



**CITY OF BEAVERTON  
STAFF REPORT**

**HEARING DATE:** October 16, 2019

**STAFF REPORT DATE:** October 9, 2019

**TO:** Planning Commission

**STAFF:** Cassera Phipps, Senior Planner

**SUBJECT:** **TA2019-0002 (Vehicle Camping Text Amendment)**

**REQUEST:** The City proposes to amend the Beaverton Development Code by adding a definition of Vehicle Camping, developing siting standards for Vehicle Camping, exempting Vehicle Camping from certain development standards, and identifying Vehicle Camping as a land use in residential, commercial, industrial and multiple use zoning districts. The update affects Chapters 20, 60 and 90 of the Development Code.

**APPLICANT:** City of Beaverton

**APPLICABLE CRITERIA:** Development Code Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

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

**1. Summary of Proposed Text Amendment**

The proposal amends the text of the Development Code by:

- Adding a definition of Vehicle Camping that is consistent with recent updates to the City Code;
- Identifying Vehicle Camping as a permitted land use in all residential, commercial, industrial and multiple use zoning districts;
- Exempting Vehicle Camping from certain development standards, such as hours of operation; and
- Developing siting and design standards for Vehicle Camping

The Comprehensive Plan recognizes the city's role in supporting emergency and transitional housing options. As a whole, the proposed changes to the Development Code will help remove barriers to Vehicle Camping, providing some stability to persons experiencing homelessness and living out of their vehicles.

## Chapter 20

The Development Code currently does not define Vehicle Camping as a land use or allow it in any zone. The proposed text amendment identifies Vehicle Camping as a civic land use in residential, commercial, industrial and multiple use zoning districts and permits the use in each zone, subject to the siting and design standards in Chapter 60. The proposed amendments also exempt Vehicle Camping from certain development standards, such as hours of operation and restrictions on outdoor activity.

## Chapter 60

The proposal includes special regulations, found in Section 60.50.25, that address setbacks and other locational requirements specific to Vehicle Camping. If a Vehicle Camping site abuts a residential use, the standard 20-foot setback may be reduced to 10 feet by visually screening storage and sanitary facilities associated with the use. The purpose of these requirements is to mitigate potential impacts on surrounding properties and to provide privacy for people living in their vehicles.

## Chapter 90

A new definition of Vehicle Camping is proposed to be added to Chapter 90. The definition provides that the use may only be allowed through a program established by Council and administered by the Mayor.

## **2. Public Comment**

Public notice was provided consistent with Section 50.50 of the Development Code. No public testimony has been received.

## **3. Facts and Findings**

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 of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA2019-0002 (Vehicle Camping Text Amendment):

### ***Development Code Approval Criteria***

#### ***1. The proposal satisfies the threshold requirements for a Text Amendment application.***

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA2019-0002 proposes to make changes to Chapters 20, 60 and 90 of the Development Code, as shown in Exhibit A. Therefore, staff find that approval criterion one is satisfied.

#### ***2. All City application fees related to the application under consideration by the decision-making authority have been submitted.***

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. Staff find that approval criterion two is not applicable.

***3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.***

Metro's Urban Growth Management Functional Plan (UGMFP) is the document that defines how local governments are to implement the Metro Regional Goals and Objectives. The City is required to bring its land use regulations into conformance with the UGMFP. The City's Comprehensive Plan and Development Code have been amended to incorporate several UGMFP policies. The applicable Titles of the UGMFP are addressed below.

Title 1: Requirements for Housing and Employment Accommodation

Section 3.07.110 of the UGMFP calls for a compact urban form and a "fair-share" approach to meeting regional housing needs, and asks cities to help meet regional housing needs by maintaining or increasing their housing capacity. The City of Beaverton has adopted minimum density requirements for each zoning district. The proposed amendments do not modify the city zoning map or lower the minimum density requirements for each zone. Therefore, the proposed amendments are consistent with Metro Title 1.

Title 7: Housing Choice

The intent of Metro Title 7 is to ensure each jurisdiction provides a diverse range of housing types; specific goals for low- and moderate-income housing; housing densities consistent with the regional transportation system; and a balance of jobs and housing. While the Comprehensive Plan is the city's primary document demonstrating compliance with Title 7, the proposed amendments to the Development Code help implement emergency and transitional housing options. Therefore, the proposed amendments are consistent with Metro Title 7.

Title 8: Compliance Procedures

Section 3.07.810.A of Metro Title 8 establishes a process for determining whether city or county comprehensive plans and land use regulations substantially comply with requirements of the UGMFP, and requires cities to submit proposed comprehensive plan amendments to Metro for their review. Metro requires the city to submit the proposed amendment to Metro at least 35 days before the first evidentiary hearing, which is the Planning Commission hearing. The city provided the notice more than 35 days before the hearing. The city has not received any comments from Metro.

## Title 12: Protection of Residential Neighborhoods

The purpose of Section 3.07.1210 is to help protect existing residential neighborhoods from pollution, noise and crime, and to provide access to commercial services, parks and schools. The proposed amendments to the Development Code include siting and design standards specific to Vehicle Camping that are intended to mitigate impacts of the use. The proposal is anticipated to have minimal impact to the level of protection provided to residential neighborhoods. Therefore, the proposed amendments are consistent with Metro Title 12.

**Metro UGMFP Summary:** Therefore, staff find that the proposed text amendment is consistent with the applicable provisions of the UGMFP.

### ***4. The proposed text amendment is consistent with the City's Comprehensive Plan.***

Beaverton's Comprehensive Plan provides policy direction on matters related to future growth and physical development of the city including land use, economy, transportation, housing, natural resources, and other relevant topics. Oregon state law requires all cities and counties to prepare and adopt comprehensive plans that are consistent with Statewide Planning Goals. The applicable chapters of the Comprehensive Plan are addressed below.

#### Housing (Chapter 4)

To meet the community's housing needs, the city adopted goals and policies that encourage a mix of housing types and densities commensurate with a variety of income levels. Applicable policies of the Housing chapter are identified below.

*4.4.1.d Exhibit a commitment to equity by encouraging the dispersal of affordable and special needs housing throughout the city, while recognizing the need for proximity to transit and social services.*

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

*4.4.1.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 units*

The proposed text amendment would provide a safe, legal place to park for people experiencing homelessness and living out of their vehicles. The city's Vehicle Camping program provides participants with connections to services and resources with a goal of transitioning them into permanent housing. The proposal would also allow for Vehicle Camping sites to be dispersed throughout the city. Therefore, staff find that the proposed text amendments are consistent with Comprehensive Plan Chapter 4.

## Community Health (Chapter 10)

The layout and design of a community can have a significant impact on overall community health. The Community Health chapter includes a social safety net goal to increase coordination of public and private agencies to promote long-term health and maximize independence among vulnerable populations, including those experiencing homelessness. Applicable policies of Chapter 10 are identified below.

*Policy 1 Encourage coordinated service delivery for food, housing, health care, and other basic necessities of life.*

*Policy 2 Promote access to information and referral to food, housing, health care and other resources throughout City departments and in coordination with other public agencies.*

The proposed amendments to the Development Code help implement Community Health policies by connection people experiencing homelessness and living out of their vehicles with transitional housing and resources. Therefore, staff finds that the proposed amendments are consistent with Chapter 10 of the Comprehensive Plan.

**Comprehensive Plan Compliance Summary:** Therefore, staff find that the proposed amendment is consistent with the City's Comprehensive Plan.

### ***5. The proposed text amendment is consistent with other provisions within the City's Development Code.***

Staff proposes to modify Chapters 20, 60 and 90 of the Development Code. The proposal would permit Vehicle Camping in each zoning district, where allowed through a program established by Council and administered by the Mayor. The proposed changes to the Development Code exempt Vehicle Camping from certain development standards, such as hours of operation and restrictions on outdoor activity. The proposal also includes siting and design standards specific to Vehicle Camping. The proposed amendments do not create conflicts with other provisions of the Development Code. Therefore, staff find that the approval criterion has been met.

### ***6. The proposed amendment is consistent with all applicable City ordinance requirements and regulations.***

The proposed amendments to the Development Code are consistent with City Code sections 6.02.322 and 6.02.324 that relate to Vehicle Camping. In September 2019, City Council adopted an update to the City Code that expands the definition of "vehicle" and permits Vehicle Camping on parking lots owned or controlled by commercial interests, religious institutions, places of worship, public service nonprofits and public entities. Therefore, staff find that the proposal is consistent with applicable City ordinance requirements and regulations.

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

Staff have determined that there are no other applications and documents related to the request that will require further City approval. Therefore, staff find that approval criterion seven has been met.

***Other applicable approval criteria***

As a post-acknowledgement amendment to the City's Development Code, the proposed text amendment is subject to ORS 197.175(1), which requires that the City demonstrate that the proposed text amendment be consistent with the relevant Statewide Planning Goals. Staff have determined that the following goals apply:

*Goal 1 Citizen Involvement* *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

City staff attended a meeting on August 26, 2019, facilitated by the Beaverton Committee for Community Involvement (BCCI) to provide an update on the Safe Parking Program and to share information about the proposed changes to the City Code and Development Code related to Vehicle Camping.

Consistent with procedures outlined in the Development Code, notice of the proposed text amendment was sent to all NAC chairs, the Chair of the BCCI, Washington County's Department of Land Use and Transportation, the Department of Land Conservation and Development, and property owners that currently participate or have expressed interest in participating in the city's Safe Parking Program. Copies of the hearing notice were posted at City Hall and the City Library, and published in the newspaper, consistent with Type 4 noticing requirements. A notice was also posted on the city's website. Staff find that the City has provided adequate notice and opportunity for public involvement.

*Goal 2 Land Use Planning* *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

Changes to the Development Code require a Type 4 process, which includes noticing and a public comment period, prior to a hearing before the Planning Commission. The hearing is open to the public and includes an opportunity to receive public testimony. At the conclusion of the hearing, the Planning Commission can continue the hearing to a later date, keep the record open for more information or make a recommendation to the City Council, the ultimate decision making authority. Prior to adoption of the any text amendments, the City Council will consider all the evidence in the record, including any testimony provided at the Planning Commission hearing and any recommended changes to the proposal.

Staff find that the proposed text amendment fits within the established process and framework. Furthermore, the findings contained within this report establish an adequate factual basis for the proposal.

Goal 10 Housing *To provide for the housing needs of citizens of the state.*

The proposed text amendment is intended to provide a safe, legal place to park for people experiencing homelessness and living out of their vehicles. The city's Safe Parking Program is designed to connect people with resources and help them transition into permanent housing. Therefore, staff find that the proposal will enhance the ability of the city to address housing needs.

**State Land Use Goal Compliance Summary:** Therefore, staff find that the proposed text amendment complies with all of the applicable State Planning Goals.

#### **4. Conclusions**

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7.

#### **5. Staff Recommendation(s)**

Staff offers the following recommendation for the conduct of the October 16, 2019 public hearing for TA2019-0002 (Vehicle Camping Text Amendment):

- A. Conduct the public hearing and receive all public testimony relating to the proposal.
- B. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
- C. Recommend **APPROVAL** of text amendment application TA2019-0002 (Vehicle Camping Text Amendment) to the City Council.

#### **6. Exhibits**

- Exhibit A Proposed Development Code Text  
Exhibit B Staff Memorandum, dated September 18, 2019