



# WASHINGTON COUNTY OREGON

July 10, 2023

To: Washington County Board of Commissioners

From: Erin Wardell, Manager  
Planning and Development Services

Subject: **Approval of FY 2023-2025 Planning Work Program and Authorization to File Ordinances**

## STAFF REPORT

**For the July 18, 2023 Board of Commissioners Meeting**  
*(The meeting will begin no sooner than 10 a.m.)*

### I. STAFF RECOMMENDATION

Approve the Fiscal Year (FY) 2023-25 Planning Work Program and authorize filing of Tier 1 and Tier 2 ordinances as shown in Table 1 of this report.

### II. OVERVIEW

The Planning and Development Services Division of the Department of Land Use & Transportation (LUT) prepares a Planning Work Program for Board consideration. Starting this year the Planning Work Program will cover two years, FY 2023 – 2025. The process of developing the work program includes preparing a Draft that is shared for public review and comment. Based on public comments and further review and staffing considerations, several changes from the Draft Report are now proposed, and staff is presenting the Final Work Program for Board consideration and adoption.

### III. BACKGROUND

At its April 18 Work Session, the Board authorized release of the [Draft 2023-25 Planning Work Program](#) for a six-week comment period spanning April 18 to June 2. The draft staff report was sent to the Washington County Committee for Community Involvement (CCI), Community Participation Organizations (CPOs), cities and service districts, and interested parties. It was also

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posted on the County's Planning Work Program webpage. In addition, an online open house on the draft Work Program ran from May 5 to June 2 and included a survey.

From the time the Draft Report was released, 21 comment letters and 28 survey responses were received concerning a variety of topics. Based on the comments and further review, several small changes are proposed from the Draft Work Program. These proposed changes are described in the **Staff-Recommended Changes** section starting on page 10. The comment letters are described in the **Community Input** section starting on page 6. A summary of the comment letters is provided in Attachment A, a summary of the survey responses is included in Attachment B and copies of the comment letters are provided in Attachment C to this report.

This final report has been distributed to all parties listed above and posted on the Planning Work Program webpage:

<https://www.washingtoncountyor.gov/lut/planning/planning-work-program>

#### IV. SUMMARY OF WORK PROGRAM AND STAFFING

##### ***Summary of Work Program***

The LUT Planning Work Program identifies both discretionary and non-discretionary tasks. It includes ongoing planning responsibilities and identifies and prioritizes other proposed community and transportation planning tasks. Tasks may include ordinances, issue papers, and long-term studies or projects.

The Planning Work Program helps ensure available resources are directed in support of the highest priority needs and aligned with Board policy guidance. In developing the Planning Work Program, staff has attempted to balance the following:

- Available staff and budget resources;
- Ongoing routine and nondiscretionary tasks;
- Regulatory requirements (e.g. federal, state and regional regulations and mandates);
- Prior input and policy guidance from the Board of Commissioners; and
- Community input and requests.

##### ***Planning team staffing and organization***

Washington County has three planning teams: Community Planning, Transportation Planning and Current Planning/Development Review. Combined these three teams are budgeted at **39.79 Full-time Equivalent (FTE) staff**, though we currently have a number of vacancies. The work of these teams is summarized below:

**Community Planning: 14.59 FTE budgeted in FY 2023-24**

The Community Planning team maintains the County's Comprehensive Plan, including updating the Community Development Code, Comprehensive Framework Plan for the Urban Area, Rural/Natural Resource Plan, Community Plans and Urban Planning Area Agreements. Community Planners conduct planning studies on housing, natural resources and rural development issues. They coordinate with local and state partners on planning efforts and involve the public and community-based organizations in their projects.

**Transportation Planning: 11.68 FTE budgeted in FY 2023-24**

The Transportation Planning team prepares and updates Washington County's 20-year Transportation System Plan. They conduct travel demand forecasting, oversee the countywide Transportation Development Tax, manage disbursement of Statewide Transportation Improvement Funds, and transit, bicycle and pedestrian planning. Transportation planners work with the cities and regional partners including Metro, TriMet and the Oregon Department of Transportation on regional transportation issues.

**Current Planning/Development Review: 13.52 FTE budgeted in FY 2023-24**

The Current Planning/Development Review team works with community members, developers and planning consultants. They review all development proposals to make sure they meet requirements in the elements of the County's Comprehensive Plan, which regulates land use and development activities in unincorporated Washington County. They also provide assistance to community members requesting information about the land development process and provide code compliance services.

**V. 2023-25 WORK PROGRAM PRIORITIES**

This Final Work Program proposes major tasks that planning staff will undertake in addition to numerous ongoing, nondiscretionary tasks.

***Nondiscretionary Work***

Much of the work of planning staff at Washington County involves our day-to-day operations and providing community services and development review. This work is considered "nondiscretionary" and does not require Board approval on an annual or biennial basis. If nondiscretionary tasks are less staff-intensive than expected, staff can work on the other identified work program tasks. Conversely, if more nondiscretionary tasks than expected emerge, some of the other tasks may take longer. Anticipated FY 2023-25 nondiscretionary tasks include:

### Required and Ongoing County Planning Activities

These tasks are generally required by state statute or are part of providing community services. Development activities over the time period are estimated based on historical trends. Required County planning tasks include, but are not limited to:

- Development Review and Assistance
- Plan amendments, special district annexations and coordination
- Advisory Committee support (Planning Commission, Planning Directors, Washington County Coordinating Committee (WCCC) and WCCC Transportation Advisory Committee (TAC))
- Demographic, economic information, data collection and analysis
- Interdepartmental coordination, including housing issues and economic development as well as studies and projects such as the Code Compliance Study and Climate Action Planning
- Coordination with other LUT divisions to implement the Comprehensive Plan, including support to Capital Projects during project design phases and Engineering for coordinated planning initiatives
- Support government relations staff in legislative analysis and policy development
- Transportation model updates and applications to support transportation planning and projects
- Transportation Development Tax (TDT)/System Development Charge (SDC) review, updates and annual reporting
- Implementation of public transportation service per requirements in the Statewide Transportation Improvement Fund (STIF)
- Identify grant opportunities and prepare applications upon Board authorization
- Continuous process improvement, to ensure that we are providing the best services to our community with limited staff resources

### Regional and Interagency Coordination

Given the strong local economy and development pressures throughout the region, County participation in regional, state, and federal planning efforts is critical to ensure County perspectives are addressed. Staff continues to participate in a range of regional, multiyear planning projects, such as:

- Metro's Urban Growth Management Cycle (Urban Growth Report expected in 2024) and Regional Transportation Plan (RTP) expected to be adopted in late 2023.
- Planning by other agencies, including Oregon Department of Transportation (ODOT), TriMet and the Port of Portland.
- Planning by cities, including planning for new urban growth boundary (UGB) and urban reserve areas, TSP updates and Urban Planning Area Agreements (UPAAs).

**Discretionary Tasks to Implement County Priorities**

In addition to our nondiscretionary tasks, the Board authorizes staff to conduct work on other projects that fit into the County’s overall goals and meet state and local requirements. Taken together, these tasks fill the remainder of staff’s time. **While these tasks are labeled as discretionary, in many cases the tasks are required to meet state or regional requirements and are therefore mandatory.**

Themes identified in the Final Planning Work Program implement Board priorities, as follows:

Planning Work Program Themes	Board Priorities
Housing	Partner with the state and region to develop, build and manage affordable housing
Natural Resources and Climate	Plan for and respond to emergencies and disasters, including those caused by climate change
Multimodal Transportation System Planning and Funding	Design, build and maintain a connected multimodal transportation system in partnership with the state, cities and region
Plan and Code Updates	Support and continue to improve the major systems of government

The Final Work Program, organized thematically, is attached to this staff report as Table 1. It includes the full list of discretionary planning projects for this two year timeframe, and shows that some work will not start until next fiscal year. A short description of the tasks under each of the themes includes:

Housing

Several tasks in this work program support the production and affordability of housing. Given the importance of this topic at the local and state level, work on other tasks will continue to be viewed through an affordable housing lens, as staff seeks opportunities to positively influence housing production and affordability.

Natural Resources and Climate

Several tasks in this work program address land use and transportation measures to appropriately protect natural resources and address state level requirements to reduce climate impacts from transportation and housing development.

Multi-modal Transportation System Planning and Funding

A number of tasks in the work program support planning, designing, building and maintaining a connected multimodal transportation system. This includes facilities for pedestrians, bicycles, transit, trucks and cars.

Plan and Community Development Code (CDC) Updates

The work program includes important tasks to keep our Comprehensive Plan elements, including the CDC, updated and reflective of state law changes and community needs.

**VI. COMMUNITY INPUT**

During the six-week review period, staff discussed the Draft with the Planning Commission and the Committee for Community Involvement (CCI), as well as conducted an online open house. We received 21 letters and 28 survey responses. The following table summarizes comments received and staff’s response. A summary of submitted comments is included as Attachment A and copies of the letters as Attachment C. A summary of the online open house survey is included as Attachment B.

COMMENTS	
<p><b>1. Short Term Rentals</b></p> <p>(Submitted by Berne, Kerry, and Survey)</p> <p>Concern with removing short term rental regulations from the Work Program, suggestions for how to pay costs of program and suggestions to use Portland’s regulations.</p>	<p><b>Staff Response:</b></p> <p>Short term rental regulations are an urban level of service not provided by other Washington County jurisdictions.</p> <p>Given staff and funding limitations, staff continues to recommend this topic be deleted from the Work Program.</p>
<p><b>2. Gas station siting requirements</b></p> <p>(CCI, Lange, Morgan, Marion, Seda, Moudgil, Lemmen, Fogarty, Tualatin Riverkeepers, Survey)</p> <p>Concerns raised by community members and others related to possible environmental effects from gas station siting in the county. Concerns were an offshoot of the opposition to a 2021 land use application for a proposed Chevron station and convenience market at the West Union/185th Avenue intersection.</p> <p>Letters proposed different ideas for limiting gas stations in the urban unincorporated area, including prohibiting new gas station siting within a certain distance (proposed at 1,500 feet) of other certain public uses and sensitive environmental resources, prohibiting gas stations outright, and facilitating development of charging stations.</p>	<p><b>Staff Response:</b></p> <p>The requested siting restrictions would constitute a virtual prohibition on new gas stations in the urban unincorporated area. Staff is not aware of any other Oregon jurisdiction that has similar restrictions.</p> <p>New gas stations are an uncommon development request in the urban unincorporated area; the County has received only one request for a new gas station in the last 10 years.</p> <p>For these reasons staff does not recommend placing a new item on the work program to address this request.</p>

<p><b>3. Extension of Shackelford Rd. to 185th Ave., through the Urban Reserve.</b>                  (CCI, Survey)                  Request to facilitate construction of the Shackelford Road extension to 185th Ave. through development contributions. Comment to bring the Peterkort property into the UGB to facilitate this construction.</p>	<p><b>Staff Response:</b>                  Board policy, consistent with Metro policy and the Urbanization Forum, is that new UGB areas should be planned by cities. In addition, potential extension of Shackelford Road would be possible without expansion of the UGB, since a goal exception to allow road extension through a rural area was taken as part of North Bethany planning work. Funding for the improvement, however, would need to be identified.                  Staff does not recommend that this task be added to the work program.</p>
<p><b>4. CDC Audit/Assessment</b>                  (CCI, Wellner, Survey)                  Interest in streamlining and simplification of the CDC, specific changes suggested, CCI is identified as a stakeholder.</p>	<p><b>Staff Response:</b>                  This work is in Task 1.2. Specific comments will be considered as part of the work.</p>
<p><b>5. Housing supply and affordability</b>                  (CCI, Survey)                  Support work to create more options for housing supply and affordability, and reducing barriers to housing production.</p>	<p><b>Staff Response:</b>                  This work is in Task 1.1.</p>
<p><b>6. Rural Housing/Accessory Dwelling Units (ADUs)</b>                  (Submitted by Dixon, Gibino, Survey)                  Request to develop regulations to allow rural ADUs, as allowed (but not required) under state law. Further interest in other housing options, including changes to health hardship requirements, and clear and objective standards for residential development in the rural area.</p>	<p><b>Staff Response:</b>                  State law changes in the 2023 legislative session removed certain barriers from allowing ADUs on rural residential land. There are pros and cons to allowing rural ADUs, and likely there would be some standards we would want to implement if they were allowed. In addition to this ADU provision, there have been other recent changes in state law related to rural housing options.                  Task 1.3 includes an issue paper exploring and making recommendations on this and other recent changes in state law related to rural housing options. This work would likely not start until the second year of the biennium.                  Staff does not recommend changes to health hardship regulations. That topic was explored several years ago, and County regulations are consistent with state law.</p>

<p><b>7. Significant Natural Resources (SNR) – fund expanded SNR protections, including urban tree code</b></p> <p>(CCI, Treekeepers of Washington County, Fran Warren, Tualatin Riverkeepers, Survey)</p> <p>Additional work is required to respond to remand of County SNR Ordinance No. 869-A and update County Wildlife Habitat Inventory. Provide additional resources for this work. Interest in an urban tree code to protect mature trees and heritage trees, and funding to hire an arborist to implement regulations.</p>	<p><b>Staff Response:</b></p> <p>Work on developing County regulations for Significant Natural Resources is Task 1.4, including an update to the County’s SNR inventory. This work is currently underway, with 1.5 staff FTEs and a \$300,000 consultant contract to assist with the work. Additions to the inventory for new UGB expansion areas is included in the task.</p> <p>An urban tree code that would apply to areas outside SNRs is not contemplated at this time, however, trees within SNRs will be addressed through Task 1.4.</p>
<p><b>8. Address climate change through various actions</b></p> <p>(Tualatin Riverkeepers)</p> <p>Consider protection of natural resources as a way of mitigating the impacts of climate change, particularly focused on wetland and riparian areas. Coordinate more with Clean Water Services (CWS) to address stormwater concerns with County roads and housing.</p>	<p><b>Staff Response:</b></p> <p>The County’s Significant Natural Resource regulations, and those of the region, do prioritize protection of water-related areas, recognizing that these areas are critical both for water quality and quantity, habitat for wildlife, and climate resilience. The work underway to update County SNR regulations will maintain that prioritization. In that and other work, County LUT staff partner with CWS, and we continue to look for ways to work together on topics of mutual interest.</p>
<p><b>9. Bicycle/Pedestrian/Trails comments</b></p> <p>(McCourt, Surveys)</p> <p>Various comments about importance of trails, bicycle and pedestrian needs, sidewalk connectivity and creating neighborhood linkages, interest in trees to shade sidewalks, safe transit and separating bikes from buses.</p>	<p><b>Staff Response:</b></p> <p>Staff is working on many of these issues through our work on Trails and Transit Planning and updating our Complete Street Design Standards (Tasks 1.7, 1.12, 1.13). Comments will be considered as part of that work.</p>
<p><b>10. General Transportation Planning Comments</b></p> <p>(Kepner, Warren, Survey)</p> <p>Support for expanding community connector shuttle services, especially for older adults and people with disabilities. Interest in continuing to identify and monitor for safety and operational improvements in the rural area. Comments acknowledged that LUT has limited staff resources to address all of the transportation planning issues that are facing the County.</p>	<p><b>Staff Response:</b></p> <p>Staff will continue to work with the community and Ride Connection, the County’s contracted transit service provider, to identify opportunities to improve community connector shuttle services and other transit solutions. Transportation Planning staff coordinates with LUT Traffic and Operations, city and agency partners to leverage resources to address the variety of transportation planning issues facing the County.</p>

<p><b>11. Contractor’s Establishments</b>                  (City of Wilsonville, Survey)                  Support for review of regulations on Contractor’s Establishments, offer from Wilsonville to partner on this work with the County, and comments about impacts of these establishments on neighbors.</p>	<p><b>Staff Response:</b>                  An Issue Paper on this topic is in Task 1.16(a). Given staff workload, work is expected to take place in the second year of the biennium.</p>
<p><b>12. Rural tourism</b>                  (Survey)                  Implement SB 960, expanding rural tourism by allowing more commercial events on farmland.</p>	<p><b>Staff Response:</b>                  This would be a major work task.                  Staff does not believe this is a high priority currently, and recommends it remain on Tier 2 for possible future implementation.</p>
<p><b>13. Annual CCI letter</b>                  (CCI)                  In addition to items addressed above (where CCI is listed), the group proposed several additional miscellaneous requests, including:</p> <ul style="list-style-type: none"> <li>• Updating neighborhood meeting rules</li> <li>• Support Issue Paper on THPRD Interim Park SDCs</li> </ul>	<p><b>Staff Response:</b>                  Staff believes updating neighborhood meeting regulations can be done without further Board direction. Work on the Interim Park SDC Issue Paper is in Task 1.16(b). Given staff workload, work is expected to take place in the second year of the biennium.</p>
<p><b>14. Interest in a strategy for annexation</b>                  (Survey)                  Interest in developing a strategy for urban unincorporated areas to annex to adjacent cities.</p>	<p><b>Staff Response:</b>                  At this time this is not a Planning Work Program task. The topic may be addressed as part of Board Strategic Plan conversations.</p>

One general comment supported using the equity framework developed through the MSTIP/HB 2001 work to apply to planning projects and requested clarification on how and when that will be applied. Additionally several comments outside the scope of the Planning Work program were submitted. These included desire for expansion of high speed internet and a prohibition on the keeping of roosters.

**Planning Commission discussion**

At its April 19 and May 17 meetings, the Planning Commission (PC) received a briefing on the Draft Work Program. The PC had robust discussions, though no action or specific recommendations were made. The conversation included questions about:

- The types of changes in a TSP update
- Infrastructure funding for areas that might come into the UGB under Senate Bill 4
- Equity considerations in planning projects, noting equity is about process and outcomes

- Possibility of providing a stipend for PC members
- The Transit Study and County transit work

Staff will continue to engage with the PC on Work Program topics and will consider all PC comments as work on specific tasks moves forward.

## VII. FINAL RECOMMENDED WORK PROGRAM

### ***Staff-Recommended Changes from Draft Work Program***

Given the limited number of staff FTEs in the discretionary category, and the number of tasks in this category that are actually required to meet state and regional requirements, there is little room this biennium to make significant changes in the proposed Work Program.

However, staff recommends several small changes to the Draft Work Program based on comments received and further staff review. These are discussed below and reflected in the final revised Table 1 attached to this staff report.

- Addition of one subtask to Task 1.1, Housing Production and Affordability, to address requirements from the Governor's Executive Order on Housing Production Goals and any requirements resulting from the Housing Production Advisory Committee. The extent of that work is currently unknown.
- Addition of one possible subtask to Task 1.14, UGB Expansions Ordinances, to allow for possible work on UGB expansion for a possible semiconductor site.

### ***Staff resources and impact on timeframes***

This Work Program covers the 39.79 FTE of staff time for: Community Planning, Transportation Planning, and Current Planning/Development Review. While the work is likely overprogrammed, this two year work program provides some flexibility in timing of tasks. Adjustments to the Planning Work Program will be needed if additional tasks are added, existing tasks are expanded, tasks are reprioritized, or the division's proposed budget is reduced through the budget process. Staff also notes there are currently five vacancies in Long Range Planning and one in Current Planning. The ability to fill these positions and the timing of hiring will impact how quickly tasks are completed.

### ***Timeframe for tasks***

The timeframe for Tier 1 tasks is expected to generally fall between July 2023 and June 2025; however, much of the significant work is long-term and it is expected that some tasks from this biennial work program will continue into future years. Figure 1 shows the timeframes for longer term work. Specific tasks span both short- and long-term timelines. Given the longer timeframe for the Work program there is more flexibility in when the work both starts and is completed.

**Tiering of tasks**

Potential ordinances and planning projects, as shown in Table 1, are categorized into two tiers:

- **Tier 1** tasks are the highest priority and include major projects, tasks continued from the last work program and ongoing responsibilities. Some Tier 1 multiyear tasks will continue into future years.
- **Tier 2** tasks are ordinances and projects that do not have sufficient staff resources or funding at this time. Staff recommends addressing Tier 2 projects and ordinances if additional staff resources or funding become available, though many of these tasks are likely to be carried over into the following year.

**VIII. DRAFT ORDINANCE HEARING SCHEDULE**

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

Ordinance Topic	Proposed Ordinance Filing	Initial PC Hearing	Initial Board Hearing
▪ UGB expansion – River Terrace	July	Mid-Aug.	Late Sept.
▪ UGB Expansion – North Plains	Early Aug.	Late Sept.	Late Oct./ Early Nov.
▪ North Plains UPAA	Fall	Late Fall	Winter
▪ Minor TSP amendments	Fall	Winter	Winter
▪ Housing	Winter	Winter	Spring
▪ Significant Natural Resources	April 2024	May/June 2024	Aug. 2024
▪ Minor Comprehensive Plan amendments	Spring	Spring	Summer

*List of Attachments*

The following attachments identified in this staff report are provided:

Figure 1: General Timeframes for Major Planning Projects

Table 1: Final FY 20-23-25 Planning Work Program Tasks

Attachment A: Summary of work program request letters.

Attachment B: Summary of survey responses.

Attachment C: Copies of Work Program request letters.

**Figure 1 – GENERAL TIMEFRAMES FOR MAJOR PLANNING PROJECTS**

	2023				2024				2025				2026				2027													
	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec										
Planning the FY 2023-2025 Transportation Land Use County Work Program and Adoption...	Significant Natural Resources / Limited Goal 5 Program Update								Implementation																					
	Housing Production and Affordability																													
	Community Development Code Assessment Grant application, consultant selection, assessment																													
	TSP Major Update Scoping								TSP Major Update including CFEC Performance Measures																					
	Transit Development Plan Implementation Update TDT equity mapping, needs analysis, funding assumptions, priorities for 2026-27								Transit Development Plan Implementation Update same elements for 2028-29																					
	Climate Friendly and Equitable Communities • Parking regulations • Town Center Boundary • LU and Transportation Changes																													
	Update Urban Planning Area Agreements (UPAAs) and other coordination needs																													
Coordination City Regional Planning	Coordination with City Land Use and Transportation Planning • UGB Expansion Area Planning (S. Cooper Mtn., S. River Ter., Beef Bend South, etc.) • City / County TSP Updates (as needed) • Redevelopment Plans																													
	Regional Land Use and Transportation Planning • Regional Affordable Housing Bond support • Employment/housing needs analyses • Regional Transportation Planning technical support and coordination • Regional Parks and Nature Bond support • Planning and coordination for Transit and Trails • Corridor planning, technical support and coordination																													
State Planning	Coordination with Oregon Department of Transportation • Regional Mobility Pricing Project/Tolling technical support and coordination • Oregon Transportation Plan																													
	Monitor Statewide Planning Program/Rulemaking/Legislature/LCDC/LUBA Appeals																													
	State Legislative Session							State Legislative Session									State Legislative Session							State Legislative Session						

**Table 1 – FINAL FY 2023-25 PLANNING WORK PROGRAM TASKS**

**Tier 1 – FY 2023-25 Work Program**

No.	Tier 1 Tasks	Staff Time	Ordinance	Public Involvement	Source of Proposal	Area
<b>Housing</b>						
1.1	<p><b>Housing Production/Housing Affordability</b></p> <p>Collaborate with Department of Housing Services and Office of Community Development to modify County regulations to encourage development of a greater variety of housing types, enhance housing affordability and address housing-related legislative changes made in 2022 and 2023. The expected modifications will be extensive. Staff will:</p> <ul style="list-style-type: none"> <li>a) Participate in development and implementation of state legislation, including rulemaking, as needed.</li> <li>b) Propose changes to Comprehensive Plan elements, including the Community Development Code (CDC), to meet state law and rule requirements and reduce regulatory barriers to incentivize growth and diversity in housing supply and make it less complex to build smaller, more affordable homes. Consider ways to incentivize retention of existing housing stock on development sites, which is typically more affordable than comparable new housing.</li> <li>c) Participate in local implementation of middle housing and identify CDC refinements for consistency with policy changes for middle housing and to eliminate procedural and regulatory barriers to middle housing.</li> <li>d) Coordinate with state, Metro and local cities on Regional Housing Needs Analysis, Housing Capacity Analyses and Housing Production Strategies (extent of work is still to be determined).</li> <li>e) Propose amendments to Comprehensive Framework Plan for the Urban Area (CFP) policies related to anti-harassment and anti-discrimination.</li> <li>f) Work with Housing Services to amend the CDC to allow conversions of existing hotels and motels to affordable housing and shelter facilities in all land use districts as required under recent state law changes (HB 3261 and HB 2006).</li> <li>g) Amend the CDC and CFP consistent with forthcoming recommendations and policy changes resulting from the governor’s Executive Order No. 23-04, Establishing a Statewide Housing Production Goal and Housing Production Advisory Council.</li> </ul>	H	Y	M	Staff, Equitable Housing Site Barriers and Solutions, state law	U
1.2	<p><b>Community Development Code (CDC) Assessment</b></p> <p>Assess the structure and function of the CDC. Consider ways to simplify, streamline and improve its efficiency to facilitate its use by applicants and staff. Reduce regulatory and procedural barriers to development, including but not limited to housing. The assessment will include review for: consistency with federal, state, regional and local requirements and policies; inconsistent, outdated, repetitive or subjective standards; equity considerations; and best practices. This would be Phase 1 of a multiphase and multiyear process to update the CDC and would identify the next steps in the update process. Staff intends to hire a consultant to assist with the assessment and include stakeholders to identify issues to be addressed. Grant funds may be available.</p>	H	Y	M	Staff	U, R

H = High, M = Medium, L = Low

C = Countywide, U = Urban Unincorporated, R = Rural

No.	Tier 1 Tasks	Staff Time	Ordinance	Public Involvement	Source of Proposal	Area
1.3	<p><b>Rural Housing Options Issue Paper</b>  <i>State legislation adopted over the last several years, as well as some currently being considered, addresses rural housing options. Many of the existing provisions are permissive, meaning the County may (but is not required to) implement them. This issue paper would address these options, including rural Accessory Dwelling Units (ADUs), ADU allowance for historic dwellings in rural residential districts, voluntary relative forest dwelling units (2021) and other dwelling uses possible from the 2023 legislature. Consider new state requirements for clear and objective standards for residential development in certain rural districts. Work likely to start in second year of biennium. Recommendations for work resulting from the issue paper would be addressed in future work programs.</i></p>	M	Y	M	Community request, Staff	R
<b>Natural Resources and Climate Change</b>						
1.4	<p><b>Significant Natural Resources (SNR) – Limited Goal 5 Program Update</b>                      Work with Planning Commission (PC) and community to prepare a B-Engrossed Ordinance No. 869 in response to the Land Use Board of Appeals (LUBA) remands of A-Eng. Ord. No. 869 and Habitat Assessment Guidelines. Staff and consultant work includes:                      a) Updating the SNR maps, reflecting a revised inventory of Wildlife Habitat and water-related resources, focused on the urban unincorporated area.                      b) Incorporating inventory work of Beaverton and other cities, as appropriate, for SNRs in new UGB expansion areas.                      c) Following all Goal 5 steps, including Economic, Social, Environmental and Energy (ESEE) analysis and adopting a local Goal 5 Program decision, for both urban and rural areas.                      d) Developing Comprehensive Plan policies for the urban and rural areas.                      e) Developing clear and objective standards for the CDC.                      f) Effective public engagement.</p> <p>Additional work includes development of a web-based SNR mapping tool for community to identify and verify general locations of SNRs on properties and developing a database to monitor and enforce new CDC provisions.</p>	H	Y	H	Community requests, SNR Assessment, A-Eng. Ord. No. 869, LUBA appeals and remands, Department of Land Conservation and Development (DLCD) Enforcement Order	U, R
1.5	<p><b>Climate Friendly and Equitable Communities (CFEC) Implementation</b>  <i>New state rules guiding transportation and land use planning adopted in July 2022 require most local governments in Oregon to make significant changes in their planning regulations and processes. The first requirements, which apply to parking standards and necessitate changes to the CDC by ordinance, took effect in early 2023. Additional changes to Comprehensive Plan documents will be required in later phases of this work. Extent and timing of work is unknown given current Rulemaking process to revise adopted Rules.</i></p>	H	Y	H	DLCD	U

H = High, M = Medium, L = Low

C = Countywide, U = Urban Unincorporated, R = Rural

No.	Tier 1 Tasks	Staff Time	Ordinance	Public Involvement	Source of Proposal	Area
<b>Multimodal Transportation System Planning and Funding</b>						
1.6	<p><b>Transportation System Plan (TSP) Major Update Scoping</b></p> <p><i>The County's TSP was updated by several ordinances adopted in 2014 and 2015. State and Metro policy changes now require significant TSP updates. This scoping exercise will include community engagement, work with the Planning Commission and sharing information with the Board. Outcomes of the scoping exercise could determine identification of potential funding sources. This is the scoping exercise. Once the work on the major update of the TSP starts, it will take around three years to complete</i></p>	L	Y	M	Staff and Climate Friendly and Equitable Communities Rules	C, U, R
1.7	<p><b>Complete Streets Design Update</b></p> <p>Review and update County Road Design and Construction Standards, in partnership with LUT Engineering, to implement road standards that better reflect the variety of land use contexts within the county. Includes an update of the transportation development review process and procedures used to determine transportation safety-related conditions of development approval. Current procedures were adopted by Resolution and Order (R&amp;O) 86-95 in 1986. Technical work is underway and will be completed in 2023 or 2024. This will be followed by ordinances to amend the TSP, Road Design and Construction Standards, and an R&amp;O to adopt new transportation development review procedures in 2023 or 2024.</p>	M	Y	M	Staff	C
1.8	<p><b>Develop Transportation Element of County Capital Improvement Plan (CIP)</b></p> <p>The County is in the process of transitioning to a countywide Capital Improvement Plan (CIP) approach to prioritizing County funding for transportation, facilities, and information technology systems needs. Planning staff will continue to support the transportation element of this work. Over the past two years, Planning staff coordinated extensively with Capital Projects Services, County staff in the Office of Equity, Inclusion and Community Engagement (OEICE) and Health and Human Services (HHS), our partners at the cities and Clean Water Services (CWS) to begin the work of prioritizing future transportation projects. That work included extensive and inclusive community engagement and project evaluation.</p>	M	?	H	Staff and Board	U, R
1.9	<p><b>Farmington Road Concept Plan</b></p> <p><i>Corridor concept plan for the section of SW Farmington Road under state jurisdiction between SW 198th Avenue and SW Kinnaman Road. The plan will include a framework for future jurisdictional transfer of this section of Farmington Road from state to County. The preferred corridor design concept will be incorporated into relevant plan documents, including the TSP and Aloha-Reedville Community Plan. Funded by a TGM grant in partnership with ODOT and with support from the city of Beaverton. Project to be initiated in Q1 of FY 2023 and completed in 2024. Ordinance in 2024 or 2025 as part of a TSP update.</i></p>	M	Y	M	Aloha-Reedville Study, ODOT's Active Transportation Needs Inventory	U

H = High, M = Medium, L = Low

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No.	Tier 1 Tasks	Staff Time	Ordinance	Public Involvement	Source of Proposal	Area
1.10	<p><b>Update Transportation Safety Action Plan (TSAP)</b> Review and update the County's existing TSAP in partnership with LUT Traffic and Operations staff. The TSAP will prioritize near-term, effective strategies to address locally identified safety issues in coordination with Washington County cities and regional partners. Inclusive, culturally appropriate, and meaningful engagement of communities and jurisdictional partners will be used throughout the planning process. Funded by a joint federal Safe Streets and Roads for All (SS4A) grant with Metro and city of Tigard.</p>	M	Y	H	Staff	C
1.11	<p><b>Minor Transportation System Plan (TSP) updates</b> Minor update of the TSP to include outcomes from the Urban Reserves Transportation Study (URTS) and Cooper Mountain Transportation Study (CMTS). This task has been ongoing since 2021, when Ord. No. 882 was filed. The ordinance was engrossed and has been continued to Oct. 24, 2023. County staff will coordinate with city of Tigard staff since a large part of the area affected by this ordinance was brought into the UGB in February 2022 by Metro ordinance.</p>	M	Y	M	Staff, Urban Reserves Transportation Study, Cooper Mountain Transportation Study	C, U, R
1.12	<p><b>Countywide Transit Planning</b> a) Implement transit services funded by Statewide Transportation Improvement Fund (STIF). b) As a recipient of Statewide Transportation Improvement Funds, which are intended to improve service to low income communities and reduce service fragmentation between transit providers, Washington County must prepare a Transit Development Plan (TDP) every two years. Next update required in 2024.</p> <p>Countywide Transit Study in partnership with TriMet, Metro, ODOT and Washington County cities to identify transit options that expand economic opportunities and improve livability for community members in the county. The study will develop a shared vision and a plan to enhance the transit system to better meet the needs of riders, with a focus on the role of local jurisdictions to support transit access, speed, and reliability. Consultant under contract for Countywide Transit Study and project initiated June 2022. Ordinance may go forward in 2024 as part of a TSP update.</p>	M	Y	M	HB 2017, Transportation Futures Study, Strategic Solutions for First/Last Mile Transit Connections Plan, State rules for STIF allocation	C
1.13	<p><b>Trails Planning and Coordination</b> Continue to actively participate in planning and implementation efforts for Council Creek Regional Trail (CCRT), Salmonberry Trail, Tualatin Valley Trail, and other regional trail facilities. Staff are leading preliminary design of the CCRT in coordination with Capital Project Services (CPS). The CCRT will be an off-street multiuse pathway connecting Forest Grove, Cornelius, and Hillsboro. CCRT is funded by regional and federal grants as well as local matching funds. Preliminary design of CCRT will be complete by the end of 2023. Construction is anticipated to start in 2025. Staff anticipates filing an ordinance to amend the TSP with the CCRT alignment in 2023.</p>	H	Y	M	Aloha Tomorrow, Board, Metro regional trails plan	C

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No.	Tier 1 Tasks	Staff Time	Ordinance	Public Involvement	Source of Proposal	Area
<b>Minor code and plan updates</b>						
1.14	<p><b>UGB Expansion Ordinance(s) and Urban Planning Area Agreement (UPAA) updates</b>  <i>The Roy Rogers East and West Urban Reserve Area (Tigard’s River Terrace 2.0) UGB expansion/land swap was approved by Metro and acknowledged by LCDC in 2023. Additionally, North Plains recently adopted an ordinance to expand its UGB. Both UGB expansions will require amendments to the Rural/Natural Resource Plan (RNRP) and affected Community Plans or the Comprehensive Framework Plan for the Urban Area (CFP). The process for the North Plains UGB expansion will include adoption of the UGB and an update to the UPAA. This task could also include work on UGB expansion for land for semiconductor industries under 2023 Senate Bill 4.</i></p>	M	Y	M		R
1.15	<p><b>Minor Comprehensive Plan Amendments</b>                      Responses to changes in state law, regional decisions, and issues raised by staff, other agencies, or the public. These generally have limited policy implications and may need to be brought forward within the work program time frame due to requirements or to facilitate other work.</p> <p>a) Height limit changes for certain industrial uses (semiconductor-related).                      b) Manufactured Housing Code changes to address revisions in state law.                      c) Minor technical code changes to improve usability of CDC, including clarifications and revisions of standards.                      d) Other</p>	M	Y	M	Staff, Planning Commission	U, R
1.16	<p><b>Issue Papers for Board Direction</b>  <i>Exploration of topics that could become larger projects or ordinances in the next work program, depending on Board direction. Work likely to start in second year of biennium.</i></p> <p>a) <u>Contractors Establishments</u>  <i>Address concerns from adjacent cities and property owners with contractors’ establishments, particularly in the Future Development (FD-20) land use district. Concerns include the challenge such uses pose to future urban industrial development, that they tend to be long-term rather than temporary uses, and that the uses are not compatible with existing and future development envisioned for the area.</i></p> <p>b) <u>Interim Parks System Development Charge (SDC) Program Assessment</u>  <i>An interim parks SDC has been in place since 2004 for areas outside the Tualatin Hills Park &amp; Recreation District (THPRD) boundary but within their ultimate service area. The idea was to capture funding for facilities that would serve the area and once annexed, land and funding would transfer to the district. The SDC amount and provisions for spending the funds have not been updated nor has the program been assessed since 2004.</i></p>	M	?	M	Community interest, city of Wilsonville, staff	U, R

**Tier 2 – Recommended for future year work programs if funding or staff resources are available**

No.	Tier 2 Tasks	Staff Time	Ordinance	Source of Proposal	Area
2.1	<p><b>Initiate community planning for Raleigh Hills Town Center (Beaverton Hillsdale/Scholls Ferry/Oleson Road)</b></p> <p>Prepare Area Background and Existing Conditions Report for Raleigh Hills Town Center (RHTC) as a first step in the planning process for this town center and potential future transportation infrastructure improvements. The report would address topics including history of past land use and transportation planning efforts, identification of and coordination with area stakeholders (including cities, ODOT, property owners, CWS), community demographics, current land uses, assessment of existing land use designations, transportation issues, infrastructure assessment, market and retail feasibility assessment, housing affordability, and opportunities for additional housing. Project will need grant or other funding source to move forward. Depending on available funding, project could update proposed intersection improvements and identify housing and other development opportunities in partnership with Beaverton, Portland and ODOT.</p> <p>The County will be required to adopt a boundary for the Raleigh Hills Town Center by Dec. 31, 2025. Since Metro will be amending its Urban Growth Management Functional Plan (UGFMP) requirements for town centers and potentially town center boundaries in late 2024, the extent of this work is not yet known. Metro’s plans to update the 2040 Growth Concept in 2024 may also affect our planning requirements for town centers. Extent of work is uncertain, but it is anticipated to be extensive.</p>	H	?	State rules, staff	U
2.2	<p><b>Revisit recommendations of the Rural Tourism Study</b></p> <p>Potential implementation measures could include CDC changes, preparation of educational materials and legislative proposals. CDC changes could include implementing SB 960 (2011) and expanding it to other rural districts, as well as minor changes to the “intent” statements and allowed uses in certain land use districts. Work would start with Board work sessions to present findings of the 2016 study and determine Board interest. Rural Tourism Study acknowledged by the Board in 2016.</p>	M	?	Staff	R
2.3	<p><b>Psilocybin Time, Place and Manner Regulations</b></p> <p>Measure 109, passed by the state’s voters in 2020, legalized the regulated production, sale, and use of psilocybin (hallucinogenic mushrooms) in Oregon. The state completed rulemaking in December 2022 and started accepting license applications for psilocybin-related land uses and services in Jan. 2023. State rules allow the County to establish limited regulations for psilocybin manufacturers, processors, and service centers. This task includes development of an ordinance to clarify the districts where such uses are allowed and establish possible time, place and manner regulations.</p>	L-M	Y	State law change	U
2.4	<p><b>Comprehensive Plan review</b></p> <p>Prepare several issue papers analyzing the status of Comprehensive Plan elements, focusing initially on the Comprehensive Framework Plan for the Urban Area (CFP) and possibly community plans. Start with scoping the extent of language/maps that may be outdated and the level of work needed to update, as well as the implications of updating. The CFP is the source document that establishes issues of countywide concern and minimum criteria for community plans and other elements of the Comprehensive Plan. It was prepared in 1983; many references are outdated. Would require outside funding.</p>	M-H	Y	Staff	U

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No.	Tier 2 Tasks	Staff Time	Ordinance	Source of Proposal	Area
2.5	<p><b>Floodplain CDC updates</b></p> <p>In 2016, the National Marine Fisheries Service (NMFS) released a Biological Opinion to address potential impacts to federally-listed anadromous fish (salmon and steelhead) from development within the Federal Emergency Management Agency (FEMA)-regulated floodplain. To remain compliant with the National Flood Insurance Program (NFIP) in Oregon, changes will be required to existing state and local regulations specific to development within these federally-regulated floodplains. The extent of amendments to County regulations may be limited and will not be known until additional clarification of FEMA's recent announcement is available. This work has been delayed by court cases and staffing issues at FEMA. FEMA has delayed the implementation timeline for the Oregon Biological Opinion. New release from FEMA has restarted the implementation process. It is unknown when DLCD guidance will be forthcoming and when changes will be required.</p>	L-M	Y	NMFS, FEMA	U, R
2.6	<p><b>Sidewalk Fee-In-Lieu program</b></p> <p>Raised during A-Eng. Ord. No. 885, HB 2001 Middle Housing implementation discussions and noted for possible future work program task. Task would include research, analysis, program development and adoption.</p>	H	?	Community, Planning Commission	U
2.7	<p><b>Comprehensive Community Development Code update</b></p> <p>CDC update would include work recommended by the audit performed in Task 1.2. Work could proceed in phases, possibly scoping to focus on specific sections identified as being most in need of revision. Funding would need to be identified to do this work. A consultant would likely be required, and a CDC work group would be formed to assist with this task.</p>	H	Y	Staff	U, R
2.8	<p><b>Implications of DOGAMI Natural Hazard Risk Report for Washington County (Open-File Report O-22-04)</b></p> <p>Consider 2022 report, which provides new information on geological hazards and recommendations for future County actions.</p>	L	?	Staff	C
2.9	<p><b>Homeless shelter/services/camping regulations</b></p> <p>Coordinate with the Department of Housing Services, the Office of Community Development, and LUT Building Services on potential CDC amendments related to homeless shelter/services/supportive housing projects. Staff would play a supportive role to other departments on their work in this area. Address state law changes as required.</p>	H	Y	Staff	C, U
2.10	<p><b>Centers and Corridors study – Follow on work</b></p> <p>The Centers and Corridors assessment in 2020 indicated the county has available housing capacity across all its residential land use districts. Middle housing provisions added to the CDC in 2022 increase the capacity and may require reassessment of the study's findings. Follow on work could include incentives for developers to use more allowed development capacity, particularly in higher-capacity and mixed-use land use districts near centers and corridors.</p>	H	Y	Staff	U

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### FY 2023-2025 Draft Planning Work Program Public Input Summary

<b>Short-Term Rentals (STR) *</b>		
5/3 & 5/4/23	Berne	<ul style="list-style-type: none"> <li>• Why haven't Portland STR rules been adopted by Washington County? Many people have completed surveys and submitted written comments in unregulated rentals in family neighborhoods.</li> <li>• Increase licensing fees for STRs to cover regulation implementation.</li> </ul>
5/4/23	Kerry	<ul style="list-style-type: none"> <li>• Create an ordinance limiting STRs to owner-occupied.</li> </ul>
5/11/23	Online Survey	<ul style="list-style-type: none"> <li>• STR regulations should go forward. STR regulations should not be cost prohibitive. All costs of the program should be covered by owners of the STRs, not by County taxpayers; Owners should have to "pay to play." It is an investment, not a home.</li> </ul>

*\*Also see relevant CCI comment under Housing*

<b>Gas Station Siting Restrictions and West Union/185th Gas Station</b>		
5/5/23	Online Survey	<ul style="list-style-type: none"> <li>• 313 residents signed a petition to have County gas station siting restrictions, based on concerns that gas stations near sensitive areas risk fuel contamination to park and water resources.</li> </ul>
5/26 - 5/29/23	Lange, Morgan, Marion, Seda, Moudgil, Lemmen, Fogarty	<ul style="list-style-type: none"> <li>• Chevron was approved 80 ft. from public wetland and parks along a creek in Bethany. County development code makes gas stations an allowed use with no additional setback requirements.</li> <li>• Development codes need to be updated to ensure a development isn't built so close to sensitive habitats ever again.</li> <li>• Land use planning is a critical function of the County. LUT should have resources to consider requests from the community.</li> </ul>
5/29 - 6/2/23	Online Survey	<ul style="list-style-type: none"> <li>• 1,500-foot setback from sensitive areas for gas station development applied to all zones.</li> <li>• Setback would protect sensitive areas from environmental degradation caused by fossil fuels.</li> <li>• Very concerned about proposed gas station in the Bethany Lake Wetland area. County can implement common sense restrictions to development near sensitive areas.</li> <li>• Thorough research should have been completed for County response.</li> </ul>
6/2/23	CCI	<ul style="list-style-type: none"> <li>• Create a prohibition on new gas stations in the Urban Unincorporated Area (UUA).</li> <li>• Gas stations are becoming outdated as there is a move to electrifying vehicles.</li> <li>• Eliminate gas stations in the UUA and facilitate development of charging stations.</li> </ul>
6/2/23	Frenkey/Tualatin Riverkeepers	<ul style="list-style-type: none"> <li>• Tualatin Riverkeepers has commented in the past concerning gas station siting and potential impacts to waterways.</li> <li>• Encourage County to adopt a code that reflects 1,500-foot setbacks from wetlands and sensitive lands could mitigate potential releases.</li> <li>• Some cities in other parts of the country have successfully implemented this standard.</li> <li>• It would be an amazing opportunity for Washington County to spearhead a restriction in Oregon that would go a long way to protect state waters.</li> </ul>

<b>Shackelford Road Extension</b>		
5/8/23	Online Survey, Manseau	<ul style="list-style-type: none"> <li>• The North Bethany community needs a plan to complete Shackelford Road. As North Bethany nears full build-out, the completion of Shackelford Road can't be delayed.</li> <li>• Bring the Peterkort property inside the UGB and construct the road as promised in the North Bethany adopted plan.</li> </ul>
6/2/23	CCI	<ul style="list-style-type: none"> <li>• A goal exception taken as part of the North Bethany planning work allows the extension of Shackelford Road without an Urban Growth Boundary expansion.</li> <li>• Encourage the County to pursue the connection.</li> </ul>

<b>CDC Audit</b>		
6/2/23	CCI	<ul style="list-style-type: none"> <li>• Any streamlining or simplification to the Community Development Code should be done.</li> <li>• The CCI should be identified as a stakeholder in the process.</li> </ul>
4/17/23	Wellner	<ul style="list-style-type: none"> <li>• Eliminate inconsistencies and reduce regulatory requirements. Establish one set of standard criteria within each zone to make it easier to permit housing. There are now different standards for middle housing vs. single-family housing.</li> </ul>

<b>Housing</b>		
6/2/23	CCI	<ul style="list-style-type: none"> <li>• Support work planned for creating options for housing supply and affordability.</li> <li>• Inadequate attention to the impact of short-term rentals on both housing supply and affordability. Consideration of short-term rentals would be a valuable part of the planned work.</li> </ul>

<b>Rural Housing/ADUs</b>		
4/14/23	Dixon	<ul style="list-style-type: none"> <li>• Allow ADUs of 900 to 1200 sq. ft. in rural areas consistent with SB 100.</li> </ul>
5/8/23	Online Survey	<ul style="list-style-type: none"> <li>• Allow the construction and use of rural ADUs to help with the housing affordability crisis.</li> </ul>
5/1 & 6/2/23	Gibino	<ul style="list-style-type: none"> <li>• Need a pathway from health hardship to rural ADU or regular ADU if property is brought into the Urban Growth Boundary.</li> <li>• If two people live in a health hardship dwelling and the person who has the permit for the dwelling dies, the spouse is displaced due to removal of the dwelling within 90 days.</li> <li>• Other family members are also not allowed to reside in the dwelling.</li> <li>• The hardship situation needs to have some exception options.</li> </ul>

<b>Significant Natural Resources</b>		
6/2/23	Online Survey, CCI	<ul style="list-style-type: none"> <li>• Recommend additional resources be added to the project.</li> <li>• Work includes development of a web-based SNR tool for community to identify general locations of SNRs on properties and to develop a database to monitor and enforce new CDC provisions.</li> <li>• The Board should engage with Treekeepers and other community activists to accept pro bono vetted products.</li> <li>• Strong community desire to protect heritage trees and tree cover in general. The Board considers tree codes a "city service," which ignores the needs and desires of numerous people in the UUA.</li> </ul>
6/1/23	F. Warren/ Treekeepers of Washington County	<ul style="list-style-type: none"> <li>• Project is significantly underfunded.</li> <li>• The 2021-2022 SNR Assessment cited 8 Key Issues that needed addressed, including an Urban Tree Protection Code. The Limited Goal 5 Project shortcuts these issues.</li> <li>• Treekeepers of Washington County are collaborating to obtain funding to support important natural resources and provide immediate climate defense.</li> <li>• Once natural resources are cut down or paved over it is far more expensive, if not impossible, to replace them.</li> </ul>

<b>Tree Code</b>		
5/22 - 5/29/23	Online Survey	<ul style="list-style-type: none"> <li>• The work program is missing protection for mature trees in Washington County.</li> <li>• We need a tree code to prevent destruction of mature trees that mitigate climate change, provide shade, and storm water retention.</li> <li>• Allow room for large trees in new development and consider creative ways to provide needed housing AND retain trees.</li> <li>• Consider a tree protection code to manage urban forest</li> </ul>
5/30 & 6/1/23	F. Warren/ Treekeepers of Washington County	<ul style="list-style-type: none"> <li>• The CCI has requested a County Urban Tree Protection Code for 24 years and Board has not resourced this need.</li> <li>• Beaverton has asked the County to address tree demolition on Cooper Mountain in anticipation of annexation into Beaverton and tree protection policies. Trees are being removed and several groves of mature Oregon Oak have been harvested and habitat removed in anticipation of development.</li> <li>• Beaverton has creative Zoning and Policy for this pristine area, but it is lost if the trees and natural resources are left to the ineffective policy in place in this unincorporated section of the County.</li> <li>• Resource an urban arborist on County staff to help planners.</li> <li>• Climate Friendly and Equitable Communities (CFEC) Rulemaking did not adequately address trees - including space for trees to mature, funding for irrigation and maintenance. Mature trees provide shade and climate defense.</li> <li>• Consider these in a Street Tree code and County design reviews of public housing and developments in low income areas.</li> </ul>

Climate Change		
6/2/23	Frenkey/ Tualatin Riverkeepers	<ul style="list-style-type: none"> <li>• Noted that County wants to prioritize planning and responding to emergencies and disasters, including caused by climate change.</li> <li>• Is the County intending to protect natural resources to a degree to adequately bounce back from disturbances, such as severe weather events exacerbated by climate change? Is the priority for County resources to be allocated to plan and respond to natural hazards?</li> <li>• Riverkeepers encourage the County to consider protection of natural resources as a way of mitigating the impacts of severe weather events and natural hazards.</li> <li>• Encourage County to prioritize natural tools to protect the water systems and communities. Wetlands and riparian areas function as natural tools that filter pollutants, slow erosion and mitigate flood impacts.</li> </ul>

Bike/Pedestrians/Trails		
4/26/23	McCourt	<ul style="list-style-type: none"> <li>• Have Tualatin Valley Trail Plan included in Beaverton and THPRD planning documents.</li> </ul>
4/26/23	McCourt	<ul style="list-style-type: none"> <li>• Use Land Use Development Review process to connect neighborhood to planned ped/bike systems. Neighborhood linkages are critical to access network connections to parks, schools and civic and commercial activity centers.</li> <li>• Continue sidewalk connectivity planning while developing funding mechanisms and work with developers to fill the gaps.</li> </ul>
5/5 & 5/19/23	Online Survey	<ul style="list-style-type: none"> <li>• Safe Transit is missing and not enough emphasis on bicycle and pedestrian needs. Concentrate on these with limited staff resources.</li> <li>• We need to get bicycles off busy roads (e.g., River Rd., Farmington Rd.) where trucks move very quickly and bicycles do not.</li> <li>• Route bicycles to former train/rail tracks, providing a safe alternative by getting them off major roads where they compete with heavy equipment.</li> </ul>

Transportation Planning - General		
5/16/23	Kepner	<ul style="list-style-type: none"> <li>• Add Helvetia Road Roundabout to 2023-2025 Transportation Work Program.</li> </ul>
6/1/23	F. Warren	<p><i>Tigard Annexation near West Bull Mountain:</i></p> <ul style="list-style-type: none"> <li>• Tigard has proposed a Transportation System Plan that creates a roadway directly through a Significant Natural Resource area on the Tualatin River that is part of a corridor with the Federal Wildlife Refuge on 99W.</li> <li>• County planners don't have the bandwidth to review the issues in depth and have been instructed to only provide technical support. The planning specifics are being done by Tigard even though the area is unincorporated Washington County until annexed.</li> <li>• Several influential environment organizations have banded together to oppose the roadway and request an alternative.</li> <li>• LUT needs more resources to better support this investigation and resolution of the issue and avoid going to LUBA.</li> </ul>

<b>Contractor's Establishments</b>		
5/2/23	Online Survey	<ul style="list-style-type: none"> <li>Contractor's establishments are destroying established residential areas. They obtain vague and unenforceable permits and continue to operate with no restrictions and daily disruptions, even with violations and lawsuits. Use County Code 8.44 to solve the issue.</li> </ul>
5/16/23	Online Survey	<ul style="list-style-type: none"> <li>Requirements are vague. Review code requirements and implications and increase staff for review of development permits and right-of-way inspections</li> </ul>
6/2/23	Lorenzen/City of Wilsonville	<ul style="list-style-type: none"> <li>Thank you for elevating contractor's establishment from a Tier 2 Task to a Tier 1 Task in the 2023-25 Planning Work Program.</li> <li>Wilsonville looks forward to collaborating with County staff to identify appropriate policy solutions that can be applied in the FD-20 District and future urban areas throughout the County.</li> </ul>

<b>Rural Tourism</b>		
5/13/23	Online Survey	<ul style="list-style-type: none"> <li>Allow the use of commercial events on farmland. Allowing opportunities for additional income through other activities would allow the farms to be financially viable. For example, allow tourists to participate in educational and wildlife viewing events.</li> </ul>

<b>Miscellaneous</b>		
6/2/23	CCI	<p><i>Neighborhood meeting Rules:</i></p> <ul style="list-style-type: none"> <li>The CCI supports updating Neighborhood Meeting Rules and working with LUT and the development community to update current rules.</li> </ul>
6/2/23	CCI	<p><i>Interim Park SDC:</i></p> <ul style="list-style-type: none"> <li>Appreciate intention to write an issue paper to examine the System Development Charge program, the charges and spending provisions.</li> </ul>
6/2/23	Frenkey/Tualatin Riverkeepers	<p><i>Equity in Planning:</i></p> <ul style="list-style-type: none"> <li>Support the use of an equity framework to apply throughout projects.</li> <li>Clarify whether this will be applied to other County planning projects or just MSTIP and implementation of HB 2001.</li> </ul> <p><i>Clean Water Services Coordination:</i></p> <ul style="list-style-type: none"> <li>Support interagency coordination with CWS to address stormwater concerns surrounding County roads and housing areas.</li> <li>CWS is finalizing South Bull Mountain Regional Stormwater Strategy that would address existing and anticipated stormwater issues for development planned for the next couple of years.</li> <li>Existing County projects play a large role in the problem. Collaboration with CWS should be prioritized to address concerns.</li> </ul>

<b>Miscellaneous, cont'd.</b>		
5/13/23	Online Survey	<ul style="list-style-type: none"> <li>Expand high speed internet in the rural area, SW Bald Peak Road (Whitmore area in particular). DSL doesn't cut it.</li> </ul>
5/17/23	Gibson	<p><i>Prohibition of roosters for personal use:</i></p> <ul style="list-style-type: none"> <li>Adopt an ordinance prohibiting the raising of roosters for personal use, including restrictions and guidelines on raising roosters, turkeys, peacocks and chickens (including male turkeys and peacocks).</li> <li>Distinguish between truly rural and high population areas. Population density has changed since the proposed ordinance in 2013.</li> <li>There should be guidelines on how many chickens can be raised for personal use and regulations on clean-up and care of chickens.</li> </ul>

**ATTACHMENT B**

Final Work Program Staff Report

BCC Meeting 7/18/23

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**WORK PROGRAM ONLINE OPEN HOUSE SUMMARY**

The online open house for the FY 2023-2025 Planning Work Program ran from May 5 to June 2, 2023. It generated 28 responses; 27 from Washington County residents. There were 18 who provided email addresses for their comments to be included in public record.

Results are as follows.

**Q1. What do you think about the proposed Work Program?****39.3% (22) Supportive**

- Excellent list of work priorities - may be challenging to get everything accomplished, however.
- The proposed work program seems comprehensive, and it is very easy to follow and understand. I appreciate that you explain most of the acronyms and provide context and background for the issues. It is also helpful that you reference respective ordinances and past/proposed Legislative actions.

**35.7% (10) Negative**

- Not enough emphasis on bicycle and pedestrian needs.
- 313 residents signed a petition to have the County introduce gas station siting restrictions and there isn't even a mention of that on this open house. What happened?

**25% (7) Not enough detail**

- This format is overly simplistic and offers little to no insight to what is actually being proposed for review.
- Too much jargon and acronyms (without definition) and too little concrete details.

**Q2. As mentioned on Table 6, we cannot include all ideas proposed to staff and the Board of Commissioners due to limited staff and funding. Please tell us if there is something you wanted to include in the work program and why.**

**Housing/Short-term Rentals (6 comments)**

- Please explain why Portland's Short-term Rental rules and regulations are not adaptable to Washington County.
- Allow construction and use of rural Accessory Dwelling Units to help with the housing affordability crisis.

**Transit/transportation improvements (5 comments)**

- I would like to see shuttle buses in the neighborhoods that are more than a mile away from major bus lines.

**ATTACHMENT B**

Final Work Program Staff Report

BCC Meeting 7/18/23

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- Sidewalks and lighting on 187th north of TV highway. How are you going to deal with the number new people and cars on the roads from South Hillsboro and other projects?

**Significant Natural Resources (SNR) (4 comments)**

- For SNR, please add the necessary resources for these programs. These projects seem to be drastically underfunded. I hope that you will consider adding a Tree Protection Code that would manage our urban forest.
- Resourcing of Urban Arborist: between Climate Change, Climate Friendly and Equitable Communities and the development pressures on SNR and Trees, we need a dedicated, skilled resource to help with identifying appropriate street trees as well as identifying the appropriate policy for how to navigate through policy and environmental needs.

**Gas station siting (4 comments)**

- I am very concerned about a proposed gas station adjacent to the Bethany Lake Wetland area.
- We want Washington County land use codes updated to require that gas stations, currently operating gas stations excluded, be a minimum of 1,500 feet from any public park or playground, school, hospital or other public use.

**Permit/planning (3 comments)**

- Increase staff for review of development permits and right of way inspections.
- These [Contractor] establishments obtain vague and unenforceable permits, and proceed to destroy everything around them. The one by me has been cited for violating the noise ordinance, informed he is exceeding the restrictions in his permit, and been sued in civil court. Despite this, they continue to operate without restriction.

**Other (4 comments)**

- At some point, figuring out a strategy for urban, unincorporated areas to annex into their adjacent cities needs to be a priority for the county.
- I understand the department does not have staff to work on all of the issues at the same time. The one item that caught my eye was the use of farmland for commercial events.
- Needs better planning for actual maintenance of roads / sidewalks / grass areas.
- Looks good as is.

[Continued on next page]

**ATTACHMENT B**

Final Work Program Staff Report

BCC Meeting 7/18/23

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**Demographics**

Q3. Which county do you live in?

Washington County	27	96.4%
Multnomah County	1	3.6%

Q4. Which ZIP code do you live in?

97003	1	3.6%	97123	1	3.6%
97007	2	7.1%	97124	2	7.1%
97008	1	3.6%	97140	2	7.1%
97062	2	7.1%	97225	2	7.1%
97106	1	3.6%	97229	12	42.9%
97113	1	3.6%	97232 (Multnomah)	1	3.6%

Q5. What is your annual household income before taxes?

20-29K	1	3.6%
50-74,999K	4	14.2%
\$75,000 to \$99,999	3	10.7%
100-149,999K	2	7.1%
150K +	8	28.6%
Prefer not to answer	10	35.7%

Q6. How many children under the age of 18 live in your household?

No children	16	57.1%
1	3	10.7%
2	4	14.2%
3	1	3.6%
4	1	3.6%
Prefer not to answer	3	10.7%

Q7. Which of the following includes your age?

25-34	1	3.6%
35-44	4	14.2%
45-54	3	10.7%
55-64	9	32.1%
65-74	6	21.4%
75 or older	2	7.1%
Prefer not to answer	3	10.7%

**ATTACHMENT B**

Final Work Program Staff Report

BCC Meeting 7/18/23

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Q8. Within the broad categories below, where do you place your racial or ethnic identity? (Select all that apply)

Asian	1	3.6%
Native American	1	3.6%
Hispanic	1	3.6%
White	17	60.7%
Prefer not to answer	8	28.6%

Q9. What language or dialect is used most in your home? (Select one)

English	24	85.7%
French	1	3.6%
Prefer not to answer	3	10.7%

Q10. How do you identify your gender? (Select all that apply)

Man	7	25%
Woman	15	53.6%
Prefer not to answer	6	21.4%

Q11. Do you live with a disability? (Select all that apply)

No disability	19	67.9%
Difficulty hearing	2	7.1%
Difficulty walking, climbing stairs and/or use of a wheelchair or walker	2	7.1%
Other	2	7.1%
Prefer not to answer	4	14.3

Q12. If you would like your specific comments to be considered testimony and shared with the Washington County Board of Commissioners, please provide your email.

Provided email address	18	64.3%
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**ATTACHMENT C**



Washington County Board of Commissioners  
% Erin Wardell, Manager, Planning and Development Services  
Department of Land Use and Transportation  
155 N First Avenue, Suite 450  
Hillsboro, OR 97124

June 2, 2023

RE: 2023-2025 LUT Planning Work Program

Dear Commissioners and Ms. Wardell,

The Washington County Committee for Community Involvement (WC CCI) appreciates the opportunity to comment on the 2023-25 draft Land Use & Transportation (LUT) Planning Work Program (the Work Program). After review, a presentation at our May 2023 meeting and discussion, we are submitting the following comments and recommendations on the draft and on the revised Work Program Comment Process.

**Comments and Recommendations on the Draft LUT Work Program:**

**Updates to the Neighborhood Meeting Rules:**

Thank you for your recommendation for updates to the Neighborhood Meeting Rules. The WC CCI looks forward to partnering with LUT staff and the development community to update the current rules to better meet the needs of the public, staff, and the development community.

**CCI Requested Update to the CDC to limit gas station locations:**

As noted in the staff report, the restrictions requested by the WC CCI would create a prohibition on new gas stations in the Urban Unincorporated Area (UUA). However, the scale of fueling stations has grown, and as we move toward electrifying our vehicles, petroleum service stations are becoming an outdated use of our limited land supply. Making code changes to eliminate even the small number of future gas stations in UUA may be the right thing to do, while facilitating the development of charging stations.

**Significant Natural Resources (SNR) – Limited Goal 5 Program Update (Task 1.4)**

The latest BCC presentation shows this project is resourced at \$250K for consulting resources plus no additional FTE (full Time Equivalents) added to the LUT staff overhead. This means that existing staff is being redirected or this project is being added to an already heavy workload. We recommend that additional resources be added to this project, so we do not experience a repeat of the minimal investment approaches.

This project also includes “Additional work includes development of a web-based SNR mapping tool for community to identify and verify general locations of SNRs on properties and developing a database to monitor and enforce new CDC provisions.” There are community members who are working on this pro bono who could assist in this segment of the project. The WC CCI recommends BCC engage with the TreeKeepers and other community activists to accept the pro bono vetted products.



Please note that there is a strong community desire to protect heritage trees and tree cover in general. While the BCC feels tree codes are “city services”, this ignores the needs and desires of the 220,000+ people in the UUA which is the county’s “quasi city”.

**Housing (Task 1.1)**

We support the work planned for creating options to increase housing supply and affordability. However, we are concerned that inadequate attention is being paid to the impact of short-term rental housing on both supply and affordability and believe consideration of short-term rentals would be a valuable part of this planned work.

**Interim Parks System Development Charge (SDC) Program Assessment**

The Interim Parks System Development Charge program originated in the work of the WC CCI. We appreciate the stated intention in the Staff Report to write an Issue Paper to examine the program, its charges and spending provisions. We look forward to being kept up to date and engaged in this effort.

**Road Connections on Peterkort properties west of North Bethany**

We note that in New Requests #10 in the Staff Report is stated “...potential extension of Shackelford Road would be possible without expansion of the UGB, since a goal exception to allow road extension through a rural area was taken as part of North Bethany planning work.” We encourage the county to pursue this connection if negotiating changes to the UGB to help fund the needed road improvements is not possible.

**Community Development Code (CDC) Audit (Task 1.2)**

As regular readers of the CDC, the WC CCI will benefit from \*any\* streamlining or simplification that can be done to it and look forward to being identified as a Stakeholder in the process.

**Comments About the Process and the Survey:**

The *Open House Survey* format provides simple summary information. The 109-page Staff report is rather daunting, as it usually is, because this document provides details including community input as well as LUT and BCC responses to requests. While the “Survey” form provides a good overview for many, our critique is that the Staff Report is not linked in the Survey itself and is not easily accessible for anyone wanting to learn more about the details of the Work Program. This does not subscribe to the county’s goal of INCLUSION. And while it is highly desirable to provide a Spanish language translation, this should not preclude providing the English version of the Staff Report.

Thank you for this opportunity to provide input into the 2023-25 Work Program.

Sincerely,

Bruce Bartlett  
Chair, Washington County Committee for Community Involvement



Jun 2, 2023

Washington County Department of Land Use & Transportation  
155 N. First Avenue, Suite 350 MS14  
Hillsboro, OR 97124

*Submitted via email*

**Re: Public Comments on Washington County Department of Land Use & Transportation Draft FY 2023-2025 Planning Work Program.**

Tualatin Riverkeepers (TRK) is a community-based organization that protects and restores the Tualatin River watershed. We build watershed stewardship through engagement, advocacy, restoration, access, and education. We write to comment on the Draft Planning Work Program for FY 2023-2025.

First off, we would like to clarify some of the County priorities listed within the introduction. Specifically, we noticed that for Natural Resources and Climate priorities, the County wants to prioritize “[planning] for and respond[ing] to emergencies and disasters, including those caused by climate change.”<sup>1</sup> Is the County’s intention to protect natural resources to a degree in which they can adequately bounce back from disturbances, such as severe weather events exacerbated by climate change? Or is the priority for County resources to be allocated to plan for and respond to natural hazards? If the preference is the latter, we encourage the County to consider protection of natural resources as a way of mitigating the impacts of severe weather events and natural hazards. Wetlands and riparian areas function as natural tools that filter pollutants, slow erosion, and mitigate flood impacts. We encourage the County to prioritize these natural tools to protect our water systems and our communities.

Additionally, we support the use of an equity framework to apply throughout planning projects. However, we would like some clarification as to whether this will be applied throughout the County’s planning projects or just those as it pertains to the Major Streets Transportation

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<sup>1</sup> See Draft FY 2023-2025 Planning Work Program, at 2.

Improvement Program '23 - '28 Funding Allocation and implementation of House Bill (HB) 2001? The language in the introduction implies the latter,<sup>2</sup> while we would support an equity lens being applied to all of the Department's projects moving forward.

Furthermore, we would like to see more interagency coordination with Clean Water Services to address stormwater concerns surrounding County roads and housing areas. Currently, Clean Water Services is finalizing their S. Bull Mountain Regional Stormwater Strategy which would address existing stormwater issues, as well as those to be anticipated from all of the development planned for the next couple of years. There are existing County projects that play a large role in the problem,<sup>3</sup> and we would like to see collaboration with Clean Water Services prioritized to address those concerns.

Lastly, Tualatin Riverkeepers has commented in the past concerning gas station sitings and potential impacts to waterways.<sup>4</sup> Underground tank leaks raise many concerns for community members and organizations alike. Just last year, 20,000 gallons of petroleum contaminated the Rogue River through runoff after a fire.<sup>5</sup> A 1,500 foot setback from wetlands and sensitive lands could mitigate potential releases, and we highly encourage Washington County to consider adopting a code that reflects that. While the staff mentions that there has not been a request for a new gas station in the last ten years, this is not justification to not include such a requirement.<sup>6</sup> Additionally, while the staff notes that this rule has not been instituted in other parts of the state, an attachment within the Draft Planning Work Program has identified other cities throughout the country who have successfully implemented this standard.<sup>7</sup> Assuming that the County's assumption is correct and this type of restriction has yet to be implemented in Oregon, it would be an amazing opportunity for the County to spearhead a restriction that could go a long way in protecting our state's waters.

Thank you for your time and consideration of these issues. Please feel free to contact me if you have any questions regarding these comments.

Sincerely,

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<sup>2</sup> See Draft FY 2023-2025 Planning Work Program, at 3.

<sup>3</sup> Portions of the South Bull Mountain development still reside under Washington County jurisdiction. Additionally, impervious surfaces created by these housing developments and county roads within the area are directing stormwater into the Tualatin River, creating large sediment loads along its banks. Tualatin Riverkeepers is happy to provide pictures of the impacts to the Tualatin River and its tributaries, if requested.

<sup>4</sup> See attached Tualatin Riverkeepers Comment Letter, dated February 15, 2022.

<sup>5</sup> Howard, Jerry. "Pacific Pride fire cleanup lingers downstream, more to come down the street." KDRV Newswatch, [https://www.kdrv.com/news/pacific-pride-fire-cleanup-lingers-downstream-more-to-come-down-the-street/article\\_b085246-c342-11ec-a702-5f6364af708b.html](https://www.kdrv.com/news/pacific-pride-fire-cleanup-lingers-downstream-more-to-come-down-the-street/article_b085246-c342-11ec-a702-5f6364af708b.html) (Apr. 23, 2022).

<sup>6</sup> See Draft FY 2023-2025 Planning Work Program, at 13.

<sup>7</sup> See attached Gas Station Land Use Codes.

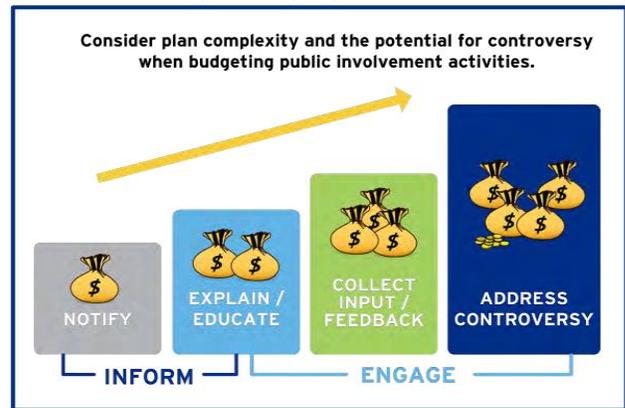
A handwritten signature in black ink, appearing to read "Victoria Frankeny". The signature is fluid and cursive, with the first name "Victoria" written in a larger, more prominent script than the last name "Frankeny".

Victoria Frankeny [she/her]  
Riverkeeper & Staff Attorney  
Tualatin Riverkeepers  
[victoria@tualatinriverkeepers.org](mailto:victoria@tualatinriverkeepers.org)

Board of County Commissioners  
 Washington County  
 155 N First Ave. Suite 300  
 Hillsboro, OR 97214

**RE: Planning Work Program 2023-25**

Dear Commissioners,



*From DCLD "Putting People in Planning" 2019*

Thank you for this opportunity to provide feedback on the LUT Planning Work Program for 2023-2025. The graphic above reminds us that investment in the public participation during the early planning process is much more cost-effective than dealing with controversy at later stages. We need effective levels of public participation and sufficient LUT resourcing to incorporate public input in planning.

We know that the Work Program is the planning tool WashCo uses to resource projects - if a project is not on this Work Program, LUT cannot resource it.

My testimony here addresses three areas of the Work Program:

- 1) Long Range Planning: Natural Resources and Climate Change
  - a) My opinion thus far is that this project is significantly underfunded. As I understand it, this project is funded at \$250K for contracting resource and **no additional** LUT staff added to the County budget. In the 2021-22 SNR Assessment, staff cited 8 Key Issues which needed to be addressed including an Urban Tree Protection Code (See attached). The Limited Goal 5 Project seems to again shortcut these issues. I am on the Advisory Committee for this project and our first session is scheduled for later in June. I will have more specific facts to support my supposition after that first meeting.
  - b) Climate Friendly and Affordable Communities (CFAC) Rulemaking Committee omitted design review policy regarding physical space for trees to mature. When trees are planted without sufficient expansion space, they become a nuisance to the infrastructure and therefore there is no option but to remove them. The residents often do not have the resources to replace them. The CFAC also failed to include public funding for irrigation and maintenance of trees on public (housing) sites. Allocating air conditioners to low income families is not a practical solution as these families cannot afford to pay the added electricity bills. Mature trees provide shade and climate defense in many ways. These considerations should be included in Street Tree code and Washington County design reviews of public housing and developments in low income areas.
  - c) Climate Friendly Housing will allow for new, more creative zoning to accommodate high population growth while maintaining natural resources. The City of Beaverton listened to the public and is in the process of finalizing 2 new "zoning overlays." This would be a good concept to copy and integrate in the SNR Project as well as the Climate Friendly Policies.

From the Beaverton Draft Cooper Mountain Community Plan:

*Cooper Mountain Conservation Residential (CM-CR) The CM-CR Overlay District is intended to result in development sensitive to natural resources, steep slopes, wildlife corridors, and existing tree canopy. The CM-CR overlay is most applied within areas zoned CM-RM but may be combined with any zone. It allows uses permitted in the underlying zone and applies development standards and incentives intended to preserve and lessen impacts to resource areas. The project area includes a variety of natural resource types with different goals (e.g., preserve, enhance, connect). A range of tools will likely be needed to implement the Preferred Approach, and the CM-CR overlay is a placeholder tool used to identify areas for further study. These areas include Upland Habitat C, areas within wildlife corridors, areas near the edge of high-quality natural resources, and areas with extensive tree canopy (such as neighborhoods east of 175th Avenue)*

*Cooper Mountain Significant Natural Resource Area (CM-SNRA) This Overlay is intended to help preserve and protect areas that the City determines to be significant natural resources under statewide planning Goal 5. The CM-SNRA overlay will be a key tool to implement the intended outcomes for natural resources in the Community Plan. ... This may also include ...developing new approaches for significant trees (such as white oak) and tree canopy targets.*

For 24 years, the Committee for Community Participation has requested that Washington County address the lack of an Urban Tree Protection Code. Each year, the representative body of the Washington County community testifies how important this issue is to the residents of the county. The Board of Commissioners has chosen not to resource this need. The City of Beaverton has requested that Washington County address the tree demolition on Cooper Mountain in anticipation of new development .. and the anticipated City of Beaverton's tree protection policy which will come into effect when this area is annexed. The City of Beaverton Community Plan has creative Zoning and Policy for this pristine area but that is all lost if the trees and natural resources are left to the ineffective policy in place in this urban unincorporated section of Washington County. Several groves of mature Oregon Oak have been harvested and other heavily-wooded lots which are not designated as tree farms have also been totally harvested with all habitat removed.

The City of Tigard is planning for another annexation area around Bull Mountain. The city has developed a Transportation System Plan (TSP) to address their new aspirations of becoming a serious commercial hub in the county. This proposed TSP includes creating a roadway directly through a Significant Natural Resource area along the Tualatin River which is part of a corridor with the Federal Wildlife Refuge on 99W. Part of this SNR area is held in Columbia Land and Trust for conservation. I believe Washington County LUT Planners don't have the bandwidth to review these issues in depth but have been instructed to only provide technical support – they are leaving the planning specifics to the City of Tigard. But this area is currently in Unincorporated Washington County until it is annexed. Several very influential environmental organizations have banded together to oppose the suggested roadway and requested an alternative. This situation is fluid but is likely to require Washington County agencies' time if this goes to LUBA, etc. LUT needs resources to better support this investigation and resolution.

## 2) Current Planning:

Washington County can still save \$500,000 dollars by reducing the heat-reflecting paved pathway suggested by Chair Harrington and instructing LUT Current Planning to return to the original expert staff recommended 6-8 foot standard sidewalk width. This would also save over 100 Kenny Terrace mature trees which the immediate community currently support and maintain. Returning to the original plan would also lessen the likelihood of litigation on this project. This \$500,000 could fund other LUT resources while contributing to Climate Defense, stormwater management, carbon sequestration and general health and wellness of the immediate community. With the upcoming forecast of an even hotter heat dome in July and August of 2023, where will this community perform their ongoing Tai-Chi? Where will they be able to walk in the shade? Why remove these heat-moderating trees which currently are reducing the overall temperature of the neighborhood in addition to reducing energy usage.

I am writing this testimony as a private individual but also as a member of the board of Treekeepers of Washington County. Treekeepers of Washington County is now a 501c3 non-profit with a federal SAM funding identity and we are collaborating with several agencies in the region as well as with Oregon Department of Forestry to obtain funding for more greening and climate defense projects. We plan to bring these funds to Washington County to support these very important natural resources which also provide immediate climate defense. But once the natural resources are cut down or paved over, its far more expensive to replace them, if not impossible. Even when possible, it takes many years to do so. Our county cannot afford to wait 10-20 years for nature to grow back while the climate fights against us. We need to utilize all existing resources to get us through these challenging times.

Thank you for your consideration of these points. I am always available to any of you or your staff for questions or recommendations.

*Fran Warren*

Fran Warren

**Table 4: Options and Preliminary Staff Recommendations Summary from Draft Report**

Key Issues	OPTIONS			
	Existing Standards and Practices	A	B	C
<b>1. CDC standards for proposed development within or near water-related SNRs are subjective.</b>	In practice, typically rely on development conditions of approval from CWS and/or state and federal agencies to address and limit development impacts to water-related SNRs.	<b>Continue to require review by CWS, state and federal agencies as well as CWS Design &amp; Construction Standards to address water-related SNRs in the urban area; add new CDC reference to document this process.</b>	Develop clear and objective CDC standards for proposed development within or near water-related SNRs that are based upon CWS Design & Construction Standards.	Develop clear and objective standards for proposed development within or near water-related SNRs that expand on CWS Design & Construction Standards, and/or that apply to areas beyond CWS' Vegetated Corridor boundaries.
<b>2. CDC standards for proposed development within or near Wildlife Habitat are subjective.</b>	In practice, rely on Habitat Report submitted as part of development application to address Wildlife Habitat protection and/or proposed mitigation. Discretionary and incentive-based design practices/programs exist in CDC but are rarely used.	Continue to rely on existing discretionary and incentive-based design practices/programs for addressing Wildlife Habitat, while modifying the CDC to clarify the intent that such measures are voluntary.	<b>Further develop/add new discretionary and incentive-based programs for protection of Wildlife Habitat (e.g., Habitat Friendly Planned Development, density transfers, setback reductions). Modify CDC to clarify intent that measures are voluntary and add new programs.</b>	Develop clear and objective standards for Wildlife Habitat protection (e.g., alternatives analysis, mitigation and criteria), in addition to Options A or B.
<b>3. County's existing tree protection/preservation requirements are limited.</b>	Apply existing, limited tree preservation and removal standards in CDC § 407 and 422, including a description of trees, reason for removal, and explanation of any alteration to flood plain or drainage hazard areas.	Continue with current process.	<b>Develop more extensive tree protection/preservation requirements for trees within County-designated SNRs.</b>	Develop more extensive tree protection/preservation requirements applicable to all trees potentially affected by development applications within the urban area, with prioritization for tree protection in SNR areas.
<b>4. Standards and protections for SNRs and trees in UGB expansion areas are limited.</b>	Apply existing, limited tree preservation and removal standards in CDC § 407 and 422 to UGB expansion areas once included in an urban community plan. Apply requirements of § 422 to new development within an SNR, as identified in the RNRP.	<b>Continue with current process for SNRs. Apply County's existing (and any new) tree protection/preservation requirements.</b>	Continue with current process for SNRs. Apply County's existing (and any new) tree protections within UGB expansion areas and expand their application to Upland Habitat and Riparian Corridors shown on Metro's Inventory.	Continue with current process for SNRs. Apply County's existing (and any new) tree protections within UGB expansion areas to SNRs as identified by the city during its comprehensive planning process.
<b>5. The County's Goal 5 resources inventory is dated.</b>	Rely on existing Goal 5 inventory and RNRP and community plan maps, with field verification by development applicants.	<b>Continue to use existing SNR maps for identifying SNRs with field verification by development applicants.</b>	Update SNR maps to reflect changes since adoption, including results of land use reviews and changes due to annexations and right-of-way dedication.	Update Goal 5 inventory to reflect changes on the ground and mapping advances (e.g., LiDAR) since the last inventory. New Goal 5 process for any areas added to the inventory.
<b>6. Tracking of field verified SNR delineations and monitoring of mitigation is inconsistent.</b>	No tracking of field verified SNR delineations. Rely on CWS for monitoring of mitigation near water-related SNRs and erosion control measures in CWS urban service area.	<b>Start new database of mitigated or protected SNRs and ongoing conditions of approval for monitoring and enforcement.</b>		
<b>7. County submittal requirements for development impacts to SNRs and Habitat Reports lack specificity.</b>	1998 Director's Interpretation guides requirements for submittal and Habitat Reports for development applications on sites with SNRs.	<b>Standardize submittal and Habitat Report requirements and codify them in the CDC.</b>		
<b>8. SNR categories vary across jurisdictions, causing inconsistencies and confusion.</b>	County's SNR categories in § 422 are titled and described differently compared to state, Metro and other agencies.	<b>Modify Significant Natural Resource categories and definitions used by the County for clarity and regional consistency.</b>		

Preliminary staff recommendation from Draft Report is indicated with light blue shading.

**Table 5: Detailed Analysis of Options and Preliminary Staff Recommendations from Draft Report**

Key Issues	OPTIONS			
	Existing Standards and Practices	A	B	C
<b>1. CDC standards for proposed development within or near water-related SNRs are subjective.</b>	In practice, typically rely on development conditions of approval from CWS and/or state and federal agencies to address water-related SNRs.	Continue to rely on review by CWS, state and federal agencies as well as CWS <i>Design &amp; Construction Standards</i> to address water-related SNRs; add new CDC reference to document this process.	Develop clear and objective CDC standards for proposed development within or near water-related SNRs that are based upon CWS <i>Design &amp; Construction Standards</i> .	Develop clear and objective standards for proposed development within or near water-related SNRs that expand on the CWS <i>Design &amp; Construction Standards</i> and/or apply to areas beyond CWS' Vegetated Corridor boundaries.
<b>Assessment</b>	<p>LUT currently relies on CWS to apply its <i>Design &amp; Construction Standards</i> to address stream water quality and riparian corridor conditions.</p> <p>Habitat report provided to LUT is similar to that provided to CWS for its Environmental Review.</p> <p>LUT depends on CWS review and expertise and typically uses this analysis to address CDC § 422-3.3 and -3.4, the riparian corridor standards.</p> <p>CWS recommends conditions of approval that reflect mitigation and enhancement requirements for the Vegetated Corridor, the area adjacent to the stream or water area.</p> <p>LUBA found riparian corridor standards of § 422-3.3 and -3.4 unenforceable because they were not clear and objective.</p>	<p>This option adds references to CWS, DSL, Army Corps review and potentially other agencies' requirements. It would require adherence to CWS <i>Design &amp; Construction Standards</i> for conditions, mitigation and enhancement of riparian and Vegetated Corridors (as a proxy to meet the objectives of the County's water-related SNRs).</p> <p><u>Strengths</u>            Easy to adapt for staff and applicants.            Reflects clear and objective standards already in place to address water-related SNRs and riparian corridors.            Meets Metro's Title 13 and complies with Tualatin Basin Program.            Similar to other Tualatin Basin jurisdictions, so provides continuity for developers.            Less overlap with other agency's submittal information, standards and review processes.            CWS oversight of enhancement and mitigation plan review and monitoring, rather than County staff.            Also addresses riparian corridors and sensitive areas not currently included in County's identified water-related SNRs.</p> <p><u>Weaknesses</u>            CWS focus is on stream health, not protection of SNRs, though actions to protect stream health also preserve resources.            County would not have primary oversight of water quality conditions, or discretion to make changes to CWS' conditions of approval.</p>	<p>This option would add standards that moderately restrict development in the water-related SNRs, identify location, enhancement, mitigation and monitoring based on the CWS standards.</p> <p><u>Strengths</u>            Consistent and reliable standards.            Ensures application of CWS standards is not considered a land use decision.            Directly addresses LUBA Warren decision.            Opportunity for applicants and community to address standards during land use review process.</p> <p><u>Weaknesses</u>            Redundant with CWS standards.            Could result in conflicts if not updated at same time. Would require ongoing updates to remain consistent.            Would require technical expertise to develop standards, including participation by CWS.            Additional County staff expertise in natural resources required to address conditions for land use review and monitoring.            May add delay or uncertainty in land use review process if there are deviations from CWS' recommended conditions of approval.</p>	<p>Currently, CWS standards moderately restrict development in the Vegetated Corridor, but do allow mitigation and enhancement in certain circumstances. This option would extend an area beyond CWS' Sensitive Area a or further prohibiting rather than limiting resource impacts.</p> <p><u>Strengths</u>            Consistent and reliable standards.            Directly addresses LUBA Warren decision.</p> <p><u>Weaknesses</u>            May conflict with CWS standards.            Would require technical expertise to develop standards, including participation by CWS.            Most other Tualatin Basin area jurisdictions do not go beyond CWS' requirements. Unsure what additional requirements might be warranted beyond current standards.            Staff is not aware of community concerns on adequacy of water-related SNR protections.            Since CWS' standards are already more restrictive than Metro's Title 3 standards,<sup>30</sup> additional requirements would be hard to justify or enforce.            Additional staff expertise, oversight and monitoring would be required.            New CFP policies would need to be adopted to provide policy basis for CDC requirements.            Could result in less land being available for housing development inside UGB.            Staff does not recommend this option.</p>

<sup>30</sup> Metro Resolution No. 05-3577, Staff Report Approving the Tualatin Basin Natural Resources Coordinating Committee's Fish and Wildlife Habitat Protection Program, page 3

Preliminary staff recommendation from Draft Report is indicated with light blue shading.

Key Issues	OPTIONS			
	Existing Standards and Practices	A	B	C
<b>2. CDC standards for proposed development within or near Wildlife Habitat are subjective.</b>	In practice, rely on Habitat Report submitted as part of development application to address <i>Wildlife Habitat</i> protection and/or proposed mitigation. Discretionary and incentive-based design practices/programs exist in CDC but are rarely used.	Continue to rely on existing discretionary and incentive-based design practices/programs for addressing <i>Wildlife Habitat</i> , while modifying the CDC to clarify the intent that such measures are voluntary.	Further develop/add new discretionary and incentive-based programs for protection of <i>Wildlife Habitat</i> (e.g., Habitat Friendly Planned Development, density transfers, setback reductions). Modify CDC to clarify intent that measures are voluntary and add new programs.	Develop clear and objective standards for <i>Wildlife Habitat</i> protection (e.g., alternatives analysis, mitigation and criteria), in addition to Options A or B.
<b>Assessment</b>	<p>In 2005, the County approved voluntary measures to incentivize and encourage greater protections for SNRs outside the water-related habitat areas.</p> <p>Applicants may vary/reduce County standards to minimize or reduce impacts to <i>Wildlife Habitat</i> areas by applying mitigation measures such as density transfers, setback reductions and low impact development techniques.</p> <p><i>Wildlife Habitat</i> areas are identified on community plan and RNRP maps. Locations are then field verified through land use review process and value of habitat is determined through the Habitat Report process.</p> <p>LUBA found <i>Wildlife Habitat</i> standards of § 422-3.6 unenforceable because they were not clear and objective.</p>	<p>The Tualatin Basin Program encourages, but does not mandate, protection or mitigation for development impacts to <i>Wildlife Habitat</i> outside Metro's Class I and II Riparian Habitat. Development affecting <i>Wildlife Habitat</i> may use the incentives already included in the CDC as part of the County's Goal 5 program.</p> <p><u>Strengths</u>                      Meets Metro's Title 13 and complies with Tualatin Basin Program decisions.                      Easy to adapt for staff and applicants.                      Does not require development of new CDC standards or Goal 5 policies to address <i>Wildlife Habitat</i>.                      Staff would not need special expertise to review or evaluate Habitat Report.</p> <p><u>Weaknesses</u>                      Voluntary measures have been in place for many years and have not often been used as a strategy to protect additional <i>Wildlife Habitat</i>.                      Does not address community concern for increased <i>Wildlife Habitat</i> preservation beyond current protections in place for water-related SNRs.                      Developers may not take advantage of voluntary measures because of perceived risks or insufficient value of incentives.</p>	<p>This option would allow applicants greater flexibility in dimensional or design standards with the trade-off of increased habitat protection/ environmentally sensitive design. A Habitat Friendly Planned Development could be developed to preserve/expand/enhance identified natural resource areas, particularly <i>Wildlife Habitat</i>.</p> <p>Provides the opportunity to assess resources, evaluate trade-offs and prioritize the natural resource areas that would receive the most protection through voluntary discretionary incentives. One possible incentive could be the use of public funds to acquire identified SNRs during the land use review process.</p> <p><u>Strengths</u>                      Meets Metro's UGMFP Title 13 and complies with Tualatin Basin Program decisions.                      Would provide clearer requirements for applicants to follow but would also provide flexibility to address individual site conditions.                      More <i>Wildlife Habitat</i> could be retained with incentives or a Planned Development.</p> <p><u>Weaknesses</u>                      May not be used unless incentives are meaningful to development community.                      May not fully address community concern for increasing protection of <i>Wildlife Habitat</i> not otherwise protected.                      To be most effective, this option may need to be paired with other options, including increased tree protection/preservation.</p>	<p>Standards could be adopted that limit development of <i>Wildlife Habitat</i> under clearly defined and specific circumstances or require submittal of an alternative analysis for mitigation areas.</p> <p><u>Strengths</u>                      Consistent and reliable standards.                      Directly addresses <i>Warren</i> decision.                      Could address some community members' desire for increased protection of <i>Wildlife Habitat</i> impacted by development, depending on the policy choices made and standards adopted.                      Community participation in the Goal 5 process and reflection of current values for habitat protection.</p> <p><u>Weaknesses</u>                      Would be costly and time intensive, requiring technical expertise, and extensive stakeholder and community process to develop standards.                      Would require some level of Goal 5 analysis, understanding of the desired values to be protected, and likely adoption of new policies.                      Likely that some community members, experts, and development community would disagree on appropriate standards.                      May be contrary to Tualatin Basin Program determinations (focus on protecting riparian corridors, do not further inhibit development on sites with identified upland [wildlife] habitat, but instead establish incentives to encourage greater habitat protection.)                      Other methods may be more effective in preserving the value of <i>Wildlife Habitat</i> areas (e.g., tree protection regulations).                      Staff does not recommend this option.</p>

Preliminary staff recommendation from Draft Report is indicated with light blue shading.

Key Issues	OPTIONS			
	Existing Standards and Practices	A	B	C
<b>3. County's existing tree protection/preservation requirements are limited.</b>	Apply existing, limited tree preservation and removal standards in CDC §§ 407 and 422, including a description of trees, reason for removal, and explanation of any alteration to flood plain or drainage hazard areas.	Continue with current process.	Develop more extensive tree protection/preservation requirements for trees within County-designated SNRs.	Develop more extensive tree protection/preservation requirements applicable to all trees potentially affected by new Type II and III development applications within the urban area, with prioritization for tree protection in SNR areas.
<b>Assessment</b>	CDC § 407-3 requires a property owner to obtain a permit to remove a tree in an existing SNR, flood plain or drainage hazard area and provides for a certain percentage of the trees to be retained if the sole purpose is for commercial cutting. Existing tree removal permitting requirements allow staff to review tree location, the SNR criteria and reason for removal.	Existing tree preservation and removal standards are minimal but do exist and do apply to trees within SNRs, flood plain and drainage hazard areas. <u>Strengths</u> Easy to adapt for staff and applicants. <u>Weaknesses</u> Would not address concerns with development impacts to existing trees expressed by some community members.  Tree removal permits are required, but there are many exceptions and limitations so very few tree removal permits are reviewed by County staff.  Process refers to § 422 criteria which are not clear and objective, and difficult to administer separate from land use review.  Some private property owners may not know their property has SNRs, and therefore do not obtain County tree removal permit.	Under this option, clear and objective standards related to impacts to existing trees within identified SNR areas would be developed. An assessment of the size, type, quality or quantity of trees on-site and proposed impacts from development would be required. Standards would address limitations on impacts, potential mitigation for tree removal, and other aspects. Could include incentives for protecting trees, fee-in-lieu, and off-site mitigation. <u>Strengths</u> Would address a primary community concern with development impacts to trees in <i>Wildlife Habitat</i> areas. Process could dovetail with changes to current Habitat Report requirements and review. Longtime community interest in development of tree protection regulations. Tree removal and protection standards have been adopted in other local communities and developers have become familiar with these standards for new developments. <u>Weaknesses</u> Potentially intensive staff and consultant effort to develop regulations and standards. Additional staff, and/or development of staff expertise may be required. Monitoring of mitigation conditions would be required to ensure trees continue to thrive. Depending on the extent of the rules, may result in need for additional code enforcement staff.	This option would expand tree protection/preservation regulations to new development more broadly, regardless of whether the development site contains SNRs. <u>Strengths</u> Longtime community interest in development of tree protection regulations. Tree removal and protection standards have been adopted in other local communities and developers have become familiar with these standards for new developments. Would provide additional protections for trees, without need to go through the Goal 5 process. Environmental benefits of increased tree canopy. By addressing all existing trees on development sites, may reduce community pressure to update the Goal 5 Inventory and assessment of <i>Wildlife Habitat</i> as a natural resource. Clear and objective criteria would be easier to develop and less subjective than <i>Wildlife Habitat</i> criteria or standards and review. <u>Weaknesses</u> Intensive staff and likely consultant effort to develop regulations and standards. Additional staff, and/or development of staff expertise would be required. New requirement. Costs for permitting may increase. Monitoring of mitigation conditions would be required to ensure trees continue to thrive. If this option were selected, the scope of this effort would need to be further defined prior to moving forward.

Preliminary staff recommendation from Draft Report is indicated with light blue shading.

Key Issues	OPTIONS			
	Existing Standards and Practices	A	B	C
<b>4. Standards and protections for SNRs and trees in UGB expansion areas are limited.</b>	Apply limited tree preservation and removal standards in CDC § 407 and 422 to UGB expansion areas once included in an urban community plan. Apply requirements of § 422 to development within an SNR, as identified in the RNRP.	Continue with current process. Apply County's existing (and any new) tree protection/preservation requirements.	Continue with current process for SNRs. Apply County's existing (and any new) tree protections within UGB expansion areas and expand to Upland Habitat and Riparian Corridors shown on Metro's Inventory Map.	Continue with current process for SNRs. Apply County's existing (and any new) tree protections within UGB expansion areas to SNRs as identified during expanding city's comprehensive planning process.
<b>Assessment</b>	<p>As land is added to the UGB, the County transfers the areas to an urban community plan and applies an interim urban land use designation (FD-20). Any mapped SNRs from the RNRP maps are transferred to the appropriate community plan SNR map.</p> <p>CDC § 421 and 422 requirements apply to any new development within a flood plain/drainage hazard area or SNR. § 407-3 requires property owners to obtain a permit to remove trees within an existing SNR area. For commercial cutting within the UGB, this section requires selective cutting and the retention of a certain number and distribution of trees and representative proportion of species.</p> <p>Existing tree removal permitting requirements offer limited alternatives for tree retention or mitigation if trees are removed by property owners, even without a pending land use review application.</p>	<p>Continue with existing process of adding County identified SNRs to community plans when UGB expansions occur and applying requirements of CDC §§ 421 and 422 to any development within a flood plain/drainage hazard area or SNR. Apply existing limited tree protections in CDC §§ 407 and 422. Commercial cutting would continue to be regulated by ODF.</p> <p>Apply any new tree protection/preservation requirements developed countywide to UGB expansion areas until the area annexes to a city.</p> <p><u>Strengths</u> Easy to adapt for staff and applicants.</p> <p>May encourage city to move forward with annexations to ensure greater protections.</p> <p>Each city with a UGB expansion may develop individual natural resource protection programs based on their community standards.</p> <p><u>Weaknesses</u> Would not provide additional protections for trees or other resources in new UGB areas until/unless new tree protection/preservation requirements are adopted.</p> <p>CWS requirements only apply after city annexation occurs, therefore Vegetated Corridors (yet to be delineated) may be impacted by tree removal.</p> <p>Some natural resources may be removed due to commercial cutting prior to city annexation.</p>	<p>Add County identified SNRs as well as resources included in Metro's Natural Resource Inventory Map to community plans when UGB expansions occur. This would add Upland (Wildlife) Habitat areas within the former rural area that are outside the original County inventory.</p> <p>Apply voluntary/incentive-based measures to new development that may impact <i>Wildlife Habitat</i> areas. Apply existing limited tree protections in CDC § 407 and 422 and any new countywide tree protection standards to these areas.</p> <p><u>Strengths</u> Easy to adapt for staff and applicants.</p> <p>Would apply County SNR and tree protections to areas identified as Upland (Wildlife) Habitat by Metro, as requested by several cities.</p> <p><u>Weaknesses</u> New development is limited within the FD-20 district, so commercial logging may still occur and only moderately affect the number of trees remaining on these sites regardless of new requirements.</p> <p>Not within CWS service boundary until city annexation; therefore, County would have to administer rules for riparian corridors.</p> <p>Would be most effective if adopted along with additional tree/preservation requirements.</p>	<p>Until city planning processes are complete, adopt County SNR maps and apply existing regulations. Apply new tree protection regulations should they be adopted.</p> <p>Once city planning processes are complete and new natural resource areas are identified, adopt these areas into the Comprehensive Plan and apply County tree protections. ESEE analysis will be undertaken by the cities as they develop comprehensive plans for these areas.</p> <p><u>Strengths</u> Easy to adapt for staff and applicants.</p> <p>Would promote preservation of trees within areas identified by the community as SNRs prior to annexation.</p> <p><u>Weaknesses</u> Has not been done in the past.</p> <p>City resource categories and desired levels of protection may not match those of the County.</p> <p>Would require coordination with cities and intergovernmental agreements detailing how implementation would occur.</p> <p>Could increase needs for code enforcement.</p> <p>Would be most effective if adopted along with additional tree protection/preservation requirements.</p>

Preliminary staff recommendation from Draft Report is indicated with light blue shading.

Key Issues	OPTIONS			
	Existing Standards and Practices	A	B	C
<b>5. The County's Goal 5 resources inventory is dated.</b>	Rely on existing Goal 5 inventory contained in RNRP and community plan maps, with field verification by development applicants.	Continue to use existing SNR maps for identifying SNRs, with field verification by development applicants.	Update SNR maps to reflect changes since adoption, including results of land use reviews and changes due to annexations and right-of-way dedication.	Update Goal 5 inventory to reflect changes on the ground and technological mapping advances (e.g., LiDAR) since the last inventory. Conduct new Goal 5 process for any new areas added to the inventory.
<b>Assessment</b>	<p>The current SNR inventory was based on data collected between 1979 and 1983 using the best available information at the time.</p> <p>The habitat report process requires field verification of the existence, extent and quality of the resources.</p> <p>County record keeping does not distinguish development proposals with natural resources.</p>	<p>The current SNR maps were developed based on the best available information and data at the time. The expectation in County regulations is that field verification by a qualified professional is required to locate the resources at the site level and delineate and assess them.</p> <p><u>Strengths</u>                      Easy to adapt for staff and applicants                      Developing a system that works moving forward may be a better use of limited resources.</p> <p><u>Weaknesses</u>                      Mapped locations of SNRs are generalized representations, which is often confusing and frustrating to community members.                      Accuracy of field verification by consultants hired by a developer is sometimes questioned by community members.</p>	<p>To achieve a more up-to-date inventory based on current mapping but reflecting changes since adoption, the County could undertake an effort to "remove" the natural resource mapped areas that are no longer within the County's regulatory purview for land use review. This would include areas:</p> <ul style="list-style-type: none"> <li>• preserved through land use review,</li> <li>• approved for development,</li> <li>• annexed to cities,</li> <li>• included in road right-of-way dedications</li> </ul> <p>This option could improve accuracy of mapped SNRs that have been affected by development and provide insights into past application of regulations. It would not improve the accuracy of any mapping of SNRs that have not been impacted in some way by development.</p> <p><u>Strengths</u>                      May result in areas being added to the maps that may have been missed in the SNR inventory or inaccurately assessed as data was digitized.</p> <p><u>Weaknesses</u>                      County record keeping does not specifically track applications with SNRs. Significant time and effort would be necessary to locate and review case files. Information is inconsistent and often limited.</p> <p>Some of this analysis could be done through GIS, while the remainder would be a staff intensive exercise involving research on past development projects, recorded private conservation easements and other conditions of approval.</p> <p>Community plan SNR maps would need to be updated via ordinance to illustrate the changes, and some reclassifications might be needed.</p> <p>Staff does not recommend this option.</p>	<p>An update of water related natural resources (streams and corridors) could be done with current GIS data and limited research. This might include topographic data from LiDAR and other more recent sources. Some interpretation would be required. A similar time, resource, and controversy intensive multi-year process was recently undertaken by the Federal Emergency Management Agency (FEMA) for flood plains.</p> <p><u>Strengths</u>                      Would improve accuracy of the mapped natural resource areas.</p> <p><u>Weaknesses</u>                      Major investment in staff time and resources. Site visits and a public process would be required to verify the information on the maps.                      Challenging, controversial and expensive undertaking.</p> <p>The community plan SNR Maps would need to be updated via ordinance to illustrate the changes, and some reclassifications might be needed.</p> <p>Five step Goal 5 process, including ESEE analysis, would be required for new areas added to the inventory.</p> <p>This level of accuracy is not necessary to review land use submittals since the same updated sources are available to consultants preparing Habitat assessments. Habitat assessments are verified by staff and ultimately reflect the most accurate natural resources site conditions.</p> <p>On balance, updating the natural resources inventory does not appear to be the best use of staff time and County resources.</p> <p>Staff does not recommend this option.</p>

Preliminary staff recommendation from Draft Report is indicated with light blue shading.

Key Issues	OPTIONS	
	Existing Standards and Practices	Recommendation
<b>6. Tracking of field-verified SNR delineations and monitoring of mitigation is inconsistent.</b>	Habitat Reports delineating SNRs are kept in project files but are not entered into a database. Rely on CWS for monitoring of mitigation near water-related SNR and erosion control measures in CWS urban service area.	Start new searchable database of mitigated or protected SNRs and ongoing conditions of approval for monitoring and enforcement.
<b>Assessment</b>	<p>Once SNR delineations are field-verified in Habitat Report and any conditions are placed on development applications, the location of the field-verified resources is not placed in a database or otherwise tracked. Staff verify that all SNR conditions are met and CWS verifies that their water-related requirements are met, prior to final approval.</p> <p>After construction, Code enforcement responds to complaints on sites with SNRs. If complaint is received, staff reviews case files to see whether the site contains SNRs and if there are relevant conditions of approval to determine if a violation has occurred. Little tracking or monitoring of the conditions of approval subsequent to occupancy unless complaint received.</p>	<p>The County could improve and standardize how it collects and documents natural resource information in the future and maintain records on where the natural resources are located and the outcomes of land use decisions. Applicants could be required to provide the mapped location of the site's natural resources geospatially so that the County can track and monitor the natural resources after the land use approval process. A new data layer that connects case file references with SNR and all specific conditions of approval could be added to GIS to assist with tracking.</p> <p><u>Strengths</u> Easier to track existing conditions of approval and monitor compliance if protected tracts are identified.</p> <p><u>Weaknesses</u> Additional staff time and financial resources.</p>
<b>7. County submittal requirements for SNR impacts and Habitat Reports lack specificity.</b>	1998 DI guides requirements for submittal and Habitat Reports for development applications on sites with SNRs.	Standardize submittal and Habitat Report requirements and codify them in the CDC.
<b>Assessment</b>	These requirements are not codified in the CDC.	<p>Could include:</p> <ul style="list-style-type: none"> <li>• Codifying qualification requirements for applicants' natural resource scientist/biologist.</li> <li>• Developing scientifically valid and standardized wildlife assessment forms that address clear and objective criteria.</li> <li>• Requiring clear site plans with field-verified location of natural resources, including common categories and terms.</li> <li>• Clarifying in the CDC that SNR locations need to be field-verified.</li> </ul> <p><u>Strengths</u> Would result in consistency in information submitted to the County, which would assist staff in reviews, developers and consultants in understanding expectations and preparing materials, and community members in reviewing and comparing projects.</p> <p><u>Weaknesses</u> May require consultant assistance (and therefore additional funding) to develop appropriate materials.</p>

Preliminary staff recommendation from Draft Report is indicated with light blue shading.

Key Issues	OPTIONS	
	Existing Standards and Practices	Recommendation
<b>8. SNR categories vary across jurisdictions, causing inconsistencies and confusion.</b>	County's SNR categories in CDC § 422 are titled and described differently compared to the state, Metro and other agencies.	Modify Significant Natural Resource categories and definitions used by the County for clarity and regional consistency.
<b>Assessment</b>	County's SNR categories for fish and wildlife-related natural resources are described imprecisely and have different titles compared to other agencies. Applicants must identify and address multiple resource categories in the approval process for each jurisdiction or agency.	<p>Could include adopting the terms used by other jurisdictions, combining categories, or refining the terms and/or definitions. A process to develop the categories would include comparison of definitions and coordination with other jurisdictions.</p> <p><u>Strengths</u>            Would result in consistency across jurisdictions and less confusion for staff, the public and developers.</p> <p><u>Weaknesses</u>            May not be possible to do, given the categories are all slightly different and are used for different purposes.</p>

Preliminary staff recommendation from Draft Report is indicated with light blue shading.

## X. BOARD DIRECTION AND NEXT STEPS

Staff presented the options, recommendations and a summary of public comments to the Board of Commissioners in Work Session on March 10, 2020. The Board provided the following direction on each key issue area:

1. The Community Development Code Section 422 standards for development within or near water-related Significant Natural Resources are subjective.

**Board Direction:** *Address clear and objective standards in the Community Development Code for water-related Significant Natural Resources, particularly by adding references that reflect current practices for sensitive areas and Vegetated Corridors consistent with Clean Water Services' Design & Construction Standards and deleting any subjective provisions. (Option A)*

2. The Community Development Code Section 422 standards for proposed development within or near *Wildlife Habitat* are subjective.

**Board Direction:** *Further develop and/or add new discretionary and incentive-based programs for protection of Wildlife Habitat, including adding a new Habitat Friendly Planned Development. Modify the Community Development Code to clarify that such measures are voluntary and to delete any subjective provisions. (Option B)*

3. The County's tree preservation requirements are limited.

**Board Direction:** *Develop clear and objective tree protection requirements for trees within County-designated Significant Natural Resource areas, with a focus on tree preservation/mitigation within Wildlife Habitat areas. (Option B)*

4. Standards and protections Significant Natural Resources and trees in Urban Growth Boundary expansion areas are limited.

**Board Direction:** *Include areas identified on Metro's Regionally Significant Fish and Wildlife Habitat Inventory within the Urban Growth Boundary expansion areas as part of County resource mapping. Apply current and any new regulations for Significant Natural Resource areas and tree protection/preservation. (Option B)*

5. The County's Goal 5 resources inventory is dated.

**Board Direction:** *Continue to use existing Significant Natural Resources maps for identifying these areas but require field verification of boundaries by development applicants. (Option A)*

6. Tracking of field-verified Significant Natural Resources and monitoring of mitigation is inconsistent.

**Board Direction:** *As a future work program task, develop a new searchable database of Significant Natural Resources mitigation areas and ongoing conditions of approval for monitoring and enforcement.*

7. County submittal requirements for development impacts to Significant Natural Resources and information in the habitat assessments lack specificity.

**Board Direction:** *Refine County development review processes and submittal requirements to standardize Habitat Reports and clarify field verification of SNRs. Codify in the Community Development Code as appropriate.*

8. Significant Natural Resources categories vary between Metro, Clean Water Services and local jurisdictions, often causing inconsistency and confusion.

**Board Direction:** *As a future work program task, modify Section 422 Significant Natural Resources categories and definitions used by the County for clarity and regional consistency.*

#### ***Next Steps***

On April 7, 2020, the Board adopted the Long Range Planning Annual Work Program which includes Tier 1 **Task S1.2: Significant Natural Resource regulations assessment – implementation**. The Work Program reflects the Board's direction detailed above. Work to address key issues 1 through 4 and 7 is underway and expected to be considered by the Board in 2020 through the ordinance process. Potential public involvement opportunities will be detailed as the work proceeds through the notice and public hearing/testimony process. Key issues 6 and 8 will be addressed in future work programs and no further work is planned on key issue 5.

**From:** G&T Berne <gtberne@gmail.com>  
**Sent:** Wednesday, May 3, 2023 11:50 AM  
**To:** LUT Planning <lutplan@washingtoncountyor.gov>  
**Subject:** [EXTERNAL] short-term rentals

Portland has already completed a list of rules and regulations governing short-term rentals. I, and many others, have testified and written about this, but curiously, no one from the Draft Planning Work Program ever made mention of it to my knowledge. What could be the reason for not adapting the Portland short-term rules to Washington County? Would appreciate hearing from someone about this given the colossal waste of your time and the time of my neighbors and others elsewhere dealing with the unregulated short-term rentals in our family neighborhoods who have completed surveys and submitted testimony and written comments on this topic .  
Trudy Berne

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[gtberne@gmail.com](mailto:gtberne@gmail.com)

From: gtberne@gmail.com <gtberne@gmail.com>  
Sent: Wednesday, May 3, 2023 5:44 PM  
To: LUT Planning <lutplan@washingtoncountyor.gov>  
Subject: [EXTERNAL] Short-term rental funding

Maybe the county needs to increase the licensing fees for short-term rental administration to cover regulation implementation. The county chose to redirect funding to other areas, to fund the artificially created shortfall by making these short-term business owners pay their way.  
Trudy Berne

**From:** k w <millionthstar@hotmail.com>  
**Sent:** Thursday, May 4, 2023 7:04 AM  
**To:** LUT Planning <lutplan@washingtoncountyor.gov>  
**Subject:** [EXTERNAL] Re: UPDATE: Short-term rentals

I believe the County should create an ordinance limiting short term rentals to owner-occupied. That would help with the housing shortage and maybe even high prices. It would not take long to draft a rule when working from a pre-existing ordinance in a different jurisdiction. I think it is worth the short amount of staff time required to get an ordinance on the books, then develop licensing when money becomes available.

Kerry

ps - I no longer live in the area because housing is too expensive.

**From:** Kathy Lange <[langeka21@msn.com](mailto:langeka21@msn.com)>  
**Sent:** Saturday, May 27, 2023 2:57 AM  
**To:** Board of County Commissioners <[BCC@washingtoncountyor.gov](mailto:BCC@washingtoncountyor.gov)>  
**Subject:** [EXTERNAL] Gas Station Development Code in LUT Work Program 2023-2025

Hello Board of County Commissioners-

A Chevron was approved 80ft from the public wetland and parks along Rock Creek in Bethany in 2022. This was expected since the County development codes make gas stations an explicit allowed use with no additional setback requirements.

I understand many of you, in conversation, have said such a development doesn't make a lot of sense. And I have joined hundreds of other Washington County residents in signing a petition asking that our development codes be updated to ensure such a development isn't built so close ever again.

<https://www.postpump.org/oregon/washington-county/land-use-letter-dec-2022.pdf>

Unfortunately, LUT Planning Staff with their 2023-2025 draft work program, once again, are saying they have essentially no time to consider anything that is important to our community other than statutory requirements from Metro and the State in their Draft FY 2023-2025 Planning Work Program. However, land use is one of the most critical functions of a County.

Why are you not making LUT have resources available in the work program to consider common sense requests from the community?

Thank You,

Kathleen Lange  
15807 NW Clubhouse Drive  
Portland, OR 97229

From: Claire Morgan <[clairemor@icloud.com](mailto:clairemor@icloud.com)>

Sent: Friday, May 26, 2023 9:45 PM

To: Board of County Commissioners <[BCC@washingtoncountyor.gov](mailto:BCC@washingtoncountyor.gov)>

Subject: [EXTERNAL] Gas Station Development Code in LUT Work Program 2023-2025

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[https://urldefense.com/v3/ https://www.postpump.org/oregon/washington-county/land-use-letter-dec-2022.pdf ;!!NkmFlfldMx7bHWw!tKFSmbtc5lc7CysYCb3\\_6KCXjLa-YCiWgOeQltCE8oquMiVracEW-Yz7ptDoKydPs6kVchOjPzqx6jj5loc54brVo\\$](https://urldefense.com/v3/https://www.postpump.org/oregon/washington-county/land-use-letter-dec-2022.pdf;!!NkmFlfldMx7bHWw!tKFSmbtc5lc7CysYCb3_6KCXjLa-YCiWgOeQltCE8oquMiVracEW-Yz7ptDoKydPs6kVchOjPzqx6jj5loc54brVo$)

Unfortunately, LUT Planning Staff with their 2023-2025 draft work program, once again, are saying they have essentially no time to consider anything that is important to our community other than statutory requirements from Metro and the State in their Draft FY 2023-2025 Planning Work Program. However, land use is one of the most critical functions of a County.

Why are you not making LUT have resources available in the work program to consider common sense requests from the community?

Through this whole process, our (constituents) voices seem to be ignored. Many of us are very concerned about the environment and have sent our views to you. Fossil fuels cannot be in our future from now on. Why would a NEW gas station, with the possibility of spillage, be allowed by a lake? Besides, the whole world is moving to electric. Change is here!

Thank You.

Claire Morgan  
[clairemor@icloud.com](mailto:clairemor@icloud.com)

**From:** Candace Marion <[csmarion@msn.com](mailto:csmarion@msn.com)>

**Sent:** Friday, May 26, 2023 1:27 PM

**To:** Board of County Commissioners <[BCC@washingtoncountyor.gov](mailto:BCC@washingtoncountyor.gov)>

**Subject:** [EXTERNAL] Gas Station Development Code in LUT Work Program 2023-2025

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<https://www.postpump.org/oregon/washington-county/land-use-letter-dec-2022.pdf>

Unfortunately, LUT Planning Staff with their 2023-2025 draft work program, once again, are saying they have essentially no time to consider anything that is important to our community other than statutory requirements from Metro and the State in their Draft FY 2023-2025 Planning Work Program. However, land use is one of the most critical functions of a County.

Why are you not making LUT have resources available in the work program to consider common sense requests from the community?

Thank You

**From:** Rosa Seda <[ryседа@gmail.com](mailto:ryседа@gmail.com)>  
**Sent:** Monday, May 29, 2023 10:06 AM  
**To:** Board of County Commissioners <[BCC@washingtoncountyor.gov](mailto:BCC@washingtoncountyor.gov)>  
**Subject:** [EXTERNAL] Gas Station Development Code in LUT Work Program 2023-2025

Hello Board of County Commissioners-

A Chevron was approved 80ft from the public wetland and parks along Rock Creek in Bethany in 2022. This was expected since the County development codes make gas stations an explicit allowed use with no additional setback requirements.

I understand many of you, in conversation, have said such a development doesn't make a lot of sense. And I have joined hundreds of other Washington County residents in signing a petition asking that our development codes be updated to ensure such a development isn't built so close ever again.

<https://www.postpump.org/oregon/washington-county/land-use-letter-dec-2022.pdf>

Unfortunately, LUT Planning Staff with their 2023-2025 draft work program, once again, are saying they have essentially no time to consider anything that is important to our community other than statutory requirements from Metro and the State in their Draft FY 2023-2025 Planning Work Program. However, land use is one of the most critical functions of a County.

Why are you not making LUT have resources available in the work program to consider common sense requests from the community?

Thank You

**From:** Sameer Moudgil <[sameer.moudgil@gmail.com](mailto:sameer.moudgil@gmail.com)>  
**Sent:** Wednesday, May 31, 2023 10:25 AM  
**To:** Board of County Commissioners <[BCC@washingtoncountyor.gov](mailto:BCC@washingtoncountyor.gov)>  
**Subject:** [EXTERNAL] Gas Station Development Code in LUT Work Program 2023-2025

Hello Board of County Commissioners-

A Chevron Gas Pump was approved 80ft from the public wetland and parks along Rock Creek in Bethany in 2022. This was expected since the County development codes make gas stations an explicit allowed use with no additional setback requirements.

I understand many of you, in conversation, have said such a development doesn't make a lot of sense. And I have joined hundreds of other Washington County residents in signing a petition asking that our development codes be updated to ensure such a development isn't built so close to sensitive habitats ever again.

<https://www.postpump.org/oregon/washington-county/land-use-letter-dec-2022.pdf>

Unfortunately, LUT Planning Staff with their 2023-2025 draft work program, once again, are saying they have essentially no time to consider anything that is important to our community other than statutory requirements from Metro and the State in their Draft FY 2023-2025 Planning Work Program. However, land use is one of the most critical functions of a County.

Why are you not making LUT have resources available in the work program to consider common sense requests from the community?

Thank You,  
Sameer Moudgil  
Friend of the wetlands

**From:** Bart LEMMEN <[bart.lemmen@gmail.com](mailto:bart.lemmen@gmail.com)>

**Sent:** Wednesday, May 31, 2023 11:02 PM

**To:** Board of County Commissioners <[BCC@washingtoncountyor.gov](mailto:BCC@washingtoncountyor.gov)>

**Subject:** [EXTERNAL] Gas Station Development Code in LUT Work Program 2023-2025

Hello Board of County Commissioners-

A Chevron was approved 80ft from the public wetland and parks along Rock Creek in Bethany in 2022. This was expected since the County development codes make gas stations an explicit allowed use with no additional setback requirements.

I understand many of you, in conversation, have said such a development doesn't make a lot of sense. And I have joined hundreds of other Washington County residents in signing a petition asking that our development codes be updated to ensure such a development isn't built so close ever again.

<https://www.postpump.org/oregon/washington-county/land-use-letter-dec-2022.pdf>

Unfortunately, LUT Planning Staff with their 2023-2025 draft work program, once again, are saying they have essentially no time to consider anything that is important to our community other than statutory requirements from Metro and the State in their Draft FY 2023-2025 Planning Work Program. However, land use is one of the most critical functions of a County.

Why are you not making LUT have resources available in the work program to consider common sense requests from the community?

The current responses of the LUT Planning Staff seem just to avoid a discussion and protection of nature and human habitat. I'm expecting more than that from a government body, and encourage you to apply additional setback requirements for this gas station and potential others in the County.

Thank You,

Best regards,

Bart Lemmen  
Citizen of Rock Creek

From: Sal fogarty <[salintroy@yahoo.com](mailto:salintroy@yahoo.com)>  
 Sent: Friday, May 26, 2023 1:21 PM  
 To: Board of County Commissioners <[BCC@washingtoncountyor.gov](mailto:BCC@washingtoncountyor.gov)>  
 Subject: [EXTERNAL] Gas Station Development Code in LUT Work Program 2023-2025

Hello Board of County Commissioners-

A Chevron was approved 80ft from the public wetland and parks along Rock Creek in Bethany in 2022. This was expected since the County development codes make gas stations an explicit allowed use with no additional setback requirements.

I understand many of you, in conversation, have said such a development doesn't make a lot of sense. And I have joined hundreds of other Washington County residents in signing a petition asking that our development codes be updated to ensure such a development isn't built so close ever again.

[https://urldefense.com/v3/https://www.postpump.org/oregon/washington-county/land-use-letter-dec-2022.pdf ;!!NkmFfIdMx7bHWw!tMMMnIjC5w-ZJBBmu2d9ShXaEh1Mol-J4F5tErDtWrm2UdKdMvz8r7RVbNJQKopPJBKl1Jo-lct12giaM1gypMjxZ0\\$](https://urldefense.com/v3/https://www.postpump.org/oregon/washington-county/land-use-letter-dec-2022.pdf)

Unfortunately, LUT Planning Staff with their 2023-2025 draft work program, once again, are saying they have essentially no time to consider anything that is important to our community other than statutory requirements from Metro and the State in their Draft FY 2023-2025 Planning Work Program. However, land use is one of the most critical functions of a County.

Why are you not making LUT have resources available in the work program to consider common sense requests from the community?

Thank You

Too, u are not looking at a small picture but an enormous impact on the area of NW 185th and West Union Rd. First of all, the dangers that could arise from seepage in to ground waters and literally destroy the large natural habitat home to many species of prized Oregon animals and plants. The danger of increased traffic and noise to a fairly quiet and serene area. Too Westview High School students walk on that side of the road. They would have even greater pitfalls to watch out for.

There is no need for another gas station nearby. Every single car owner has no more than half a mile to drive to find gas.

Having only been here 10 years, I have begun to see more greedy people get County and city government to change rules to allow projects that are not wanted by the residents. Are the boards being unduly influenced?

Why can't all residents be allowed to decide this matter?

Sallie Fogarty

**From:** Matt Wellner <[matt@crandallgroup.com](mailto:matt@crandallgroup.com)>  
**Sent:** Monday, April 17, 2023 11:19 AM  
**To:** Erin Wardell <[Erin\\_Wardell@washingtoncountyor.gov](mailto:Erin_Wardell@washingtoncountyor.gov)>; Theresa Cherniak <[Theresa\\_Cherniak@washingtoncountyor.gov](mailto:Theresa_Cherniak@washingtoncountyor.gov)>  
**Subject:** [EXTERNAL] FY 2023-2025 Work Program CDC Audit (Testimony)

Erin and Theresa,

Please accept the following as testimony in support of Task 1.2 (Community Development Code Audit) which has been identified by staff as a Tier 1 task related to Housing. As you are aware, the CDC saw significant change through the adoption of the County's middle housing ordinances. That change also created some inconsistencies within the code that those ordinances were not designed to remedy. In the past, I have communicated concerns over different elements of the CDC that make it difficult to construct single-family housing. Those elements include building façade, outdoor yard area, perimeter setback, and on-street parking requirements. There are others, but these in particular were remedied for middle housing. These requirements still exist for many standard housing development applications, but HB2001 limited the County's ability to apply these requirements to middle housing requests. The result being that we have two separate sets of rules within our CDC for the same or very similar circumstances. The irony of this is that the potentially denser middle-housing request could trigger less in the way of regulation and requirements than a standard development request.

I am encouraged by the description of this work within the Recommended Work Program document. Looking for ways to "simplify and streamline" and "reduce barriers to development" is exactly the type of audit that our CDC needs. Eliminating inconsistencies and reducing regulatory requirements will go a long way to accomplishing our local and statewide goals for all housing. Establishing one standard set of criteria within each zone will make it easier to permit housing, it will make the process more intuitive for Applicants, and it will save time and resources for the County by reducing the number of criteria that staff needs to consider and apply. Eliminating the criteria discussed above will save significant time and money for the Applicant, who now has the complicated task of demonstrating compliance with multiple competing requirements.

Thank you for bringing this forward as a Tier 1 task in the Work Program. It shows me that staff is committed to adopting efficiencies and eliminating roadblocks. I am supportive of this as a Tier 1 task and would encourage the Board to adopt it as part of the 2023-2025 Work Program.

Lastly, if/when you do have stakeholder engagement, I would appreciate getting the opportunity to participate.

Feel free to contact me with any questions.

Thanks,

Matt

**Matt Wellner, Realtor**  
**E:** [matt@crandallgroup.com](mailto:matt@crandallgroup.com)  
**C:** 503.970.5699 **F:** 503.531.9238



**From:** Rob Dixon <robert.dixon1965@yahoo.com>  
**Sent:** Friday, April 14, 2023 12:38 PM  
**To:** LUT Planning <lutplan@washingtoncountyor.gov>  
**Subject:** [EXTERNAL] ADU's in AF-5 Zoning

Dear Washington County Land Use and Transportation,  
Please address allowing accessory dwelling units (ADU's) in rural Washington County in a similar fashion as you have with the unincorporated urbanized Washington County areas.  
It makes particularly good sense in the small parceled old AF-5 areas close to existing urbanized areas. But we would encourage the allowance of carefully regulated and specified ADU's in all rural lots of Washington County where a primary residence is allowed already.  
We totally support SB 100 and do not want to erode that unique bedrock of Oregon land-use planning. We actually think allowing ADU's of 900 to 1200 ft.<sup>2</sup> in rural areas is consistent with SB 100's intent to protect farm and timberlands, encouraging small family rural operations, and providing affordable and available housing for Oregonians.  
Since 1988 we have lived on AF-5 land in Washington County and often wanted an ADU for aging relatives, younger family, and people in need of housing, particularly those who could help us care for our timber and land in exchange for housing or some part thereof.  
Yes, you can apply for a family member hardship exemption or even a farm worker housing exemption and drop in a temporary mobile home. But that's a big expense (\$30,000 to \$60,000) for something that doesn't last and has the additional expense of being required to be removed once that elderly relative dies or farming or logging practices change. It's time to create a situation where rural residents are incentivized to make significant investments to provide more housing, but not erode the rural character of the community.  
We moved into rural Oregon in 1988 because that's the lifestyle we wanted. The last thing we want to do is propose regulations that erode that. But we do not think that allowing controlled ADU's would be an erosion, but rather an enhancement, especially regarding caring for family members, and others in the community who need housing that can also help with our rural operations.

We certainly hope the Washington County Board of Commissioners pursues this very soon and would be happy to volunteer to be on any committees or other support groups as this goes forward.

Sincerely,  
Rob and Susan Dixon  
40105 SW Snowcrest Drive  
Cornelius, OR 97113

**From:** Rodney Gibino <[rjgibino@hotmail.com](mailto:rjgibino@hotmail.com)>  
**Sent:** Monday, May 1, 2023 2:05 PM  
**To:** LUT Planning <[lutplan@washingtoncountyor.gov](mailto:lutplan@washingtoncountyor.gov)>  
**Subject:** FW: [EXTERNAL] In need of advice

My wife and I are living on a 5 AC parcel in a mobile home with a hardship permit with our daughter and son in law in a stick built. In the research that we did prior to buying this 5 AC we knew about the Hardship and at the same time had the understanding that our property was going to be part of the Growth Boundary as the boundary moved towards Wilsonville. As we are both aware this has not happened. Considering the junk heap that we bought in 2015 and the beautiful property that it is today, we find the current "law" frustrating that if we die off that our children would have to move this gorgeous triple wide off of the property within 45-90 days. There has to be a way to protect this 2<sup>nd</sup> home on our property. There has to be a better way of dealing with this ridiculous circumstance. Looking at the pictures attached to the WASH CO PDF above and seeing the garbage dump that we bought vs how it looks today...common sense would say to have asked the previous owners to REMOVE ALL OF THE GARBAGE FROM 23340 SW 82<sup>nd</sup> at that time, yet those owners were allowed to have that garbage on the property. Today it is a beautiful property and when something happens to me, then my wife will have to be the HARDSHIP, then when she dies, this beautiful triple wide would have to be removed!!! Ridiculous thinking.

I am willing to work with the planning department to accomplish a more realistic outcome. Please help to educate me so that I can make changes to not only our situation but for the many others that are considered Hardships. I see a number of other properties that have more than 1 house on the property, that are further behind the 150 foot marker from the street etc. I want to accomplish this before I run into issues that cause me to not be able to help my family.

Urg#J l e l q r #  
 836#: 53035 ; 3

**From:** [Melissa De Lyser](#)  
**Sent:** Friday, April 28, 2023 12:51 PM  
**To:** [rjgibino@hotmail.com](mailto:rjgibino@hotmail.com)  
**Cc:** [Stephen Roberts](#); [Daniel Nava](#); [Erin Wardell](#); [Stephen Shane](#); [Board of County Commissioners](#)  
**Subject:** RE: [EXTERNAL] In need of advice

Hello Mr. Gibino:

Thank you for your email. I am the Communications Manager for Washington County Department of Land Use & Transportation. I have been asked to respond on behalf of Chair Harrington regarding your request request to maintain the temporary hardship dwelling approved by the County in 2015 (Casefile 15-198 TH).

Unfortunately, our Community Development Code does not have an option to retain a hardship dwelling. The approval of the hardship dwelling is reviewed under standards specific to the use being temporary in nature and was acknowledged by you as temporary under the required restrictive covenant filed with the county Recorder's Office July 10, 2015, (Document No 2015-55591). I do note,

however, that the renewal for a temporary health hardship is transferable if a medical need for a different party is documented by a physician.

County staff are proposing an analysis of rural housing options as a part of our proposed Planning Work Program 2023-25. If you would like to support that proposal and make sure it covers second dwelling units in areas like yours, you can submit a comment to staff. [Learn more](#). Comments received will be shared with the Board of Commissioners for their consideration.

Unfortunately, annexing to the city of Tualatin is not feasible currently because your property is outside of the Urban Growth Boundary (UGB). Tualatin would need to make a proposal for an expansion of the UGB to the Metro Regional Government. Metro would then take action to expand the UGB, and then the city would take action to prepare a comprehensive plan for your area and then commence annexation. This process generally takes 10 years or more to complete. The County has only a technical advisory and transportation planning role with UGB expansions, so it is not within our authority to move that forward.

Thank you again for your email.

Melissa De Lyser

**Melissa De Lyser | Public Affairs and Communications Manager**

*Pronouns: She/Her/Hers*

Washington County Land Use & Transportation

Office of the Director | Communications

155 N First Ave., Suite 250, MS 16 | Hillsboro, OR 97124

[503-846-4963 \(Office\)](tel:503-846-4963) | [971-713-9658 \(Cell\)](tel:971-713-9658)

[melissa\\_de\\_lyser@washingtoncountyor.gov](mailto:melissa_de_lyser@washingtoncountyor.gov) | [www.washingtoncountyor.gov](http://www.washingtoncountyor.gov) | [wc-roads.com](http://wc-roads.com)

*Wednesday, Thursday: In Office | Monday, Tuesday, Friday: Remote*



**From:** Rodney Gibino <[rjgibino@hotmail.com](mailto:rjgibino@hotmail.com)>

**Sent:** Saturday, April 15, 2023, 5:31 PM

**To:** Board of County Commissioners <[BCC@washingtoncountyor.gov](mailto:BCC@washingtoncountyor.gov)>

**Cc:** Kirk Jesser <[jesserk2010@gmail.com](mailto:jesserk2010@gmail.com)>

**Subject:** [EXTERNAL] In need of advice

Kathryn, please take 3 minutes to read my letter and to offer advice with who, how, where to proceed with our situation. The normal response is ridiculous...there has to be a way!!! I look forward to your read on our situation.

Urg#J le.lqr#

836#: 53035;3

Rodney J. Gibino  
23340 SW 82<sup>nd</sup> Ave  
Tualatin, OR 97062

**Kathryn Harrington-Chair:**

bcc@washingtoncountyor.gov

I have experienced frustration trying to get a better picture from someone in Washington County Planning etc. that makes sense to the situation that I am in.

In 2010 I had a major brain tumor removed. My Neurosurgeon said that it was the size of a coffee cup. Thank God, it was not Cancerous, but they did have to leave a portion due to its location. One of the side effects of this removal was the start of Epileptic seizures. It took a while to get the proper combination of meds to get the seizures to a workable state. At that time my wife and I lived in our beautiful home in Clackamas that I had always dreamed of having. The long hours, time in the airport had all paid off. At the same time my wife, daughters and sons-in-law felt the need to prepare for possible issues as time moved on. I am not easy to give in, but with their advice and logic, I felt they were right.

In 2015, our younger daughter and son-in-law bought the 5AC parcel right next door to where we live on 82nd. While painting and redoing the inside of their home, the 5 AC parcel that we now live in, came on the market a week later...DIRECTLY NEXT DOOR. My older daughter and son-in-law wanted this to be the home for their family as well as our last home where they could watch over us. The good news of this property was the proximity of being next door, the bad news, it was a total junk yard. The house was a total disaster, the 5 AC property had 13 cars on it, all junk heaps. There was no part of the 5 AC that was attractive from the street, but it was next door. You will have pictures at the bottom of this letter showing what we bought and the comparison of what we have created over the past 7+ years.

**Now MY CONCERN:** We had heard in our info gathering that this area would be part of the future Growth Boundary...which has not happened. I have tried to get info from Metro, they do not have any info, they recommended calling the city of Tualatin, which I have done. They had no information and recommended contacting Washington County Offices which I did with Louisa Bruce who has been fabulous with every aspect of our Hardship Permit process every 2 years. She gave me names of people in Land Use and Transportation, which I did contact and left voice messages. After numerous calls to voice mail and no responses, my Sicilian side came out in a big way and I did get a response from Carine Arendes, Associate Planner, Community Planning. We talked for quite a while, but her response was that Growth Boundary changes were on the back burner...maybe 8 years or so.

I have put a lot of money into this property along with my daughter to make this property beautiful. I grew up in poverty and I was not willing to go backwards with our living quarters. I currently pay substantial taxes for our modular home, plus our Hardship permit paid every 2 years, plus what my daughter and son-in law pay, total coming to the amount of \$10,000+/- . The worst part of all of this is that when I die, our beautiful modular home will have to be moved off of our property within 45/90 days...**ARE THEY KIDDING ME.** What was a total pigsty dump is now a beautiful 5AC parcel!!! I want to

talk to whomever, but have not been able TO FIND WHOMEVER! I want to show the differences that have taken place in the last 8 years...but heaven forbid, I cannot get any info. You will also see in the pictures that I am attaching, we DO NOT DUE THINGS HALF-ASSED. I am currently 75 years old...I live with the fact that I could have re-growth of the tumor, or a major stroke anytime, yet I cannot figure out how to get better info. I do need to find out info that will allow me to have an impact and change the totally ridiculous HARDSHIP situation. I can look across I5 freeway and see all of the trees that were torn down to build some 400 homes yet I live in fear that when I die, this beautiful home will be taken off of this 5AC parcel because of some ridiculous law from years ago that makes absolutely no sense in today's Tualatin. I definitely need to get some type of exception ruling. My daughter is already talking about moving into our home after we die, then having one of their children move back into their house.

Kathryn, can you possibly give me guidance on who to talk to in order to make an exception to this "law". It is frustrating that if we were to become part of City of Tualatin, this all goes away, but as long as we are Washington County, we continue to pay \$10,000+ in taxes and run the risk that all of the fabulous improvements will disappear. This makes no sense for my family nor for Washington County.

Thanks in advance for any guidance you might be able to offer.

Sincerely,

Rod Gibino

23340 SW 82<sup>nd</sup> Ave

Tualatin, OR 97062

503 720-0280

[rjgibino@hotmail.com](mailto:rjgibino@hotmail.com)

cc: Kirk Jesser Son in law

NB: Pictures Below:

The first pictures are of the property that we bought at 23340 SW 82<sup>nd</sup>, we immediately removed this house. When the family left the property in a horrible condition, we forced the sellers to pay an additional \$18,000 to get rid of all of the garbage that they had still left behind.



This is what our property looks like today along with new septic pump and lines, new water lines, new underground electrical lines etc.



This is the view from our side porch



This shows our MOBILE home, all top of the line



This is our daughter and son in law's stick-built home



This is the view looking to the street



This shows our detached garage and home



A couple of weeks ago when it was snowing, I took this picture from our front door towards our children and grandchildren's home

This is truly an in-law quarters. To force our children to remove this home would be a true sin when it fits perfectly, met all inspections with the county etc.

My problem continues to be getting anywhere to solve this problem, especially when we are paying what I consider to be huge taxes to Washington County.

Kathryn, I look forward to your advice.

**From:** Rodney Gibino <rjgibino@hotmail.com>  
**Sent:** Sunday, June 4, 2023 3:41 PM  
**To:** LUT Planning <lutplan@washingtoncountyor.gov>  
**Cc:** Carine Arendes <Carine\_Arendes@washingtoncountyor.gov>; Melissa De Lyser <Melissa\_De\_Lyser@washingtoncountyor.gov>  
**Subject:** [EXTERNAL] Planning Schedule for 2023 to 2025

I am looking forward to working with the WA CO Planning Department in developing Rural Housing Options in the next couple of years. One of my challenges, thus why I am living on a Hardship Permit at 23340 SW 82<sup>nd</sup> Ave is because of one of the after effects of having had a massive brain tumor taken out in 2010. I can function fine for the most part in discussions etc. One of my challenges is remembering short term results. I was in Savannah, GA this past week visiting with and attending one of my 10 grandchildren graduated SCAD Summa Cum Laude in animation arts. I planned on going over all of the details for Long Range Planning once again to make sure that all of the details needed were turned in. What I discovered was that the data that I either sent in or was going to send in (proof) was not in my laptop documents but was in my desktop computer at my house. I tried to send a follow up email to Maitreyee Sinha , the only email address in my laptop for planning, and that email did not go thru, was immediately returned back to me. We left Savanah on the 5:15AM flight and got home to PDX this morning. This is when I found all of my needed data on my desk (sorry). So I am including the data that I did send to the County Board of Commissioners a couple of months ago so that you, the planning department, has the same data. I am not sure who has what, but I figure too much data is better than not enough.

If any questions, please feel free to contact me and I will do my best to respond accordingly.

Urg#Jlelqr#  
836#:53035;3

Rodney J. Gibino  
 23340 SW 82<sup>nd</sup> Ave  
 Tualatin, OR 97062

**Washington County Planning Department**

lutplan@washingtoncountyor.gov

I want to work with you in Washington County Planning to make sensible changes to one of the laws pertaining to Hardship living.

**Reason for HARDSHIP:**

In 2010, while still actively flying out each week for my Regional Sales Job position, I was totally caught off-guard when I could not remember the name of the singer/guitarist that recorded one of the most famous recordings, **Johnny Be Good**. I finally had to look up details on the internet to recall Chuck Berry's name. In my high school days in the mid 60's I was a professional guitarist playing in both concerts and recordings touring with the Beach Boy show, backing up Sonny and Cher for their Bay Area concert...not remembering Chuck Berry's name scared me into thinking that I had the starts of Alzheimer's. After having a Nuclear MRI, my doctor called to let me know that I did have a massive Brain Tumor the size of a racketball. Within 3 weeks I had it removed at OHSU. My Neurosurgeon said that it was the size of a coffee cup. Thank God, it was not Cancerous, but they did have to leave a portion due to its location. One of the side effects of this removal was the start of Epileptic seizures. It took a while to get the proper combination of meds to control the seizures with minimal side effects. I tried to return back to my work, but due to some of the side effects, I retired earlier than planned.

At that time my wife and I lived in our beautiful home in Clackamas that we had always dreamed of having.



The long hours, time in the airports had all paid off. From my birth till marriage in '69 I living in our house attached to our family grocery store. Our living conditions DID NOT have an enjoyable backyard, nor did we have any lawn in the front or side of our house. From the start of our marriage, I have always enjoyed cutting lawns at our house and over time, I did have a successful career.

**HARDSHIP HISTORY:**

Once the Epileptic seizures started in 2012, my wife, daughters and sons-in-law felt the need to prepare for my possibly having GRAND MAL seizures resulting in more serious issues or a stroke. I am not easy to give in, but with their advice and logic, and just good common sense, I felt they were right. I had no warnings

about having my first tumor, no pain etc., and with that my Neurologist scheduled me to take yearly Nuclear MRI's. I also did substantial reading about the effects of Epilepsy and knew that I could have a massive at any time as I go to be older.

In 2015, our younger daughter and son-in-law bought the 5AC parcel right next door to where we live on 82nd. While painting and redoing the inside of their home, the 5 AC parcel that we now live in, came on the market...DIRECTLY NEXT DOOR. My older daughter and son-in-law wanted this to be the site for their family as well as our last home where they could watch over us. The good news about this property location was that this property was directly next door to our younger daughter and her family; the bad news, it was a total junk yard and the house was a total disaster. This 5 AC property had 13+ cars on it, all junk heaps. There was no part of the 5 AC that was attractive from the street, but it was next door.



The day before closure of the sale at 23340 SW 82nd, we stated that in NO WAY would we accept all of the junk that was still left on the property. The property was left in such a horrible condition, we forced the sellers to pay an additional \$18,000 to get rid of all of the garbage that they had still left behind.

**LEARNING ABOUT AND MEETING CODE:**

In 2015 when we had only a couple of days to get info about 23340 82<sup>nd</sup> prior to submitting our offer, and what we learned was that the Growth Boundary was scheduled to go to Wilsonville. We did not have any

knowledge about URBAN area of WA CO and definitely we were ignorant of the total picture. Once we made the changes to the original offer to further clean up the junk on the property, and the offer was accepted, then we acquired the NEW KNOWLEDGE about the legalities concerning:

- 1) Rebuilding a new sump pump and drain fields
- 2) Working with inspectors of PGE...hire contractor to run NEW UNDEERGROUND electricity from the electrical OVERHEAD power lines from across the street
- 3) Work with fire department concerning legal locations of houses from the street
- 4) Further discussions with Metro and Tualatin concerning their current knowledge of timing and locations of future Growth Boundary
- 5) Work with MOBILE home contractor to build triple-wide to suite us for the rest of our life
- 6) Coordinate contractor to plan hookups needed for our Mobile
- 7) Coordinate additional contractor to set up foundation for our triple wide so that we do not have to worry about stormy, windy, earthquake or excessive rainy weather

What we thought at the beginning would result in us to live in our 5<sup>th</sup> wheel for 4 months resulted in 2 years...but ALL was done according to code.

#### **OUR CHALLENGE TODAY:**

We ASSUMED aware that as long as we were part of the WA CO, the rule was that if I was to die that EITHER my wife would qualify for the HARDSHIP PERMIT or if no one was to qualify, then I have tried to get info from Metro, they do not have any info, they recommended calling the city of Tualatin, which I have done. They had no information and recommended contacting Washington County Offices which I did with Louisa Bruce who has been fabulous with every aspect of our Hardship Permit process every 2 years. She gave me names of people in Land Use and Transportation, which I did contact and left voice messages. After numerous calls to voice mail and no responses, my Sicilian side came out in a big way and I did get a response from Carine Arendes, Associate Planner, Community Planning. We talked for quite a while, but her response was that Growth Boundary changes were on the back burner...maybe 8 years or so.

I have put a lot of money into this property along with my daughter to make this property beautiful. I grew up in poverty and I was not willing to go backwards with our living quarters. I currently pay substantial taxes for our modular home, plus our Hardship permit paid every 2 years, plus what my daughter and son-in law pay, total coming to the amount of \$10,000+/- . The worst part of all of this is that when I die, our beautiful modular home will have to be moved off of our property within 45/90 days...ARE THEY KIDDING ME. What was a total pigsty dump is now a beautiful 5AC parcel!!! I want to talk to whomever, but have not been able TO FIND WHOMEVER! I want to show the differences that have taken place in the last 8 years...but heaven forbid, I cannot get any info. You will also see in the pictures that I am attaching, we DO NOT DUE THINGS HALF-ASSED. I am currently 75 years old...I live with the fact that I could have re-growth of the tumor, or a major stroke anytime, yet I cannot figure out how to get better info. I do need to find out info that will allow me to have an impact and change the totally ridiculous HARDSHIP situation. I can look across I5 freeway and see all of the trees that were torn down to build some 400 homes yet I live in fear that when I die, this beautiful home will be taken off of this 5AC parcel because of some ridiculous law from years ago that makes absolutely no sense in today's Tualatin. I definitely need to get some type of exception ruling. My

daughter is already talking about moving into our home after we die, then having one of their children move back into their house.

Kathryn, can you possibly give me guidance on who to talk to in order to make an exception to this "law". It is frustrating that if we were to become part of City of Tualatin, this all goes away, but as long as we are Washington County, we continue to pay \$10,000+ in taxes and run the risk that all of the fabulous improvements will disappear. This makes no sense for my family nor for Washington County.

Thanks in advance for any guidance you might be able to offer.

Sincerely,

Rod Gibino  
23340 SW 82<sup>nd</sup> Ave  
Tualatin, OR 97062  
503 720-0280

[rjgibino@hotmail.com](mailto:rjgibino@hotmail.com)

cc: Kirk Jesser Son in law

NB: Pictures Below:

This is what our property looks like today along with new septic pump and lines, new water lines, new underground electrical lines etc.



This is the view from our side porch



This shows our MOBILE home, all top of the line



This is our daughter and son in law's stick-built home

This is the view looking to the street



This shows our detached garage and home



A couple of weeks ago when it was snowing, I took this picture from our front door towards our children and grandchildren's home

This is truly an in-law quarters. To force our children to remove this home would be a true sin when it fits perfectly, met all inspections with the county etc.

My problem continues to be getting anywhere to solve this problem, especially when we are paying what I consider to be huge taxes to Washington County.

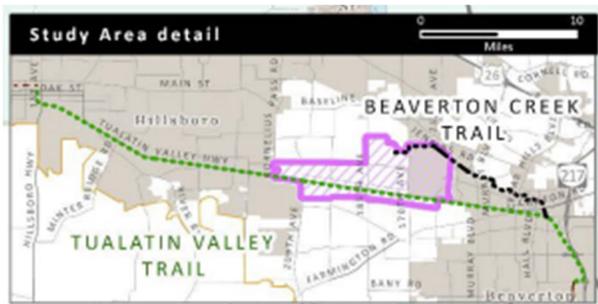
Kathryn, I look forward to your advice.

**From:** Randy McCourt <[503.randy.mccourt@gmail.com](mailto:503.randy.mccourt@gmail.com)>  
**Sent:** Wednesday, April 26, 2023 11:28 AM  
**To:** Erin Wardell <[Erin\\_Wardell@washingtoncountyor.gov](mailto:Erin_Wardell@washingtoncountyor.gov)>  
**Subject:** [EXTERNAL] Washington County Work Plan 2023-2025

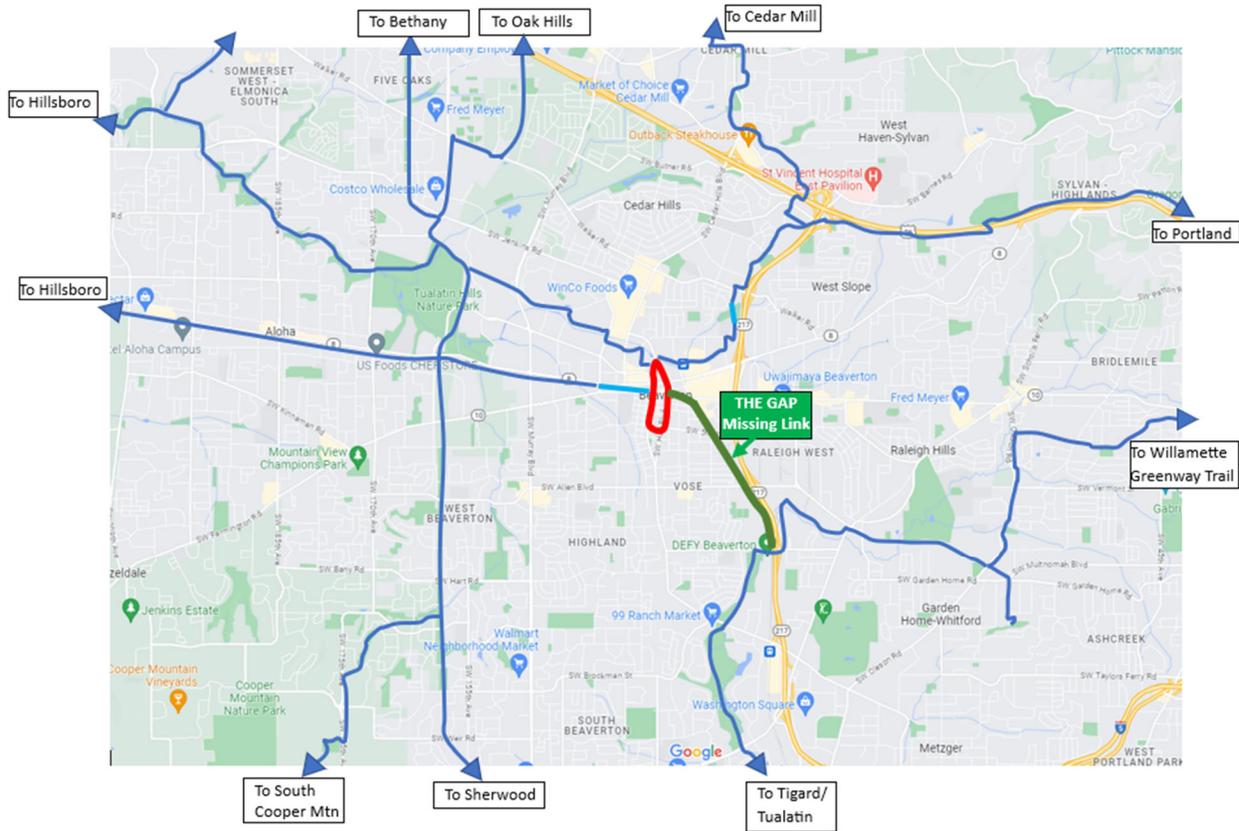
Hi Erin -

Hope all is well with you all. Saw that you were finalizing the Washington County Planning Work Plan and wanted to emphasize three tasks for your consideration.

1. Can you all take the great work in the Tualatin Valley Trail Plan of July 2020 and make sure that partner agencies (City of Beaverton and THPRD) get this concept into their planning documents. IOf particular interest is the green segment shown below from Hocken to Denney Road. Opportunities have been lost in just this past year with developments that could have contributed to the trail advancement - but did not (e.g. Modera Beaverton or the Beaverton Loop).



2. Can you all consider a process in land use development review and grant planning to take every opportunity to connect neighborhoods to the off-road trail (ped/bike freeway) systems that are planned. These neighborhood linkages are critical to access the network and connect to parks, schools, civic and commercial activity centers. The framework is shown below. The neighborhood links (via sidewalk, paths, trails) within 1/2 mile of these blue lines is key.



3. As the work plan involves a lot of effort, if the neighborhood sidewalk connectivity planning (which would highlight the gaps that need to be filled to link to the trail network) needs to advance even while waiting for the approaches to system development charge/in-lieu/discretionary support funds paired with developer activity to fill the gaps. Maybe some pilot efforts to demonstrate how this could be done would be a first step toward the deferred study.

Thank you for your consideration. Take care and be safe  
Randy

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**Ransford S. McCourt, PE, PTOE** | OR, WA, CA, ID-R, TX

**Cell:** (503) 753-8996 | [503.randy.mccourt@gmail.com](mailto:503.randy.mccourt@gmail.com) | Portland, OR | Calendar: [Availability](#)

**From:** Anne Kepner [annejim@me.com](mailto:annejim@me.com)

**Subject:** Re: [EXTERNAL] Re: Oblong  
Roundabout @ NW West Union &  
NW Helvetia Road

**Date:** Jul 31, 2022 at 11:46:48 AM

**To:** Erin Wardell

[Erin\\_Wardell@co.washington.or.us](mailto:Erin_Wardell@co.washington.or.us)

RECEIVED

MAY 15 2023

OFFICE OF THE DIRECTOR  
LAND USE AND TRANSPORTATION

**Dear Erin,**

**We received your email (below) which included the survey. We opened and filled out the District 4 (West Union Road project) choice and added comments.**

**I sent it according to the box "Share Your Feedback" but it continued to ask me to complete the survey and I found no place on the survey that needed more answers. After we hit the box, we received no confirmation that it was sent. Did you receive it?**

**These were my comments and I would like them included in the MSTIP Committee's considerations:**

**"We recently used the intersection of West Union**

**& NW Helvetia Road in Washington County. The West Union Road is curved which requires two turn-Off lanes on Helvetia Road to enter West Union.**

**My proposal would be to construct an Oblong Roundabout North & South on Helvetia Road which would eliminate the two turn Off lanes to West Union. Then, the West Union (East Side) & West Union (West side) at Helvetia Road could be connected to the two Lane Roundabout.**

**North Bethany is now the fastest developing area in the State of Oregon. The West Union Road between Cornelius Pass Road and North Plains, OR Is starting to be filled in on both ends of West Union. The intersection at West Union and Helvetia Road is very dangerous."**

**Thank you for your assistance and support,**

*Jim Kepner*

JIM KEPNER

7 MAY 2023

DEAR STEPHEN ROBERTS,  
PLEASE ADD THE HELVETIA ROAD  
ROUNDBOUT TO THE 2023 TO  
2025 TRANSPORTATION WORK  
PROGRAM. •

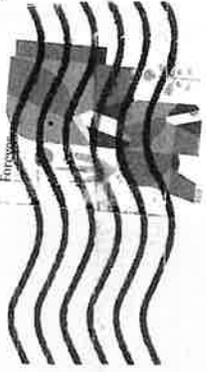
THE ATTACHED PROPOSAL WAS  
SUBMITTED <sup>TO</sup> LAST YEAR'S PROGRAM.

THANKS FOR YOUR CONSIDERATION,

Jim Kepner

(503) 347-8522

cc: ERIN WARDELL



PORTLAND OR 972  
5 MAY 2023 PM 4 L

Stephen Roberts  
115 N. First Ave.  
Suite 350, MS14  
Hillsboro, OR 97124-3072

57124-300115



Kepners  
15338 NW Aberdeen Dr.  
Portland, OR 97229



June 2, 2023

Washington County  
 Long Range Planning Section  
 Department of Land Use & Transportation  
 155 N. First Avenue, suite 350 MS14  
 Hillsboro, OR 97124

**Subject: Washington County’s Draft 2023-25 Planning Work Program**

Dear Washington County Commissioners:

Thank you for the opportunity to comment on Washington County’s Draft 2023-25 Planning Work Program. The April 12, 2023 Staff Report to the Board of Commissioners for the April 18, 2023 Work Session includes preparation of an issue paper to address contractor’s establishments in the Future Development (FD-20) land use district (pg. 11).

This issue was raised by the City of Wilsonville in late 2019 based on concern with the growing number of contractor’s establishments in the Coffee Creek and Basalt Creek Industrial Areas and the long term challenges they present to future urban industrial development. County staff met with City staff at that time to tour these Industrial areas and discuss mutual concerns. Subsequently, the City’s request to include this item in the 2020-21 Planning Work Program was positively received by County staff and included as a Tier 2 Task. While the City was encouraged by the common interest of County staff to work together to address these concerns, we were disappointed that the request did not rise to a Tier 1 Task in the adopted 2020-21 or subsequent Work Programs.

We are writing today to express our delight and gratitude that this issue has been elevated to a Tier 1 Task (1.16) in the 2023-25 Work Program. The City acknowledges the real challenge of limited resources and numerous high priority projects, and is, therefore, especially appreciative of this effort to prioritize code and plan updates that align with the City’s efforts to promote urban industrial development in the City’s northern UGB lands.

With this letter, the City expresses its enthusiastic support for the prioritization of Task 1.16. City staff look forward to continued conversations with Washington County staff and to collaborating to identify appropriate policy solutions that can be applied in FD-20 District lands (future urban areas) throughout the County.

Please contact me at (503) 570-1539 if you have any questions. Thank you for your time and consideration.

Respectfully submitted,

Matt Lorenzen  
 Economic Development Manager

- c: Chris Neamtzu, City of Wilsonville Community Development Dir.  
 Miranda Bateschell, City of Wilsonville Planning Director  
 Stephen Roberts, Washington County Land Use and Transportation Dir.  
 Erin Wardell, Planning and Development Services Mgr.  
 Matt Craigie, Economic Development Mgr.

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**Background**

The City views the growing number of contractor's establishments as a critical issue, both in terms of existing operations and the challenges they present to future urban development in new UGB areas, including the Coffee Creek and Basalt Creek Industrial Areas, a location in which the County is investing significant resources in the transportation/freight network in order to stimulate economic development.

As the County knows, transitioning these areas from rural to urban takes a considerable and well-orchestrated effort by all parties. As the City works toward achieving the vision established for these two areas, significant City efforts and investments are also being made, including the establishment of the Coffee Creek Urban Renewal Plan in 2016 and the \$15 million reconstruction of SW Garden Acres Road to urban standards as an incentive for industrial development. These City investments in the Coffee Creek and Basalt Creek Industrial Areas, as well as those investments planned for the future, complement the County investment in constructing the Basalt Creek Parkway. The City is concerned that contractor's establishments are inconsistent with these investments and present a barrier to realizing the potential of these industrial lands and the quality of the business district envisioned by both the City and County.

Contractor's establishments utilize wells for water and septic for sewer, tend to have low improvement value, occupy large areas of land, and do not contribute significantly to the tax base. While the intention behind allowing this use is its temporary nature, the City is seeing several of these operations develop, and rather than phase out over time, they more often evolve and increase their footprint onsite. Common characteristics involve onsite deforestation, grading, storage of materials and equipment on gravel pads, and office use in an unimproved single-family home. Not only do they provide little to no new jobs, the visual appearance and activity on these sites is not consistent with the high caliber business districts envisioned for the area and further detracts from other development investing nearby. The long-term nature of these uses are precluding redevelopment in the Coffee Creek and Basalt Creek industrial areas consistent with the investments of the City and County over the past 15 to 20 years.

Prior to being rezoned FD-20 in 2004, land in the Coffee Creek and Basalt Creek Industrial Areas was designated Land Extensive Industrial (MAE), and Agriculture and Forest 5 and 10 Acre (AF-5 and AF-10). All of these County zoning designations allow contractor's establishments while also including limitations on the size of building and storage areas. However, when the transition to FD-20 occurred, the FD-20 district was not added to the list of zoning districts in the Special Use provisions in the Washington County Community Development Code (CDC Section 430-34).

One potential, relatively simple solution would be to amend Washington County CDC Section 430-34 to include FD-20 in the list of districts where limitations for contractor's establishments apply. This change would be consistent with prior zoning in this area and County standards for contractor's establishments in other rural industrial areas. It would also help to contain the expansion of existing and future contractor's establishments, maintaining operations at an appropriate scale. This would better enable the lands to transition to urban levels of development.

**From:** Terri Gibson <terrigreenbean@gmail.com>  
**Sent:** Wednesday, May 17, 2023 10:31 AM  
**To:** LUT Planning <lutplan@washingtoncountyor.gov>  
**Cc:** Melissa De Lyser <Melissa\_De\_Lyser@washingtoncountyor.gov>; Mjere Simantel <Mjere\_Simantel@washingtoncountyor.gov>; Marni Kuyl <Marni\_Kuyl@washingtoncountyor.gov>; Stephen Roberts <Stephen\_Roberts@washingtoncountyor.gov>; Thomas Egleston <Thomas\_Egleston@washingtoncountyor.gov>  
**Subject:** [EXTERNAL] A request for an addition to the Draft Planning Work Program

To whom it May Concern,

I would like to respectfully request that the Board of Commissioners add an ordinance prohibiting the raising of roosters for personal use in the draft Planning Work Program 2023-25. I would also ask that there be an addendum to that ordinance that would provide guidelines on also raising roosters, turkeys, peacocks, and chickens for personal use in areas in unincorporated Washington County that border or come within a certain mileage border to cities, such as Portland, Beaverton, Tigard, etc.

Here are the specific items that I believe should be subject to a study/survey or general investigation:

- Do neighbors of persons in possession of roosters feel the crowing of roosters at all hours to be a noise nuisance?
- How does the crowing of roosters at all hours impact the quality of life for persons living next to, or within earshot of crowing roosters?
- How has population density changed in areas of Washington County that are now sandwiched between cities that do not allow roosters since the last ordinance was proposed in 2013? For example, the neighborhood of Garden Home or areas of Raleigh Hills
- Should there be guidelines on how many chickens can be raised for personal use, as well as regulations on clean up/ care of said chickens (specifically in regards to feces pickup/removal, as a lack of care can lead to fly and rat infestation.)?
- Should male turkeys and peacocks be included in such an ordinance?
- Should a distinction be made between truly rural areas of Washington County and areas of high population density for the purpose and intent of this ordinance?

Thank you for your consideration. Please let me know if there is something else I can do to stay involved in this request. I have written a letter to my Commissioner below as well with a more personal statement.

Sincerely,

Terri Gibson

Hello,

My name is Terri Gibson. My husband and I live in the Garden Home neighborhood on 67th Ave. It has been close to a perfect place to raise our two children, now 14 and 16, attending our local public high school. Because we live in unincorporated Portland, Washington County, we are in this interesting pocket where some of the compliance laws of Beaverton and Portland, do not apply. The example I am getting at is the allowance of residents of this area to have roosters. I could not find a specific code 'allowing' roosters, but the Code Compliance Website of Washington County states the following:

# Code Compliance

Codes regulate development and some uses of private property, including home businesses, vehicle storage, recreational vehicle storage and more.



Our [Community Development Code](#) (CDC) and [Building Code](#) exist to protect the health, safety and well-being of those who live and work in unincorporated Washington County.

- [Livability](#) (tall grass, weeds, rodents, etc.)
- [Right-of-way](#) activity
- [Noise issues](#) (Health and Human Services)
- [Exotic animals](#) (Health and Human Services) Roosters or male peacocks are not regulated in urban unincorporated Washington County.

I understand that this neighborhood was once a true "Garden Home". There are still lots and homes that show evidence of the days that once were. There is a beautiful large property at the end of my road that has horses, and often exercises those horses by walking them up and down my block.

The block, however, has changed much. There is an 11 unit apartment complex right across the street from my home, and a few housing subdivisions that were recently built. A Trader Joes took over the once beloved Lamb's Thriftway (most of us were excited about that). Traffic has increased, the street I live on was widened, just to name a few examples of these changes.

The crowing of roosters, sometimes at 3am, 4am, 5am, are a noise nuisance, much as a barking dog would be at those hours. Our neighbors have multiple roosters that crow at all hours. They have had up to 20 "free range" chickens who use the yard adjacent to ours. The yard is seldom raked for droppings which, once it gets warmer, brings an exponential number of flies.

We have had to change our lifestyle as a result of the roosters and flies. For example, and this is what I shared with my neighbor, "we used to fall asleep to the sounds of croaking frogs, and singing crickets. Now, we have to close our windows, stuff our ears with foam plugs, and turn on a white noise machine, just to get an uninterrupted night's sleep." Yes, I have communicated with our neighbor about our quality of life change that has happened as a result of the roosters. Although the lines of communication are open, and we are neighborly and civil towards each other, she feels the need to keep the roosters and will do so, as there is no ordinance or code stating that she cannot.

I have no recourse. I would like to look into what it might take to change the way Washington County views the possession of roosters in a highly dense urban area such as unincorporated Washington County, or at least fringe districts that border the city limits.

What can I do?

Thank you,

Terri Gibson