services onsite. Shelters also often connect people to permanent housing and other services to combat homelessness.

Policy h) Support emergency and transitional housing options such as homeless shelters, while shifting long term efforts to more permanent housing options, including emerging housing types such as tiny homes and micro housing communities.

The proposed text amendment allows shelters citywide. Shelters serve people experiencing homelessness and often connect people to permanent housing.

Therefore, the amendment meets Goal 4.4.1.

Chapter 10: Community Health Element. Social Safety Net Goal: Increase coordination of public and private agencies to promote long-term health and maximize independence among vulnerable populations.

The proposed text amendment will allow shelters citywide. Shelters save lives and protect public health by providing a safe place to stay for vulnerable populations, including people experiencing homelessness. Shelters also often provide medical and social services onsite and increase coordinated service delivery for vulnerable populations.

Therefore, the amendment meets Goal 10.

Conclusion: Staff finds the amendment meets the criterion for approval for Section 40.85.15.1.C.4, consistency with the Comprehensive Plan.

Section 40.85.15.1.C.5

Approval Criterion: The proposed text amendment is consistent with other provisions within the City's Development Code.

FINDING

The proposed text amendment adds Mass Shelters and Domestic Violence Shelters as civic uses which are permitted citywide. New development or modification of an existing site would require design review and current standards of the Beaverton Development Code would be required to be met. Emergency Shelters are required to follow procedures in Section 10.70.10.

Conclusion: Therefore, staff finds the amendment meets the criterion for approval regarding Section 40.85.15.1.C.5.

Section 40.85.15.1.C.6

Approval Criterion: The proposed amendment is consistent with all applicable City ordinances.

FINDING

The proposed text amendment will not affect any other applicable city ordinance requirements and regulations.

Conclusion: Therefore, staff finds the amendment meets the criterion for approval regarding Section 40.85.15.1.C.6.

Section 40.85.15.1.C.7

Approval Criterion: Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

FINDING

There are no other applications or documents related to the request that would require further City approval.

Conclusion: Therefore, staff finds the amendment meets the criterion for approval regarding Section 40.85.15.1.C.7.

Other applicable approval criteria - Statewide Planning Goals

Goal 1: Citizen Involvement

Goal text: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING

Consistent with Statewide Planning Goal 1 and Development Code Section 50.50, public notice was provided on November 8, 2022, at least 35 days before the first evidentiary hearing, to Neighborhood Association Committee chairs, the chairs of relevant Washington County Community Participation Organizations, the Chair of the Beaverton Committee for Community Involvement, the Department of Land Conservation and Development, Metro and the Washington County Department of Land Use and Transportation. Notice was provided to the applicants between 20 and 40 days before the hearing. The notice provided the required information in Development Code Section 50.50.4. In addition, a notice was published at least 10 days before the Planning Commission's initial hearing and the staff report was published at least seven days before the initial Planning Commission hearing. At the public hearing, the Planning Commission will consider written comments and oral testimony before making a recommendation to City Council.

Staff also conducted public engagement and provided opportunities for community members to be involved in all phases of the planning process. Engagement activities included:

- Phase 1: Research and Analysis
 - July 27, 2021: Joint City Council and Planning Commission work session
 - Creation of a project website with information on engagement opportunities
 - Creation of a project listserv so people can subscribe to project updates
 - Interviews with service providers with local shelter experience
 - Meetings with faith-based organizations, the Beaverton Inclusive Housing Cohort and Unite Oregon, the Housing Technical Advisory Group (HTAG), the Diversity Advisory Board (DAB), the Beaverton Committee for Community Involvement (BCCI).
 - Article in the January 2022 Your City newsletter
 - Emails to the project notification list and various stakeholder groups and organizations
 - Information in Neighborhood Association Committee (NAC) newsletter
- Phase 2: Alternatives Development and Selection
 - Online survey on shelter alternatives
 - Meetings with BCCI and HTAG
 - Article in the March 2022 Your City newsletter
 - Emails to the project notification list and various stakeholder groups and organizations
 - Information in NAC newsletter and posts on NAC Facebook pages
 - March 1, 2022: City Council work session
- Phase 3: Implementation
 - March 30, 2022: Planning Commission work session
 - June 21, 2022: City Council work session
 - Article in the July 2022 Your City newsletter
 - Emails to the project notification list and various stakeholders, including BCCI and HTAG
 - Information in NAC newsletter
 - Added functionality to project website to allow public comments to be submitted online.
 - September 14, 2022: Planning Commission work session
 - November 1, 2022: City Council work session

Conclusion: Therefore, staff finds that the city has provided adequate notice and opportunity for public involvement consistent with Goal 1.

Goal 2: Land Use Planning

Goal text: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDING

Consistent with Statewide Planning Goal 2, the City of Beaverton maintains an adopted Comprehensive Plan with a Land Use Element. Chapter 3 of the Beaverton Comprehensive Plan outlines goals and policies for land management within the City. Additionally, the City of Beaverton maintains an adopted Development Code which implements the goals and policies of the Comprehensive Plan. The above narrative demonstrates how the proposed amendment is consistent with the applicable goals and policies of the Land Use Element in Beaverton's Comprehensive Plan. The Text Amendment application will be processed in accordance with the requirements of the Beaverton Development Code.

Conclusion: Therefore, staff finds the proposed amendment is consistent with Statewide Planning Goal 2.

Goal 9: Economic Development

Goal text: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

FINDING

Consistent with Statewide Planning Goal 9, the City of Beaverton maintains an adopted Comprehensive Plan with an Economy Element. Chapter 9 of the Beaverton Comprehensive Plan outlines goals and policies concerning the economic development opportunities in the community.

The proposed text amendment allows shelters as a permitted use citywide. Shelters are classified as a civic use and can be compatible with industrial and commercial uses. The proposed amendment will not limit the ability to provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity.

Conclusion: Therefore, staff finds the proposed amendment will not impact the provision and protection of employment and industrial areas consistent with Goal 9.

Goal 10: Housing

Goal text: Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

FINDING

Beaverton’s Housing Needs Analysis (HNA) was published in October 2015. It demonstrated a need for all housing types in the 20-year period ending in 2035. This was true both for the current Beaverton city limits as well as the city limits plus the assumed urban service area, which is an area where it is assumed Beaverton will provide governance in the future. The state Department of Land Conservation and Development (DLCD) found it to be consistent with the requirements of Statewide Planning Goal 10. See Table for the number of housing units projected to be needed.

Table 1: Projected Future Need for New Housing Units (2035)

	SF detached	SF attached	Duplex	3 or 4 units	5+ units
Current city limits (2015)	5,767	1,542	295	718	3,866
City limits plus assumed urban service boundary	14,001	2,626	958	2,107	7,999

Source: Beaverton Housing Needs Analysis (part of the city’s Housing Strategies Report) Figure 5.3 and Figure 10.3. <https://content.civicplus.com/api/assets/369e03ca-f639-4ac5-bbf8-79c987e554e1>. Accessed November 15, 2022.

Based on the findings in Beaverton’s Housing Strategies Report in Volume II of the Comprehensive Plan, which includes the city’s Buildable Lands Inventory and Housing Needs Analysis, Beaverton updated its Comprehensive Plan’s Housing Element and Land Use Element to address the identified housing needs. DLCD also found these Comprehensive Plan changes consistent with the Statewide Planning Goals.

The proposed text amendment allows Mass Shelters, Domestic Violence Shelters, and Emergency Shelters (all categorized as civic uses) citywide. Shelters are currently allowed in Beaverton in all zoning districts through Oregon State House Bill 2006, which requires local governments to approve applications for “emergency shelters” until June 2023. The bill defines “emergency shelters” as “a building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.” The proposed amendment will continue current land use allowances (including those in HB2006) and does not impact the city’s housing capacity or Buildable Lands Inventory. Even in the absence of state law generated by House Bill 2006, changing

Beaverton's Development Code to allow shelters will not reduce housing capacity or the Buildable Lands Inventory.

Conclusion: Therefore, staff finds the proposed amendment is consistent with Statewide Planning Goal 10.

Goal 12: Transportation

Goal text: To provide and encourage a safe, convenient and economic transportation system.

FINDING

OAR 660-012-000 through 660-012-0070, referred to as the Transportation Planning Rule (TPR), provide guidance on compliance with Statewide Planning Goal 12. A Transportation System Plan (TSP) adopted pursuant to OAR Division 12 fulfills the requirements for public facilities planning required under Oregon Revised Statutes 197.712(2)(e), Goal 11, and OAR Chapter 660, Division 12 as they relate to transportation facilities. Volume IV of the Beaverton's Comprehensive Plan contains the City's adopted TSP.

The Transportation Planning Rule states that amendments that "significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and performance standards (e.g., level of service, volume to capacity ration, etc.) of the facility."

A "significant effect" can result from:

- A change to functional classification or the standards implementing a functional classification system; or
- Changes to planned land uses that would result in types or levels of travel or access that are inconsistent with adopted functional classifications; or
- Changes that would degrade performance so that it doesn't meet performance standards or further degrade performance for a facility that is already projected not to meet performance standards.

The TPR requires a two-step analysis for proposed amendments to the City's Comprehensive Plan and/or land use regulations. (1) The first step is to determine whether or not the proposed amendment significantly affects an existing or planned transportation facility. If the proposed amendment does not significantly affect the transportation network, then no further analysis is needed and compliance with Goal 12 is satisfied. If a proposed amendment does significantly affect the surrounding transportation network, then the City must (2) determine what mitigation is required to off-set the impacts to the transportation network brought on by the proposed amendments or demonstrate that the expected impact resulting from the proposed

amendment meets the approval criteria for one of several exceptions allowed under OAR 660-012-0060.

The proposed text amendment will allow Mass Shelters, Domestic Violence Shelters, and Emergency Shelters in all zoning districts. Shelters are currently allowed in Beaverton in all zoning districts through Oregon State House Bill 2006, which requires local governments to approve applications for “emergency shelters” until June 2023. The bill defines “emergency shelters” as “a building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.” The proposed amendment will continue current land use allowances (including those in HB2006) and will ensure shelters continue to be allowed in the future.

The proposed amendment does not propose changes to the functional classification of an existing or planned transportation facility. The proposed amendment does not propose changes to the standards implementing a functional classification system.

The City’s adopted TSP ensures there is sufficient capacity for the anticipated growth and land uses based on the existing zoning code and Comprehensive Plan. The City zoning ordinance, setting HB2006 aside, currently allows for land uses comparable to permanent shelters in a majority of the City’s zoning districts. Only two zoning districts do not permit land uses comparable to permanent shelters – the OI-NC and the IND zones. Under the City’s zoning ordinance, both the OI-NC and the IND zones permit land uses with far greater traffic impacts than would be expected for a permanent shelter. The proposed amendment will not result in types or levels of travel or access that are inconsistent with adopted functional classifications. The proposed amendment will also not result in changes that would degrade performance so that it doesn’t meet performance standards or further degrade performance for a facility that is already projected not to meet performance standards.

Conclusion: Therefore, staff find that the proposed text amendment does not create a significant impact on the City’s existing and future transportation network, and thus the proposed text amendment is consistent with Statewide Planning Goal 12.

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, staff offers the following recommendation for the conduct of the public hearing for TA2022-0004 Shelter Code Project:

- A. Conduct the public hearing and receive all public testimony relating to the proposal.
- B. Consider the public testimony and the facts and findings presented in the December 7, 2022, staff report, deliberate on policy issues and other issues identified by the Commission or the public.

- C. Recommend **APPROVAL** of text amendment application TA2022-0004 Shelter Code Project Text Amendment to City Council with proposed language as written in Exhibit 1.