



**PLANNING COMMISSION WORK SESSION AGENDA**  
**Monday, July 27, 2020 - 6:00 PM**  
**City Hall, Conference Room A, 169 SW Coast Hwy, Newport, OR 97365**

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This meeting will be held electronically. The public can live-stream this meeting at [newportoregon.gov/citygov/comm/pc.asp](http://newportoregon.gov/citygov/comm/pc.asp). The meeting will also be broadcast on Charter Channel 190. Public comment may be made, via e-mail, up to two hours before the meeting start time at [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov). Additionally, anyone wishing to speak on any agenda item, or during public comment, should e-mail their telephone number, and the item they wish to address, up to two hours before the start of the meeting, to [s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov), and staff will telephone that person when that item is being discussed at the meeting.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

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1. CALL TO ORDER
  
2. UNFINISHED BUSINESS
  
- 2.A File 1-Z-20 Draft Newport Municipal Code Amendments Related To Car Camping.  
[Memorandum](#)  
[Mark-up Copy of NMC 9.50.050 Amendments - 2-10-2020](#)  
[ORS 203.082 and ORS 446.265](#)  
[HB 4212 Enrolled - 2020 Special Session](#)  
[Benton County Ordinance 2020-0295 and Related Informational Materials](#)  
[Washington County Draft Ordinance No. 867](#)  
[Informational Materials for Eugene and Portland Car Camping Programs](#)
  
3. NEW BUSINESS
  
- 3.A Review Scope Of Work For South Beach US 101 Commercial - Industrial Corridor Refinement Plan.

Memorandum  
South Beach Urban Renewal District Fact Sheet  
Final Phase of South Beach District Projects  
Map of Agency Property at 35th and US 101  
Map of Upcoming US 101 and 35th Street Improvements

**4. ADJOURNMENT**

# Memorandum

To: Planning Commission/Commission Advisory Committee

From: Derrick I. Tokos, AICP, Community Development Director 

Date: July 23, 2020

Re: Draft Municipal Code Amendments Related to Car Camping

The City Council has asked that an ordinance be developed to provide homeless individuals places within the city where it is permissible for them to car camp, and the Planning Commission considered options for addressing the issue at work sessions on 1/27/20 and 2/10/20. There was general consensus, coming out of those meetings, that the City should prepare an ordinance to implement optional provisions of ORS 203.082 that allow car camping for the homeless, on a limited basis, at religious institutions or places of worship.

At the same time, the Oregon Legislature took up HB 4001 in the 2020 regular session. The C-Engrossed version of that bill, dated March 3, 2020, lifted the 3-vehicle limitation in ORS 203.082 in favor of language that would allow a city or county to impose reasonable conditions upon the offering of camping spaces, including establishing a maximum number of vehicles allowed. That bill did not pass for unrelated reasons. HB 4212, adopted during the subsequent 2020 special session, eliminated the three-vehicle limitation in ORS 203.082 for a 90-day period (ref: Sections 13 and 14 of the bill (attached)). HB 4212 also authorized local governments to regulate vehicle camping as transitional housing under ORS 446.265.

We had been waiting to see how the state legislation would evolve before moving forward with the draft amendments. In the meantime, Benton County adopted a car camping ordinance in May in response to anticipated service disruptions attributed to the pandemic. The ordinance includes perimeter setbacks and internal spacing requirements, and prohibits outdoor storage. These options are not in the current draft set of Newport amendments (ref: NMC 9.50.050) and the Commission may want to consider them. Benton County also put together a detailed FAQ, resource manual, and indemnification/hold harmless agreement (enclosed). Washington County is another jurisdiction considering a car camping ordinance. A draft of that ordinance is scheduled for a public hearing before their Planning Commission on August 5, 2020 (enclosed). Their ordinance extends to non-commercial and public properties, in addition to places of worship. This is an option the Commission may want to consider. Washington County's ordinance also provides an outlet if the Oregon Legislature chooses to adjust the maximum vehicle limitation listed in ORS 203.082, and prohibits campers from obstructing fire lanes and pedestrian walkways. The Commission may want to consider one or more of these options.

Examples from Eugene and Portland are also enclosed. They were previously discussed; however, the Commission may want to revisit them regarding the transitional housing element (i.e. camping outside of a vehicle). Both allow up to six in a parking lot.

This work session is an opportunity for the Planning Commission to consider recent developments at both the state and local level, and fine tune the draft ordinance as appropriate.

#### Attachments

Mark-up copy of NMC 9.50.050 amendments, dated February 10, 2020  
 ORS 203.082 and ORS 446.265  
 HB 4212 Enrolled (2020 Special Session)  
 Benton County Ordinance 2020-0295 and related informational materials  
 Washington County draft Ordinance No. 867  
 Informational Materials for Eugene and Portland Car Camping Programs

(Deleted language shown in ~~strikethrough~~ and language to be added is depicted with a double underline. Staff comments are in *italics*.)

## CHAPTER 9.50 CAMPING PROHIBITED IN CERTAIN PLACES

### 9.50.010 Definitions

The following definitions apply in this chapter.

- A. To camp means to set up, or to remain in or at, a campsite.
- B. Campsite means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire, is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- C. Personal property means items which are reasonably recognizable as belonging to individual persons and which have apparent utility.
- D. Junk means items that have no apparent utility or are in an unsanitary condition.

### 9.50.020 Camping Prohibited in Certain Places

It is unlawful for any person to camp in or upon any sidewalk, street, alley, lane, public right of way, transit facility or bus shelter, or any other place to which the general public has access, or under any bridgeway or viaduct, unless otherwise specifically authorized by this city or by declaration by the mayor or city manager in emergency circumstances. Nothing in this chapter shall prohibit the use of designated picnic areas of public property for cooking, or prohibit camping by permit authorized by the city manager or designee.

### 9.50.030 Scheduling and Notice of Campsite Cleanup

- A. Cleanup of illegal campsites will be scheduled on an as-needed basis by the chief of police or designee.
- B. Permanent signs may be posted advising that camping is prohibited. Whether or not a permanent sign is posted, a specific dated and timed notice will be posted and distributed in the area of a scheduled cleanup at least 24 hours before the cleanup.

- C. Notwithstanding subsections A. and B., cleanup of campsites may occur immediately and without notice if the chief of police or designee determine that either of the following conditions exist:
  - 1. An exceptional emergency such as possible site contamination by hazardous materials or where there is an immediate danger to human life or safety;
  - 2. Illegal activity other than camping.
- D. At the time of the cleanup, written notice will be posted and distributed announcing the telephone number where information on picking up the stored property can be obtained during normal business hours.
- E. Written notices, including permanent signs, will be in both English and Spanish.
- F. Copies of all notices shall be provided to the State of Oregon Department of Human Services and/or to the Lincoln County Human Services Department.

#### 9.50.040 Removal, Storage and Retrieval of Personal Property

- A. Personal property will be separated during cleanups from junk. Junk will be immediately discarded. Items of personal property will be turned over to the police department and stored. The personal property shall be stored for no less than 30 days, during which time it will be reasonably available to persons claiming ownership of the personal property.
- B. The police department shall arrange in advance for a location to store personal property. The storage facility should be reasonably secure. The location should be reasonably accessible to the cleanup area and preferably served by public transportation.
- C. Any personal property that remains unclaimed for 30 days after the cleanup may be disposed of, sold, donated, used, or transferred as abandoned personal property, but no waiting period beyond the 30 days is required prior to the disposal, sale, donation, use or transfer.

February 10, 2020 Mark-up Copy of Amendments to NMC Chapter 9.50,  
Camping Prohibited in Certain Areas

- D. Weapons, drug paraphernalia, and items which reasonably appear to be either stolen or evidence of a crime may be retained by the police department.

#### 9.50.050 Permitted Camping

##### A. The prohibitions in Section 9.50.020 shall not apply to the following circumstances:

1. The property involved is appropriately zoned and has all necessary approvals for the proposed camping use, in a vehicle or otherwise, as provided in Title XIV of the Newport Municipal Code; or
2. Camping is occurring in accordance with a duly executed emergency declaration made pursuant to Section 1.70.030; or
3. A special events permit has been issued in accordance with Chapter 9.80 authorizing camping; or
4. A religious institution/place of worship offers overnight camping space on the institutions property to homeless persons living in vehicles, provided such accommodations are made free of charge, are limited to three or fewer vehicles at a time, and campers are provided access to sanitary facilities, including a toilet, hand washing and trash disposal facilities.

*Staff: This language outlines the circumstances by which camping can be permitted within the city limits. The first three options cite to existing code provisions. The last item, related to overnight car camping by homeless persons at religious institutions/places of worship implements optional language contained in ORS 203.082.*

#### 9.50.060 Violation

Violation of this chapter is a nuisance and is also a civil infraction.

#### 9.50.070 Nonexclusive Remedy

The remedies described in this chapter shall not be the exclusive remedies of the city for violations of this chapter.

**9.50.080 Interpretation**

This chapter is to be interpreted to be consistent with applicable state statutes and providing the protections required by state statutes.

**203.082 Camping by homeless on property of religious institutions; required elements of policies of local governments and religious institutions.** (1) Any political subdivision in this state may allow churches, synagogues and similar religious institutions to offer overnight camping space on institution property to homeless persons living in vehicles.

(2) In addition to any conditions or limitations imposed by a political subdivision, a religious institution located within the political subdivision and offering camping space described under subsection (1) of this section must:

- (a) Limit camping space at the institution site to three or fewer vehicles at the same time; and
- (b) Provide campers with access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities. [1999 c.319 §1]

**Note:** 203.082 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 203 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.



**446.265 Transitional housing accommodations; regulation and limitations; definition.** (1) Inside an urban growth boundary, a local government may authorize the establishment of transitional housing accommodations used as individual living units by one or more individuals. Use of transitional housing accommodations is limited to persons who lack permanent or safe shelter and who cannot be placed in other low income housing. A local government may limit the maximum amount of time that an individual or a family may use the accommodations.

(2) Transitional housing accommodations are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations. The transitional housing accommodations may provide parking facilities, walkways and access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The Oregon Health Authority may develop public health best practices for shared health and sanitation facilities for transitional housing accommodations.

(3) Transitional housing accommodations are not subject to ORS chapter 90.

(4) As used in this section, “yurt” means a round, domed tent of canvas or other weather resistant material, having a rigid framework, wooden floor, one or more windows or skylights and that may have plumbing, electrical service or heat. [1999 c.758 §6; 2019 c.411 §1; 2019 c.422 §13]

**Enrolled**  
**House Bill 4212**

Sponsored by Representative KOTEK; Representatives KENY-GUYER, LEIF, NERON, NOSSE, PRUSAK, REARDON, SCHOUTEN, SOLLMAN, WILLIAMS (at the request of Joint Committee on the First Special Session of 2020)

CHAPTER .....

AN ACT

Relating to strategies to protect Oregonians from the effects of the COVID-19 pandemic; creating new provisions; amending ORS 18.784, 93.810, 194.225, 194.290, 194.305, 194.400 and 458.685; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**LOCAL GOVERNMENT AND SPECIAL GOVERNMENT BODY  
PUBLIC MEETINGS AND OPERATIONS**

**SECTION 1.** (1) Notwithstanding ORS 192.610 to 192.690, the governing body of a public body may hold all meetings by telephone or video conferencing technology or through some other electronic or virtual means. When a governing body meets using telephone or video conferencing technology, or through other electronic or virtual means, the public body shall make available a method by which the public can listen to or observe the meeting. If a governing body meets using telephone or video conferencing technology, or through other electronic or virtual means:

(a) The public body does not have to provide a physical space for the public to attend the meeting; and

(b) If the telephone or video conferencing technology allows the public body to do so, the public body shall record the meeting and make the recording available to the public. This paragraph does not apply to executive sessions.

(2) If the governing body of the public body elects not to use telephone or video conferencing technology or other electronic or virtual means to conduct meetings, all persons attending meetings held in person must maintain social distancing, including maintaining intervals of six feet or more between individuals, wherever possible.

(3) For any executive session at which the media are permitted to attend, whether conducted in person or using electronic or virtual means, the governing body shall provide a means for media to attend the executive session through telephone or other electronic or virtual means.

(4) Notwithstanding ORS 192.610 to 192.690 or any other applicable law or policy, any public testimony or comment taken during a meeting need not be taken in person if the public body provides an opportunity to submit testimony or comment by telephone or video conferencing technology, or through other electronic or virtual means, or provides a means

of submitting written testimony, including by electronic mail or other electronic methods, and the governing body is able to consider the submitted testimony in a timely manner.

(5) Notwithstanding any requirement that establishes a quorum required for a governing body to act, the minimum number of members of a governing body required for the body to act shall exclude any member unable to attend because of illness due to COVID-19.

(6) If the public health threat underlying the declaration of a state of emergency issued by the Governor on March 8, 2020, or compliance with an executive order issued under ORS 401.165 to 401.236 in connection with that emergency, causes a municipal corporation or council of governments to fail to comply with ORS 294.305 to 294.565 or 294.900 to 294.930, the municipal corporation or council of governments may make reasonable expenditures for continued operations within the existing or most recently adopted budget, provided that any failure to comply with ORS 294.305 to 294.565 or 294.900 to 294.930 is cured as soon as is reasonably practicable.

(7) Notwithstanding ORS 221.770, a city may satisfy the requirements of holding a public hearing under ORS 221.770 (1)(b) and (c) by holding the hearing in accordance with this section and by making certification to the Oregon Department of Administrative Services as soon as is reasonably practicable after the city adopts its budget.

(8) As used in this section:

(a) Terms used in this section have the meanings given those terms in ORS 192.610, except that “public body” excludes the state or any board, department, commission, council, bureau, committee, subcommittee, advisory group or other agency of the state.

(b) “Budget” and “municipal corporation” have the meanings given those terms in ORS 294.311.

(c) “Council of governments” has the meaning given that term in ORS 294.900.

**SECTION 2.** Section 1 of this 2020 special session Act is repealed 30 days after the date on which the declaration of a state of emergency issued by the Governor on March 8, 2020, and any extension of the declaration, is no longer in effect.

## GARNISHMENT MODIFICATIONS

**SECTION 3.** ORS 18.784 is amended to read:

18.784. (1) Except as provided in subsection (6) of this section, if a writ of garnishment is delivered to a financial institution that has an account of the debtor, the financial institution shall conduct a garnishment account review of all accounts in the name of the debtor before taking any other action that may affect funds in those accounts. If the financial institution determines from the garnishment account review that one or more payments described in subsection (3) of this section were deposited in an account of the debtor by direct deposit or electronic payment during the lookback period described in subsection (2) of this section, an amount equal to the lesser of the sum of those payments or the total balance in the debtor’s account is not subject to garnishment.

(2)(a) The provisions of this section apply *[only]* to payments described in subsection (3)(a) to (f) of this section that are deposited during the lookback period that ends on the day before the day on which the garnishment account review is conducted and begins on:

*[(a)]* (A) The day in the second calendar month preceding the month in which the garnishment account review is conducted, that has the same number as the day on which the period ends; or

*[(b)]* (B) If there is no day as described in *[paragraph (a) of this subsection,]* **subparagraph (A) of this paragraph**, the last day of the second calendar month preceding the month in which the garnishment account review is conducted.

**(b) The provisions of this section apply to payments described in subsection (3)(g) of this section that are deposited during the lookback period that ends on the day before the day on which the garnishment account review is conducted and begins on March 8, 2020.**

(3) The provisions of this section apply only to:

(a) Federal benefit payments;

- (b) Payments from a public or private retirement plan as defined in ORS 18.358;
- (c) Public assistance or medical assistance, as defined in ORS 414.025, payments from the State of Oregon or an agency of the State of Oregon;
- (d) Unemployment compensation payments from the State of Oregon or an agency of the State of Oregon;
- (e) Black lung benefits payments from the United States Department of Labor; *[and]*
- (f) Workers' compensation payments from a workers' compensation carrier*[,]*; **and**
- (g) **Recovery rebate payments made under section 2201(a) of the Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136) deposited in an account of the debtor at any time, unless:**

**(A) The writ of garnishment is issued to collect:**

- (i) **A judgment in a criminal action that requires the defendant to pay restitution; or**
- (ii) **A civil judgment against a person who has been convicted of a crime if the civil judgment is based on the same underlying facts as the conviction; and**

**(B) The writ of garnishment contains the following statement: "This Garnishment Has Been Issued to Collect a Criminal Money Judgment that Awards Restitution or a Civil Judgment Based on a Criminal Offense."**

(4) The provisions of this section apply only to a payment that a financial institution can identify as being one of the types of payments described in subsection (3) of this section from information transmitted to the financial institution by the payor.

(5) A financial institution shall perform a garnishment account review only one time for a specific garnishment. If the same garnishment is served on a financial institution more than once, the financial institution may not perform a garnishment account review or take any other action relating to the garnishment based on the second and subsequent service of the garnishment.

(6) A financial institution may not conduct a garnishment account review under this section if a Notice of Right to Garnish Federal Benefits from the United States Government or from a state child support enforcement agency is attached to or included in the garnishment as provided in 31 C.F.R. part 212. If a Notice of Right to Garnish Federal Benefits is attached to or included in the garnishment, the financial institution shall proceed on the garnishment as otherwise provided in ORS 18.600 to 18.850.

(7) The provisions of this section do not affect the ability of a debtor to claim any exemption that otherwise may be available to the debtor under law for any amounts in an account in a financial institution.

**SECTION 4.** ORS 18.784, as amended by section 3 of this 2020 special session Act, is amended to read:

18.784. (1) Except as provided in subsection (6) of this section, if a writ of garnishment is delivered to a financial institution that has an account of the debtor, the financial institution shall conduct a garnishment account review of all accounts in the name of the debtor before taking any other action that may affect funds in those accounts. If the financial institution determines from the garnishment account review that one or more payments described in subsection (3) of this section were deposited in an account of the debtor by direct deposit or electronic payment during the lookback period described in subsection (2) of this section, an amount equal to the lesser of the sum of those payments or the total balance in the debtor's account is not subject to garnishment.

(2)*[(a)]* The provisions of this section apply **only** to payments described in subsection (3)*[(a) to (f)]* of this section that are deposited during the lookback period that ends on the day before the day on which the garnishment account review is conducted and begins on:

*[(A)]* (a) The day in the second calendar month preceding the month in which the garnishment account review is conducted, that has the same number as the day on which the period ends; or

*[(B)]* (b) If there is no day as described in *[subparagraph (A) of this paragraph,]* **paragraph (a) of this subsection**, the last day of the second calendar month preceding the month in which the garnishment account review is conducted.

*[(b) The provisions of this section apply to payments described in subsection (3)(g) of this section that are deposited during the lookback period that ends on the day before the day on which the garnishment account review is conducted and begins on March 8, 2020.]*

(3) The provisions of this section apply only to:

- (a) Federal benefit payments;
- (b) Payments from a public or private retirement plan as defined in ORS 18.358;
- (c) Public assistance or medical assistance, as defined in ORS 414.025, payments from the State of Oregon or an agency of the State of Oregon;
- (d) Unemployment compensation payments from the State of Oregon or an agency of the State of Oregon;
- (e) Black lung benefits payments from the United States Department of Labor; **and**
- (f) Workers' compensation payments from a workers' compensation carrier; *and*].
- [(g) Recovery rebate payments made under section 2201(a) of the Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136) deposited in an account of the debtor at any time, unless:]*
  - [(A) The writ of garnishment is issued to collect:]*
  - [(i) A judgment in a criminal action that requires the defendant to pay restitution; or]*
  - [(ii) A civil judgment against a person who has been convicted of a crime if the civil judgment is based on the same underlying facts as the conviction; and]*
  - [(B) The writ of garnishment contains the following statement: "This Garnishment Has Been Issued to Collect a Criminal Money Judgment that Awards Restitution or a Civil Judgment Based on a Criminal Offense."]*

(4) The provisions of this section apply only to a payment that a financial institution can identify as being one of the types of payments described in subsection (3) of this section from information transmitted to the financial institution by the payor.

(5) A financial institution shall perform a garnishment account review only one time for a specific garnishment. If the same garnishment is served on a financial institution more than once, the financial institution may not perform a garnishment account review or take any other action relating to the garnishment based on the second and subsequent service of the garnishment.

(6) A financial institution may not conduct a garnishment account review under this section if a Notice of Right to Garnish Federal Benefits from the United States Government or from a state child support enforcement agency is attached to or included in the garnishment as provided in 31 C.F.R. part 212. If a Notice of Right to Garnish Federal Benefits is attached to or included in the garnishment, the financial institution shall proceed on the garnishment as otherwise provided in ORS 18.600 to 18.850.

(7) The provisions of this section do not affect the ability of a debtor to claim any exemption that otherwise may be available to the debtor under law for any amounts in an account in a financial institution.

**SECTION 5. (1) The amendments to ORS 18.784 by section 4 of this 2020 special session Act become operative on September 30, 2020.**

**(2) The amendments to ORS 18.784 by section 3 of this 2020 special session Act apply to garnishments issued on or before the operative date specified in subsection (1) of this section.**

#### **JUDICIAL PROCEEDING EXTENSIONS AND ELECTRONIC APPEARANCES**

**SECTION 6. (1)(a) Notwithstanding any other statute or rule to the contrary, during the time in which any declaration of a state of emergency issued by the Governor related to COVID-19, and any extension of the declaration, is in effect, and continuing for 60 days after the declaration and any extension is no longer in effect, and upon a finding of good cause, the Chief Justice of the Supreme Court may extend or suspend any time period or time requirement established by statute or rule that:**

(A) Applies in any case, action or proceeding after the case, action or proceeding is initiated in any circuit court, the Oregon Tax Court, the Court of Appeals or the Supreme Court;

(B) Applies to the initiation of an appeal to the magistrate division of the Oregon Tax Court or an appeal from the magistrate division to the regular division;

(C) Applies to the initiation of an appeal or judicial review proceeding in the Court of Appeals; or

(D) Applies to the initiation of any type of case or proceeding in the Supreme Court.

(b) The Chief Justice may extend or suspend a time period or time requirement under this subsection notwithstanding the fact that the date of the time period or time requirement has already passed as of the effective date of this 2020 special session Act.

(2)(a) Notwithstanding ORS 133.060 (1), during the time in which any declaration of a state of emergency issued by the Governor related to COVID-19, and any extension of the declaration, is in effect, and continuing for 90 days after the declaration and any extension is no longer in effect, the date specified in a criminal citation on which a person served with the citation shall appear may be more than 30 days after the date the citation was issued.

(b) During the time in which any declaration of a state of emergency issued by the Governor related to COVID-19, and any extension of the declaration, is in effect, and continuing for 60 days after the declaration and any extension is no longer in effect, the presiding judge of a circuit court may, upon the motion of a party or the court's own motion, and upon a finding of good cause, postpone the date of appearance described in paragraph (a) of this subsection for all proceedings within the jurisdiction of the court.

(3)(a) Notwithstanding ORS 136.290 and 136.295, and subject to paragraph (b) of this subsection, during the time in which any declaration of a state of emergency issued by the Governor related to COVID-19, and any extension of the declaration, is in effect, and continuing for 60 days after the declaration and any extension is no longer in effect, the presiding judge of a circuit court may, upon the motion of a party or its own motion, and upon a finding of good cause, order an extension of custody and postponement of the date of the trial beyond the time limits described in ORS 136.290 and 136.295.

(b) Notwithstanding paragraph (a) of this subsection, for a defendant to whom ORS 136.290 and 136.295 applies, the presiding judge may not extend custody and postpone the defendant's trial date if, as a result, the defendant will be held in custody before trial for more than a total of 180 days, unless the court holds a hearing and proceeds as follows:

(A) If the defendant is charged with a violent felony, the court may deny release upon making the findings described in ORS 135.240 (4), notwithstanding the fact that a court did not previously make such findings; or

(B) If the defendant is charged with a person crime, the court may set a trial date that results in the defendant being held in custody before trial for more than a total of 180 days, but not more than a total of 240 days, if the court:

(i) Determines the extension of custody is based upon good cause due to circumstances caused by the COVID-19 pandemic, public health measures resulting from the COVID-19 pandemic or a situation described in ORS 136.295 (4)(b) caused by or related to COVID-19; and

(ii) Finds, by clear and convincing evidence, that there is a substantial and specific danger of physical injury or sexual victimization to the victim or members of the public by the defendant if the defendant is released, and that no release condition, or combination of release conditions, is available that would sufficiently mitigate the danger.

(c) The result of a hearing held pursuant to this subsection does not affect the ability of a party to request a modification of the release decision under ORS 135.285.

(d) This subsection does not authorize a defendant to be held in custody before trial for a period longer than the maximum term of imprisonment the defendant could receive as a sentence under ORS 161.605 and 161.615.

(e) If the court proceeds under paragraph (b)(B) of this subsection, the defendant shall continue to be eligible for security release and the court may maintain, lower or raise the security amount at the hearing.

(f) As used in this subsection:

(A) "Good cause" means situations described in ORS 136.295 (4)(b), circumstances caused by the COVID-19 pandemic or public health measures resulting from the COVID-19 pandemic.

(B) "Person crime" means a person felony or person Class A misdemeanor, as those terms are defined in the rules of the Oregon Criminal Justice Commission.

(C) "Release decision" has the meaning given that term in ORS 135.230.

(4)(a) Notwithstanding any other statute or rule to the contrary, during the time in which any declaration of a state of emergency issued by the Governor related to COVID-19, and any extension of the declaration, is in effect, and continuing for 90 days after the declaration and any extension is no longer in effect, the Chief Justice may direct or permit any appearance before a court or magistrate to be by telephone, other two-way electronic communication device or simultaneous electronic transmission.

(b) If an appearance is set to occur by electronic means as described in paragraph (a) of this subsection, a presiding judge may instead order that the appearance be in person if, upon the request of a party, the presiding judge determines that there is a particular need for an in-person hearing or that a party has a constitutional right to an in-person hearing.

(5) The Chief Justice may delegate the exercise of any of the powers described in this section to the presiding judge of a court.

(6) Nothing in this section affects the rights of a defendant under the Oregon and United States Constitutions.

**SECTION 7.** (1) If the expiration of the time to commence an action or give notice of a claim falls within the time in which any declaration of a state of emergency issued by the Governor related to COVID-19, and any extension of the declaration, is in effect, or within 90 days after the declaration and any extension is no longer in effect, the expiration of the time to commence the action or give notice of the claim is extended to a date 90 days after the declaration and any extension is no longer in effect.

(2) Subsection (1) of this section applies to:

(a) Time periods for commencing an action established in ORS chapter 12;

(b) The time period for commencing an action for wrongful death established in ORS 30.020;

(c) The time period for commencing an action or giving a notice of claim under ORS 30.275; and

(d) Any other time limitation for the commencement of a civil cause of action or the giving of notice of a civil claim established by statute.

(3) Subsection (1) of this section does not apply to:

(a) Time limitations for the commencement of criminal actions;

(b) The initiation of an appeal to the magistrate division of the Oregon Tax Court or an appeal from the magistrate division to the regular division;

(c) The initiation of an appeal or judicial review proceeding in the Court of Appeals; or

(d) The initiation of any type of case or proceeding in the Supreme Court.

**SECTION 8.** (1) Sections 6 and 7 of this 2020 special session Act are repealed on December 31, 2021.

(2) The repeal of section 6 of this 2020 special session Act by subsection (1) of this section does not affect the release status of a defendant determined under section 6 (3) of this 2020 special session Act.

## EMERGENCY SHELTER

**SECTION 9.** ORS 446.265 and sections 10 and 11 of this 2020 special session Act are added to and made a part of ORS chapter 197.

**SECTION 10.** (1) As used in this section and section 11 of this 2020 special session Act, “emergency shelter” means a building that provides shelter on a temporary basis for individuals and families who lack permanent housing.

(2) A building used as an emergency shelter under an approval granted under section 11 of this 2020 special session Act:

(a) May resume its use as an emergency shelter after an interruption or abandonment of that use for two years or less, notwithstanding ORS 215.130 (7).

(b) May not be used for any purpose other than as an emergency shelter except upon application for a permit demonstrating that the construction of the building and its use could be approved under current land use laws and local land use regulations.

**SECTION 11.** (1) A local government shall approve an application for the development or use of land for an emergency shelter on any property, notwithstanding ORS chapter 195, 197, 215 or 227 or ORS 197A.300 to 197A.325, 197A.405 to 197A.409 or 197A.500 to 197A.521 or any statewide land use planning goal, rule of the Land Conservation and Development Commission, local land use regulation, zoning ordinance, regional framework plan, functional plan or comprehensive plan, if the emergency shelter:

(a) Includes sleeping and restroom facilities for clients;

(b) Will comply with applicable building codes;

(c) Is located inside an urban growth boundary or in an area zoned for rural residential use as defined in ORS 215.501;

(d) Will not result in the development of a new building that is sited within an area designated under a statewide land use planning goal relating to natural disasters and hazards, including floodplains or mapped environmental health hazards, unless the development complies with regulations directly related to the hazard;

(e) Has adequate transportation access to commercial and medical services; and

(f) Will not pose any unreasonable risk to public health or safety.

(2) An emergency shelter allowed under this section must be operated by:

(a) A local government as defined in ORS 174.116;

(b) An organization with at least two years’ experience operating an emergency shelter using best practices that is:

(A) A local housing authority as defined in ORS 456.375;

(B) A religious corporation as defined in ORS 65.001; or

(C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals and that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2017; or

(c) A nonprofit corporation partnering with any other entity described in this subsection.

(3) An emergency shelter approved under this section:

(a) May provide on-site for its clients and at no cost to the clients:

(A) Showering or bathing;

(B) Storage for personal property;

(C) Laundry facilities;

(D) Service of food prepared on-site or off-site;

(E) Recreation areas for children and pets;

(F) Case management services for housing, financial, vocational, educational or physical or behavioral health care services; or

(G) Any other services incidental to shelter.

(b) May include youth shelters, veterans’ shelters, winter or warming shelters, day shelters and family violence shelter homes as defined in ORS 409.290.

(4) An emergency shelter approved under this section may also provide additional services not described in subsection (3) of this section to individuals who are transitioning from



unsheltered homeless status. An organization providing services under this subsection may charge a fee of no more than \$300 per month per client and only to clients who are financially able to pay the fee and who request the services.

(5) The approval of an emergency shelter under this section is not a land use decision and is subject to review only under ORS 34.010 to 34.100.

**SECTION 12.** Sections 10 and 11 of this 2020 special session Act are repealed 90 days after the effective date of this 2020 special session Act.

**SECTION 12a.** The repeal of sections 10 and 11 of this 2020 special session Act by section 12 of this 2020 special session Act does not affect an application for the development of land for an emergency shelter that was completed and submitted before the date of the repeal.

**SECTION 13.** (1) Notwithstanding ORS 203.082 (2), a political subdivision may allow any person to offer any number of overnight camping spaces on the person's property to homeless individuals who are living in vehicles, without regard to whether the motor vehicle was designed for use as temporary living quarters. A religious institution offering camping space under this section shall also provide campers with access to sanitary facilities, including toilet, handwashing and trash disposal facilities.

(2) A local government may regulate vehicle camping spaces under this section as transitional housing accommodations under ORS 446.265.

**SECTION 14.** Section 13 of this 2020 special session Act is repealed 90 days after the effective date of this 2020 special session Act.

**SECTION 15.** Section 16 of this 2020 special session Act is added to and made a part of ORS 458.600 to 458.665.

**SECTION 16.** (1) As used in this section:

(a) "Low-barrier emergency shelter" means an emergency shelter, as defined in section 10 of this 2020 special session Act, that follows established best practices to deliver shelter services that minimize barriers and increase access to individuals and families experiencing homelessness.

(b) "Navigation center" means a low-barrier emergency shelter that is open seven days per week and connects individuals and families with health services, permanent housing and public benefits.

(2) The Oregon Department of Administrative Services may award grants to local governments to:

(a) Plan the location, development or operations of a navigation center;

(b) Construct, purchase or lease a building for use as a navigation center;

(c) Operate a navigation center that has been constructed, purchased or leased under paragraph (b) of this subsection; or

(d) Contract for the performance of activities described in this subsection.

**SECTION 17.** Section 16 of this 2020 special session Act is repealed on January 2, 2022.

**NOTE:** Section 18 was deleted by amendment. Subsequent sections were not renumbered.

## NOTARIAL ACTS

**SECTION 19.** Section 20 of this 2020 special session Act is added to and made a part of ORS chapter 194.

**SECTION 20.** (1) As used in this section:

(a) "Communication technology" means an electronic device or process that:

(A) Allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound; and

(B) When necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a visual, hearing or speech impairment.

(b) "Foreign state" means a jurisdiction other than the United States, a state or a federally recognized Indian tribe.

(c) "Identity proofing" means a process or service by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

(d) "Outside the United States" means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands and any territory, insular possession or other location subject to the jurisdiction of the United States.

(e) "Remotely located individual" means an individual who is not in the physical presence of the notary public who performs a notarial act under subsection (3) of this section.

(2) A remotely located individual may comply with ORS 194.235 by using communication technology to appear before a notary public.

(3) A notary public located in this state may perform a notarial act using communication technology for a remotely located individual if:

(a) The notary public:

(A) Has personal knowledge under ORS 194.240 (1) of the identity of the remotely located individual;

(B) Has satisfactory evidence of the identity of the remotely located individual by a verification on oath or affirmation from a credible witness appearing before and identified by the notary public as a remotely located individual under this section or in the physical presence of the notary public under ORS 194.240 (2); or

(C) Has obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing;

(b) The notary public is reasonably able to confirm that a record before the notary public is the same record in which the remotely located individual made a statement or on which the individual executed a signature;

(c) The notary public, or a person acting on behalf of the notary public, creates an audiovisual recording of the performance of the notarial act; and

(d) For a remotely located individual who is located outside the United States:

(A) The record:

(i) Is to be filed with or relates to a matter before a public official or court, governmental entity or other entity subject to the jurisdiction of the United States; or

(ii) Involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States; and

(B) The act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located.

(4) If a notarial act is performed under this section, the certificate of notarial act required by ORS 194.280 and the short form certificate provided in ORS 194.285 must indicate that the notarial act was performed using communication technology.

(5) A short form certificate provided in ORS 194.285 for a notarial act subject to this section is sufficient if it:

(a) Complies with rules adopted under subsection (8)(a) of this section; or

(b) Is in the form provided in ORS 194.285 and contains a statement substantially as follows: "This notarial act involved the use of communication technology."

(6) A notary public, a guardian, conservator, trustee or agent of a notary public, or a personal representative of a deceased notary public shall retain the audiovisual recording created under subsection (3)(c) of this section or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by rule adopted under subsection (8)(d) of this section, the recording must be maintained for a period of at least 10 years after the recording is made.

(7) Before a notary public performs the notary public's initial notarial act under this section, the notary public shall notify the Secretary of State that the notary public will be performing notarial acts with respect to remotely located individuals and identify the technologies the notary public intends to use. If the Secretary of State has established standards

under subsection (8) of this section or ORS 194.360 for approval of communication technology or identity proofing, the communication technology and identity proofing used by the notary public must conform to those standards.

(8) In addition to adopting rules under ORS 194.360, the Secretary of State may adopt rules under this section regarding the performance of a notarial act. The rules may:

(a) Prescribe the means of performing a notarial act involving a remotely located individual using communication technology;

(b) Establish standards for communication technology and identity proofing;

(c) Establish requirements or procedures to approve providers of communication technology and the process of identity proofing; and

(d) Establish standards and a period for the retention of an audiovisual recording created under subsection (3)(c) of this section.

(9) Before adopting, amending or repealing a rule governing the performance of a notarial act with respect to a remotely located individual, the Secretary of State shall consider:

(a) The most recent standards regarding the performance of a notarial act with respect to a remotely located individual promulgated by national standard-setting organizations and the recommendations of the National Association of Secretaries of State;

(b) Standards, practices and customs of other jurisdictions that have laws substantially similar to this section; and

(c) The views of governmental officials and entities and other interested persons.

**SECTION 21.** ORS 194.225 is amended to read:

194.225. (1) A notarial officer may perform a notarial act authorized by this chapter or by law of this state other than this chapter.

(2) A notarial officer may not perform a notarial act with respect to a record to which the officer or the officer's spouse is a party, or in which either the officer or the officer's spouse has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

**(3) A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.**

**SECTION 22.** ORS 194.225, as amended by section 21 of this 2020 special session Act, is amended to read:

194.225. (1) A notarial officer may perform a notarial act authorized by this chapter or by law of this state other than this chapter.

(2) A notarial officer may not perform a notarial act with respect to a record to which the officer or the officer's spouse is a party, or in which either the officer or the officer's spouse has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

*[(3) A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.]*

**SECTION 23.** ORS 194.290 is amended to read:

194.290. (1) The official stamp of a notary public must:

[(1)] (a) Include the notary public's name, jurisdiction, commission expiration date and other information required by the Secretary of State by rule; and

[(2)] (b) Be a legible imprint capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

**(2) The official stamp of a notary public is an official notarial seal for all purposes under the laws of this state.**

**SECTION 24.** ORS 194.290, as amended by section 23 of this 2020 special session Act, is amended to read:

194.290. [(1)] The official stamp of a notary public must:

[(a)] (1) Include the notary public's name, jurisdiction, commission expiration date and other information required by the Secretary of State by rule; and

[(b)] (2) Be a legible imprint capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

*[(2) The official stamp of a notary public is an official notarial seal for all purposes under the laws of this state.]*

**SECTION 25.** ORS 194.305 is amended to read:

194.305. (1) A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(2) Before a notary public performs the notary public's initial notarial act with respect to an electronic record, a notary public shall notify the Secretary of State that the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use. If the Secretary of State, by rule, has established standards pursuant to ORS 194.360 for approval of technology, the technology must conform to the standards. If the technology conforms to the standards, the Secretary of State shall approve the use of the technology.

**(3) A county clerk may accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that a record accepted for recording be an original, if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.**

**SECTION 26.** ORS 194.305, as amended by section 25 of this 2020 special session Act, is amended to read:

194.305. (1) A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(2) Before a notary public performs the notary public's initial notarial act with respect to an electronic record, a notary public shall notify the Secretary of State that the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use. If the Secretary of State, by rule, has established standards pursuant to ORS 194.360 for approval of technology, the technology must conform to the standards. If the technology conforms to the standards, the Secretary of State shall approve the use of the technology.

*[(3) A county clerk may accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that a record accepted for recording be an original, if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.]*

**SECTION 27. A tangible copy of an electronic record containing a notarial certificate that is accepted for recording by a county clerk before the effective date of this 2020 special session Act satisfies any requirement that the record be an original, if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.**

**SECTION 28.** ORS 93.810 is amended to read:

93.810. The following are subjects of validating or curative Acts applicable to this chapter:

- (1) Evidentiary effect and recordation of conveyances before 1854.
- (2) Evidentiary effect and recordation of certified copies of deeds issued by the State Land Board before 1885 where the original deed was lost.
- (3) Defective acknowledgments of married women to conveyances before 1891.
- (4) Foreign instruments executed before 1903.
- (5) Deeds of married women before 1907, validity; executed under power of attorney and record as evidence.
- (6) Conveyances by reversioners and remainderpersons to life tenant.
- (7) Decrees or judgments affecting lands in more than one county.
- (8) Irregular deeds and conveyances; defective acknowledgments; irregularities in judicial sales; sales and deeds of executors, personal representatives, administrators, conservators and guardians; vested rights arising by adverse title; recordation.

- (9) Defective acknowledgments.
- (10) Title to lands from or through aliens.
- (11) An instrument that is presented for recording as an electronic image or by electronic means and that is recorded before June 16, 2011.

**(12) A tangible copy of an electronic record containing a notarial certificate that is accepted for recording by a county clerk before the effective date of this 2020 special session Act.**

**SECTION 29.** ORS 93.810, as amended by section 28 of this 2020 special session Act, is amended to read:

93.810. The following are subjects of validating or curative Acts applicable to this chapter:

- (1) Evidentiary effect and recordation of conveyances before 1854.
- (2) Evidentiary effect and recordation of certified copies of deeds issued by the State Land Board before 1885 where the original deed was lost.
- (3) Defective acknowledgments of married women to conveyances before 1891.
- (4) Foreign instruments executed before 1903.
- (5) Deeds of married women before 1907, validity; executed under power of attorney and record as evidence.
- (6) Conveyances by reversioners and remainderpersons to life tenant.
- (7) Decrees or judgments affecting lands in more than one county.
- (8) Irregular deeds and conveyances; defective acknowledgments; irregularities in judicial sales; sales and deeds of executors, personal representatives, administrators, conservators and guardians; vested rights arising by adverse title; recordation.
- (9) Defective acknowledgments.
- (10) Title to lands from or through aliens.
- (11) An instrument that is presented for recording as an electronic image or by electronic means and that is recorded before June 16, 2011.

*[(12) A tangible copy of an electronic record containing a notarial certificate that is accepted for recording by a county clerk before the effective date of this 2020 special session Act.]*

**SECTION 30.** ORS 194.400 is amended to read:

194.400. (1) The fee that a notary public may charge for performing a notarial act may not exceed \$10 per notarial act, **except that a notary public may charge a fee not to exceed \$25 per notarial act for a notarial act performed under section 20 of this 2020 special session Act.**

- (2) A notary public may charge an additional fee for traveling to perform a notarial act if:
  - (a) The notary public explains to the person requesting the notarial act that the fee is in addition to a fee specified in subsection (1) of this section and is in an amount not determined by law; and
  - (b) The person requesting the notarial act agrees in advance upon the amount of the additional fee.

(3) If a notary public charges fees under this section for performing notarial acts, the notary public shall display, in English, a list of the fees the notary public will charge.

(4) A notary public who is employed by a private entity may enter into an agreement with the entity under which fees collected by the notary public under this section are collected by and accrue to the entity.

(5) A public body as defined in ORS 174.109 may collect the fees described in this section for notarial acts performed in the course of employment by notaries public who are employed by the public body.

**SECTION 31.** ORS 194.400, as amended by section 30 of this 2020 special session Act, is amended to read:

194.400. (1) The fee that a notary public may charge for performing a notarial act may not exceed \$10 per notarial act, *except that a notary public may charge a fee not to exceed \$25 per notarial act for a notarial act performed under section 20 of this 2020 special session Act*.

- (2) A notary public may charge an additional fee for traveling to perform a notarial act if:

(a) The notary public explains to the person requesting the notarial act that the fee is in addition to a fee specified in subsection (1) of this section and is in an amount not determined by law; and

(b) The person requesting the notarial act agrees in advance upon the amount of the additional fee.

(3) If a notary public charges fees under this section for performing notarial acts, the notary public shall display, in English, a list of the fees the notary public will charge.

(4) A notary public who is employed by a private entity may enter into an agreement with the entity under which fees collected by the notary public under this section are collected by and accrue to the entity.

(5) A public body as defined in ORS 174.109 may collect the fees described in this section for notarial acts performed in the course of employment by notaries public who are employed by the public body.

**SECTION 32.** (1) Sections 19, 20 and 27 of this 2020 special session Act are repealed on June 30, 2021.

(2) The amendments to ORS 93.810, 194.225, 194.290, 194.305 and 194.400 by sections 22, 24, 26, 29 and 31 of this 2020 special session Act become operative on June 30, 2021.

**NOTE:** Section 33 was deleted by amendment. Subsequent sections were not renumbered.

#### **ENTERPRISE ZONE TERMINATION EXTENSIONS**

**SECTION 34.** Section 35 of this 2020 special session Act is added to and made a part of ORS 285C.050 to 285C.250.

**SECTION 35.** (1) Notwithstanding ORS 285C.245 (2):

(a) An enterprise zone that would otherwise terminate on June 30, 2020, shall terminate on December 31, 2020.

(b) If this section takes effect after June 30, 2020, the sponsor of an enterprise zone that terminated on June 30, 2020, may rescind the termination and the enterprise zone shall terminate on December 31, 2020.

(2) Notwithstanding ORS 285C.250 (1)(a), the sponsor of an enterprise zone described in subsection (1) of this section may redesignate the enterprise zone under ORS 285C.250 on any date before January 1, 2021. The redesignation may not take effect before December 31, 2020.

(3) All other deadlines that relate to the termination date and redesignation of an enterprise zone described in subsection (1) of this section shall be interpreted as relating to December 31, 2020.

#### **INDIVIDUAL DEVELOPMENT ACCOUNT MODIFICATIONS**

**SECTION 36.** ORS 458.685 is amended to read:

458.685. (1) A person may establish an individual development account only for a purpose approved by a fiduciary organization. Purposes that the fiduciary organization may approve are:

(a) The acquisition of post-secondary education or job training.

(b) If the account holder has established the account for the benefit of a household member who is under the age of 18 years, the payment of extracurricular nontuition expenses designed to prepare the member for post-secondary education or job training.

(c) If the account holder has established a savings network account for higher education under ORS 178.300 to 178.360 on behalf of a designated beneficiary, the funding of qualified higher education expenses as defined in ORS 178.300 by one or more deposits into a savings network account for higher education on behalf of the same designated beneficiary.

(d) The purchase of a primary residence. In addition to payment on the purchase price of the residence, account moneys may be used to pay any usual or reasonable settlement, financing or

other closing costs. The account holder must not have owned or held any interest in a residence during the three years prior to making the purchase. However, this three-year period shall not apply to displaced homemakers, individuals who have lost home ownership as a result of divorce or owners of manufactured homes.

(e) The rental of a primary residence when housing stability is essential to achieve state policy goals. Account moneys may be used for security deposits, first and last months' rent, application fees and other expenses necessary to move into the primary residence, as specified in the account holder's personal development plan for increasing the independence of the person.

(f) The capitalization of a small business. Account moneys may be used for capital, plant, equipment and inventory expenses and to hire employees upon capitalization of the small business, or for working capital pursuant to a business plan. The business plan must have been developed by a financial institution, nonprofit microenterprise program or other qualified agent demonstrating business expertise and have been approved by the fiduciary organization. The business plan must include a description of the services or goods to be sold, a marketing plan and projected financial statements.

(g) Improvements, repairs or modifications necessary to make or keep the account holder's primary dwelling habitable, accessible or visitable for the account holder or a household member. This paragraph does not apply to improvements, repairs or modifications made to a rented primary dwelling to achieve or maintain a habitable condition for which ORS 90.320 (1) places responsibility on the landlord. As used in this paragraph, "accessible" and "visitable" have the meanings given those terms in ORS 456.508.

(h) The purchase of equipment, technology or specialized training required to become competitive in obtaining or maintaining employment or to start or maintain a business, as specified in the account holder's personal development plan for increasing the independence of the person.

(i) The purchase or repair of a vehicle, as specified in the account holder's personal development plan for increasing the independence of the person.

(j) The saving of funds for retirement, as specified in the account holder's personal development plan for increasing the independence of the person.

(k) The payment of debts owed for educational or medical purposes when the account holder is saving for another allowable purpose, as specified in the account holder's personal development plan for increasing the independence of the person.

(L) The creation or improvement of a credit score by obtaining a secured loan or a financial product that is designed to improve credit, as specified in the account holder's personal development plan for increasing the independence of the person.

(m) The replacement of a primary residence when replacement offers significant opportunity to improve habitability or energy efficiency.

**(n) The establishment of savings for emergency expenses to promote financial stability and to protect existing assets. As used in this paragraph, "emergency expenses" includes expenses for extraordinary medical costs or other unexpected and substantial personal expenses that would significantly impact the account holder's noncash assets, health, housing or standard of living if not promptly addressed.**

(2)(a) [*If an emergency occurs,*] An account holder may withdraw all or part of the account holder's deposits to an individual development account for [*a purpose not described in subsection (1) of this section. As used in this paragraph, "emergency" includes making payments for necessary medical expenses, to avoid eviction of the account holder from the account holder's residence and for necessary living expenses following a loss of employment.*] **emergency expenses as defined in subsection (1)(n) of this section, without regard to whether the account was established for emergency savings.**

(b) The account holder must reimburse [*the account*] **an account established for a purpose listed under subsection (1)(a) to (m) of this section** for the amount withdrawn under this subsection [*within 12 months after the date of the withdrawal. Failure of an account holder to make a timely reimbursement to the account is grounds for removing the account holder from the individual*

*development account program*]. Until the reimbursement has been made in full, an account holder may not withdraw any matching deposits or accrued interest on matching deposits from the account **except under this subsection.**

(3) If an account holder withdraws moneys from an individual development account for other than an approved purpose, the fiduciary organization may remove the account holder from the program.

(4)(a) If the account holder of an account established for the purpose set forth in subsection (1)(c) or (j) of this section has achieved the account's approved purpose in accordance with the personal development plan developed by the account holder under ORS 458.680, the account holder may withdraw, or authorize the withdrawal of, the remaining amount of all deposits, including matching deposits, and interest in the account as follows:

(A) For an account established for the purpose set forth in subsection (1)(c) of this section, by rolling over the entire withdrawal amount, not to exceed the limit established pursuant to ORS 178.335, into one or more of the savings network accounts for higher education under ORS 178.300 to 178.360, the establishment of which is the purpose of the individual development account; or

(B) For an account established for the purpose set forth in subsection (1)(j) of this section, by rolling over the entire withdrawal amount into an individual retirement account, a retirement plan or a similar account or plan established under the Internal Revenue Code.

(b) Upon withdrawal of all moneys in the individual development account as provided in paragraph (a) of this subsection, the account relationship shall terminate.

(c) The rollover of moneys into a savings network account for higher education under this subsection may not cause the amount in the savings network account for higher education to exceed the limit on total contributions established pursuant to ORS 178.335.

(d) Any amount of the rollover that has been subtracted on the taxpayer's federal return pursuant to section 219 of the Internal Revenue Code shall be added back in the determination of taxable income.

(5) If an account holder moves from the area where the program is conducted or is otherwise unable to continue in the program, the fiduciary organization may remove the account holder from the program.

(6) If an account holder is removed from the program under subsection [(2),] (3) or (5) of this section, all matching deposits in the account and all interest earned on matching deposits shall revert to the fiduciary organization. The fiduciary organization shall use the reverted funds as a source of matching deposits for other accounts.

**NOTE:** Sections 37 through 39 were deleted by amendment. Subsequent sections were not renumbered.

## **RACE AND ETHNICITY DATA COLLECTION AND REPORTING DURING COVID-19 PANDEMIC**

### **SECTION 40. (1) As used in this section:**

(a) **"COVID-19"** means a disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(b) **"Encounter"** means an interaction between a patient, or the patient's legal representative, and a health care provider, whether that interaction is in person or through telemedicine, for the purpose of providing health care services related to COVID-19, including but not limited to ordering or performing a COVID-19 test.

(c) **"Health care provider"** means:

(A) **An individual licensed or certified by the:**

(i) **State Board of Examiners for Speech-Language Pathology and Audiology;**

(ii) **State Board of Chiropractic Examiners;**

(iii) **State Board of Licensed Social Workers;**

(iv) **Oregon Board of Licensed Professional Counselors and Therapists;**



- (v) Oregon Board of Dentistry;
- (vi) State Board of Massage Therapists;
- (vii) Oregon Board of Naturopathic Medicine;
- (viii) Oregon State Board of Nursing;
- (ix) Oregon Board of Optometry;
- (x) State Board of Pharmacy;
- (xi) Oregon Medical Board;
- (xii) Occupational Therapy Licensing Board;
- (xiii) Oregon Board of Physical Therapy;
- (xiv) Oregon Board of Psychology; or
- (xv) Board of Medical Imaging;

(B) An emergency medical services provider licensed by the Oregon Health Authority under ORS 682.216;

(C) A clinical laboratory licensed under ORS 438.110; and

(D) A health care facility as defined in ORS 442.015.

(d) “Telemedicine” means the delivery of a health service through a two-way communication medium, including but not limited to telephone, Voice over Internet Protocol, transmission of telemetry or any Internet or electronic platform that allows a provider to interact in real time with a patient, a parent or guardian of a patient or another provider acting on a patient’s behalf.

(2) The authority shall adopt rules:

(a) Requiring a health provider to:

(A) Collect encounter data on race, ethnicity, preferred spoken and written language, English proficiency, interpreter needs and disability status in accordance with the standards adopted by the authority under ORS 413.161; and

(B) Report the data in accordance with rules adopted under ORS 433.004 for the reporting of diseases.

(b) Prescribing the manner of reporting.

(c) Ensuring, to the extent practicable, that the data collected and reported under this section by health care providers is not duplicative.

(d) Establishing phased in deadlines for the collection of data under this section, beginning no later than October 1, 2020.

(3) The authority may provide incentives to health care providers and facilities to help defer the costs of making changes to electronic health records or similar systems.

(4) Data collected by health care providers under this section is confidential and subject to disclosure only in accordance with the federal Health Insurance Portability and Accountability Act privacy regulations, 45 C.F.R. parts 160 and 164, ORS 192.553 to 192.581 or other state or federal laws limiting the disclosure of health information.

**SECTION 41.** Section 40 of this 2020 special session Act may be enforced by any means permitted under the law by:

(1) A health professional regulatory board specified in section 40 of this 2020 special session Act with respect to a provider under the jurisdiction the board.

(2) The Oregon Health Authority or the Department of Human Services with regard to health care facilities under each agency’s respective jurisdiction.

(3) The authority with regard to emergency medical services providers licensed under ORS 682.216 and clinical laboratories licensed under ORS 438.110.

**SECTION 41a.** Section 40 of this 2020 special session Act is amended to read:

**Sec. 40.** (1) As used in this section:

(a) “COVID-19” means a disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(b) “Encounter” means an interaction between a patient, or the patient’s legal representative, and a health care provider, whether that interaction is in person or through telemedicine, for the

purpose of providing health care services related to COVID-19, including but not limited to ordering or performing a COVID-19 test.

(c) "Health care provider" means:

(A) An individual licensed or certified by the:

(i) State Board of Examiners for Speech-Language Pathology and Audiology;

(ii) State Board of Chiropractic Examiners;

(iii) State Board of Licensed Social Workers;

(iv) Oregon Board of Licensed Professional Counselors and Therapists;

(v) Oregon Board of Dentistry;

(vi) State Board of Massage Therapists;

(vii) Oregon Board of Naturopathic Medicine;

(viii) Oregon State Board of Nursing;

(ix) Oregon Board of Optometry;

(x) State Board of Pharmacy;

(xi) Oregon Medical Board;

(xii) Occupational Therapy Licensing Board;

(xiii) Oregon Board of Physical Therapy;

(xiv) Oregon Board of Psychology; or

(xv) Board of Medical Imaging;

(B) An emergency medical services provider licensed by the Oregon Health Authority under ORS 682.216;

(C) A clinical laboratory licensed under ORS 438.110; and

(D) A health care facility as defined in ORS 442.015.

(d) "Telemedicine" means the delivery of a health service through a two-way communication medium, including but not limited to telephone, Voice over Internet Protocol, transmission of telemetry or any Internet or electronic platform that allows a provider to interact in real time with a patient, a parent or guardian of a patient or another provider acting on a patient's behalf.

(2) The authority shall adopt rules:

(a) Requiring a health provider to:

(A) Collect encounter data on race, ethnicity, preferred spoken and written language, English proficiency, interpreter needs and disability status in accordance with the standards adopted by the authority under ORS 413.161; and

(B) Report the data in accordance with rules adopted under ORS 433.004 for the reporting of diseases.

(b) Prescribing the manner of reporting.

(c) Ensuring, to the extent practicable, that the data collected and reported under this section by health care providers is not duplicative.

*[(d) Establishing phased in deadlines for the collection of data under this section, beginning no later than October 1, 2020.]*

(3) The authority may provide incentives to health care providers and facilities to help defer the costs of making changes to electronic health records or similar systems.

(4) Data collected by health care providers under this section is confidential and subject to disclosure only in accordance with the federal Health Insurance Portability and Accountability Act privacy regulations, 45 C.F.R. parts 160 and 164, ORS 192.553 to 192.581 or other state or federal laws limiting the disclosure of health information.

**SECTION 41b. (1) Section 41 of this 2020 special session Act becomes operative on December 31, 2020.**

**(2) The amendments to section 40 of this 2020 special session Act by section 41a of this 2020 special session Act become operative on December 31, 2021.**

**SECTION 42. Section 43 of this 2020 special session Act is added to and made a part of the Insurance Code.**

**SECTION 43.** An insurer transacting insurance in this state may not consider any information collected and reported under section 40 of this 2020 special session Act to:

- (1) Deny, limit, cancel, rescind or refuse to renew a policy of insurance;
- (2) Establish premium rates for a policy of insurance; or
- (3) Establish the terms and conditions of a policy of insurance.

#### PHYSICIAN ASSISTANTS

**SECTION 44.** Section 45 of this 2020 special session Act is added to and made a part of ORS 677.495 to 677.535.

**SECTION 45.** (1) Notwithstanding any other provision of ORS 677.495 to 677.535, a physician assistant may, without entering into a practice agreement, perform services and provide patient care within the physician assistant's scope of practice in accordance with subsection (2) of this section.

(2) A physician assistant may perform services and provide patient care as described in subsection (1) of this section only in compliance with guidelines and standards established by one or more supervising physicians.

(3) A physician assistant who performs services and provides patient care under this section is exempt from any chart review and onsite supervision requirements described in ORS 677.495 to 677.535 or rules adopted by the Oregon Medical Board pursuant to ORS 677.495 to 677.535.

(4) The board may adopt rules to carry out this section.

**SECTION 46.** (1) As used in this section:

(a) "Physician assistant":

(A) Has the meaning given that term in ORS 677.495; and

(B) Means a person licensed to practice as a physician assistant in another state or territory of the United States.

(b) "Telehealth" means the use of electronic and telecommunications technologies to provide health care services.

(2) A physician assistant may use telehealth to perform services for and provide patient care to a patient who is located across state lines from the physician assistant if the services and patient care are within the physician assistant's scope of practice.

(3) The Oregon Medical Board may adopt rules to carry out this section.

**SECTION 47.** Sections 45 and 46 of this 2020 special session Act are repealed on the date on which the declaration of a state of emergency issued by the Governor on March 8, 2020, and any extension of the declaration, is no longer in effect.

#### CAPTIONS

**SECTION 48.** The unit captions used in this 2020 special session Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2020 special session Act.

#### EMERGENCY CLAUSE

**SECTION 49.** This 2020 special session Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2020 special session Act takes effect on its passage.

**Passed by House June 26, 2020**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate June 26, 2020**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2020

**Approved:**

.....M.,....., 2020

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2020

.....  
Bev Clarno, Secretary of State



**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY  
STATE OF OREGON**

**In the Matter of Adopting** ) **ORDINANCE No. 2020-0295**  
**Benton County Code Chapter 40, Vehicle** )  
**Camping at Religious Institutions and** )  
**Declaring an Emergency** )

**WHEREAS:**

The COVID-19 pandemic response in Benton County has necessitated a unified response from Benton County, the City of Corvallis, and communities throughout the area. Closures, cancellations, and service adjustments have disrupted everyday life for the entire community.

Benton County will assure that COVID-19 prevention, mitigation, treatment and recovery plans & activities will apply strategies and tactics that strive to identify and eliminate barriers that prevent full and equal access for all.

Social service disruptions caused by the COVID-19 emergency have left all vulnerable populations in the community, including people experiencing homelessness, at greater risk to a variety of health and welfare impacts.

There is an immediate need for individuals to have access to stable locations at which to shelter, in order to comply with Oregon Governor Brown’s Executive Order No. 20-12, directing Oregonians to stay at home and mandating social distancing, and such compliance is necessary for the health and safety of all Benton County residents.

Many members of the community have vehicles as their primary shelter and no fixed place at which to safely and legally park their vehicle. Additionally, community organizations have constructed temporary transportable sleeping units (“micro-shelters”) which are similar to vehicles in that they can be relocated and are not permanent installations but which provide many benefits when compared to a standard vehicle in use as a sleeping unit. Several religious institutions within the county have expressed willingness to provide space for people to camp in vehicles and/or micro-shelters.

Benton County is committed to a community dialog but the need for swift action in the face of the COVID-19 crisis combined with the challenges that the pandemic creates for public engagement necessitate the County adopting a limited-term ordinance at this time with a commitment to a robust public engagement process prior to adopting any permanent ordinance authorizing vehicle camping at religious institutions.

Pursuant to Oregon Revised Statutes (ORS) 203.082, Benton County may enact an ordinance authorizing vehicle camping at religious institutions.

///  
 ///  
 ///

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY ORDAINS AS FOLLOWS:

**PART I:** Short Title. Adoption of Benton County Code Chapter Regarding Vehicle Camping at Religious Institutions.

**PART II.** Authority. The Board of County Commissioners of Benton County has authority to amend the County Code pursuant to the Benton County Charter.

**PART III.** The Benton County Code Chapter 40 is hereby adopted as shown in "Exhibit 1".

**PART IV.** This Ordinance, being necessary for the preservation of the health, safety, and welfare of Benton County citizens, due to the ordinance addressing an immediate need related to the ongoing COVID-19 pandemic, an emergency exists and this Ordinance shall be in full force and effect on May 5, 2020, and shall expire at midnight on July 4, 2020, unless repealed sooner by an action of the Benton County Board of Commissioners.

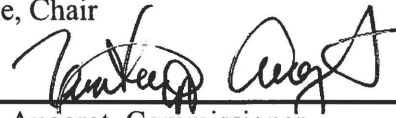
1<sup>st</sup> Reading: May 5, 2020

Effective Date: May 5, 2020

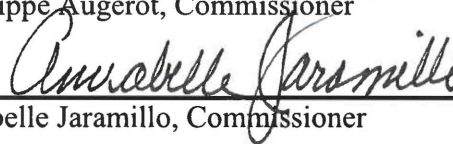
BENTON COUNTY BOARD OF COMMISSIONERS



Pat Malone, Chair

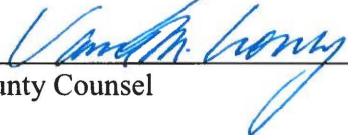


Xanthippe Augerot, Commissioner



Annabelle Jaramillo, Commissioner

Approved as to Form:



County Counsel

Recording Secretary

## Exhibit 1

### CHAPTER 40

#### VEHICLE CAMPING AT RELIGIOUS INSTITUTIONS

**40.100.** A church, synagogue or other religious institution located in unincorporated Benton County may allow overnight camping in vehicles, subject to the following:

- (1) As used in this chapter, “vehicle” includes a licensed and operable automobile, camper, travel trailer or recreational vehicle. “Vehicle” also includes a rigid-walled, readily transportable temporary sleeping unit exempt from building code and consistent with minimum guidelines issued by the Community Development Director. A church, synagogue or other religious institution shall be responsible for ensuring vehicles meet and adhere to the minimum guidelines.
- (2) The religious institution shall register with the Benton County Community Development Department prior to establishing overnight camping in vehicles and shall submit a site plan and any other documentation required by the department’s adopted procedures for ensuring compliance with this chapter.
- (3) A maximum of three vehicles for vehicle camping is allowed at the registered site at any one time.
- (4) The religious institution shall provide campers with access to onsite sanitary facilities, including at minimum toilet, hand washing and trash disposal facilities.
- (5) The camping occurs on the same property as the religious institution’s facility or an adjacent property that the religious institution owns or leases and has land use approval for religious institutional uses. In the case of leased land, the church shall provide the County with written authorization from the property owner to establish vehicle camping.
- (6) No payment of fee, rent, or other monetary charge shall be required of campers. This provision does not prevent the religious institution from accepting donations.
- (7) The religious institution may select which individuals to allow to camp on the institution’s property, and may revoke this permission at any time and for any reason.
- (8) Vehicles and all associated outside facilities (such as toilet, trash disposal, storage unit) shall be located at least 12 feet from all property lines, road right-of-way or access easements, and each vehicle shall be located at least 12 feet from other vehicles and from associated outside facilities.
- (9) All items and materials must be stored in vehicles or in separate storage unit, other than items designed and intended for outdoor use which shall be screened from adjacent properties and public rights-of-way
- (10) The number of people camping per vehicle is not generally limited by this code; however, notwithstanding any other provision of this chapter, the Benton County Community Development Director or designee may limit the total number of individuals



camping on a premises or prohibit vehicle camping as provided in this chapter if the Community Development Director or designee finds that such activity on the premises constitutes a nuisance or other threat to public health, safety, or welfare. In addition to any other penalties that may be imposed, any premises used for vehicle camping in a manner not authorized by this chapter or other provisions of the Benton County Code shall constitute a nuisance and may be abated as such pursuant to Benton County Code Chapter 21 – Nuisance Abatement.

- (11) Upon expiration or revocation of this chapter, all vehicle camping on registered sites shall cease. Authorization of vehicle camping on a site does not establish a land use or a vested right to continue the activity if and when this code is modified.
- (12) Nothing in this chapter creates any duty on the part of the County, its employees, or its agents to ensure the protection of persons or property with regard to overnight sleeping in vehicles.



**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE PROGRAM**

360 SW Avery Avenue  
Corvallis, OR 97333-1139  
(541) 766-0178

CodeCompliance@co.benton.or.us  
[www.co.benton.or.us/cd/](http://www.co.benton.or.us/cd/)

**RELIGIOUS INSTITUTIONS OVERNIGHT VEHICLE CAMPING  
REGISTRATION FORM**

**Name of Religious Institution/Place of Worship:** \_\_\_\_\_

**Physical Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Map and Tax Lot Number:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Onsite Contact Name:** \_\_\_\_\_ **Onsite Contact Phone Number:** \_\_\_\_\_

*\*\*This onsite contact information will be provided to Emergency Service Responders and will be provided to members of the public upon request.*

Include two (2) plot plans of the entire property, on 8-1/2" x 11" or 11" x 17" paper. See "Sample Plot Plan Checklist" page X. Show the whole property identifying and labeling vehicle and/or Micro-Shelter camp site locations (no more than 3), sanitation facilities and trash disposal facilities. Include all other structures, well(s), septic system(s), and driveway(s) on the subject property.

**ACKNOWLEDGMENTS**

*Initial*

\_\_\_\_ I have received and reviewed Benton County Vehicle Camping Resource Guide with guidelines and recommendations.

\_\_\_\_ In accordance with Benton County Code Chapter 40, it is agreed that this religious institution will allow no more than (3) vehicles on their property for camping as defined by BCC Chapter 40. In addition, we also agree to provide or make available sanitary facilities, including but not limited to, a toilet, hand washing and trash disposal facilities.

\_\_\_\_ I understand that the Community Development Director or designee may prohibit overnight sleeping in a vehicle at a registered location if the vehicle, its occupants, or associated personal property is found to be a threat to public health, safety, or welfare.

Do you intend to use micro-shelters?  Yes  No

If yes:

\_\_\_\_\_ I have signed the attached Micro-Shelter Release Form (page 5), and

\_\_\_\_\_ I acknowledge that it is my responsibility to ensure that the Micro-Shelters that will be placed on the subject property meet the Minimum Guidelines outlined on page 4 of this application packet.

I have the authority to enter into agreements on behalf of the religious institution named above and do hereby agree to the rules, regulations and conditions as set forth in this application packet for the registration of the above listed location for overnight vehicle camping pursuant to BCC Chapter 40. I agree to hold Benton County and its officers or employees harmless from any liability or responsibility for any accident, loss or damage to persons or property happening or occurring as the result of the activity undertaken under the terms of this application and that all of said liabilities are hereby assumed by me.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Applicant Printed Name

\_\_\_\_\_  
Relationship of Applicant to Religious Institution

*For Office Use Only*

**Community Development Department** \_\_\_\_\_  
Staff Authorization Date

Registration Number: \_\_\_\_\_

**Comments:** \_\_\_\_\_

\_\_\_\_\_

**Rules and Regulations:** Effective 5/5/2020 through 7/4/2020

- (1) As used in this chapter, “vehicle” includes a licensed and operable automobile, camper, travel trailer or recreational vehicle. “Vehicle” also includes a rigid-walled, readily transportable temporary sleeping unit exempt from building code and consistent with minimum guidelines issued by the Community Development Director. A church, synagogue or other religious institution shall be responsible for ensuring vehicles meet and adhere to the minimum guidelines.
- (2) The religious institution shall register with the Benton County Community Development Department prior to establishing overnight camping in vehicles and shall submit a site plan and any other documentation required by the department’s adopted procedures for ensuring compliance with this chapter.
- (3) A maximum of three vehicles for vehicle camping is allowed at the registered site at any one time.
- (4) The religious institution shall provide campers with access to onsite sanitary facilities, including at minimum toilet, hand washing and trash disposal facilities.
- (5) The camping occurs on the same property as the religious institution’s facility or an adjacent property that the religious institution owns or leases and has land use approval for religious institutional uses. In the case of leased land, the church shall provide the County with written authorization from the property owner to establish vehicle camping.
- (6) No payment of fee, rent, or other monetary charge shall be required of campers. This provision does not prevent the religious institution from accepting donations.
- (7) The religious institution may select which individuals to allow to camp on the institution’s property, and may revoke this permission at any time and for any reason.
- (8) Vehicles and all associated outside facilities (such as toilet, trash disposal, storage unit) shall be located at least 12 feet from all property lines, road right-of-way or access easements, and each vehicle shall be located at least 12 feet from other vehicles and from associated outside facilities.
- (9) All items and materials must be stored in vehicles or in separate storage unit, other than items designed and intended for outdoor use which shall be screened from adjacent properties and public rights-of-way
- (10) The number of people camping per vehicle is not generally limited by this code; however, notwithstanding any other provision of this chapter, the Benton County Community Development Director or designee may limit the total number of individuals camping on a premises or prohibit vehicle camping as provided in this chapter if the Community Development Director or designee finds that such activity on the premises constitutes a nuisance or other threat to public health, safety, or welfare. In addition to any other penalties that may be imposed, any premises used for vehicle camping in a manner not authorized by this chapter or other provisions of the Benton County Code shall constitute a nuisance and may be abated as such pursuant to Benton County Code Chapter 21 – Nuisance Abatement.
- (11) Upon expiration or revocation of this chapter, all vehicle camping on registered sites shall cease. Authorization of vehicle camping on a site does not establish a land use or a vested right to continue the activity if and when this code is modified.
- (12) Nothing in this chapter creates any duty on the part of the County, its employees, or its agents to ensure the protection of persons or property with regard to overnight sleeping in vehicles.

Benton County Community Development's  
Minimum Guidelines for Micro-Shelters pursuant to BCC Chapter 40  
Effective 5/5/2020 through 7/4/2020

These shelters are not regulated by building code, therefore, these requirements are intended to address the minimum fire and life safety requirements for temporarily placing a shelter.

**Requirements for Units**

- Height – Maximum 10-feet
- Maximum size – Units shall not exceed 120 square feet
- Egress Window – The net clear height opening shall be not less than 24 inches and the net clear width shall be not less than 20 inches.
- Smoke and CO Alarm – Battery operated smoke alarm and CO alarm or a single alarm that contains both smoke and CO.
- Heating – If heaters are being used, they shall be ceiling mounted, electric, and controlled with a timer. Portable heating units are prohibited.
- Fire Extinguisher – 2A-10B-C fire extinguisher mounted in each unit
- Landings – If landings or stairs are needed, they shall be affixed to the unit
- Maximum Occupancy – no more than 2 individuals
- Lighting – A single sealed LED light, ceiling mounted with a wall timer
- Electrical – No 120v power outlets
- No smoking, cooking, candles or open flames within units.
- Indemnification Agreement (page 5) – The County is not inspecting or validating any code compliance of these units and should be held harmless.

**Site Requirements**

- Electrical – If power is being provided, Power Company would need to be contacted regarding the placement of temporary or permanent power poles on private property to serve the units.
- Each unit shall be fed through a pedestal that has obtained the appropriate electrical permit(s). Multiple units can use the same pedestal for power. Power cords from the pedestal to the unit(s) must be protected to prevent excessive wear and exposure from the elements.
- Clearances – 12-foot minimum separation between units and other combustible materials.
- Setbacks – Each unit shall minimum a minimum 12-foot setback from adjoining property lines.
- Restrooms/showers/potable water
- Garbage

Registration Number \_\_\_\_\_

## MICRO-SHELTER

### RELEASE, INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

County employees and volunteers may have given some level of guidance regarding the construction of microshelters. Registrant acknowledges that the microshelters are not subject to the building code or other health, welfare or safety regulations and does not rely on the guidance of County employees or volunteers. This release, indemnification and hold harmless agreement is entered into in recognition that the microshelters are not approved or inspected by the County as meeting minimum health, life and safety standards. Therefore, as a condition for receiving approval for microshelters as temporary shelters, I agree as the Registrant or under authority to act on behalf of the Registrant, to the following:

Registrant, on behalf of its members, officers, agents, employees, representatives, insurers, invitees, guests, trespassers and successors will indemnify, defend, and hold the County harmless from any claim, loss, or liability arising out of or related to the placement, use or misuse of any shelter or structure allowed under BCC Chapter 40 specifically holding the County harmless from any direct or indirect damages of any kind from any and all third-party claims brought as a consequence of any injury or loss of life resulting from the use or occupancy of any temporary shelter or structure allowed or authorized under this Permit.

REGISTRANT UNDERSTANDS THAT THIS APPLICATION RELEASES BENTON COUNTY FROM ANY LIABILITY OR CLAIM OF ANY KIND THAT THE REGISTRANT, ANY OCCUPANT OF ANY MICROSHELTER OR STRUCTURES ALLOWED UNDER THIS APPLICATION, OR ANY THIRD PARTY MAY HAVE AGAINST BENTON COUNTY OR ANY OF ITS OFFICERS, AGENTS, EMPLOYEES, VOLUNTEERS OR CONTRACTORS WITH RESPECT TO ANY BODILY INJURY, PERSONAL INJURY, ILLNESS, DEATH, OR PROPERTY DAMAGE THAT MAY RESULT FROM THE CONSTRUCTION, PLACEMENT, USE OR OCCUPANCY OF ANY STRUCTURE OR SHELTER ALLOWED UNDER THIS APPLICATION WHETHER CAUSED BY THE NEGLIGENCE OF BENTON COUNTY, OR ITS OFFICERS, AGENTS, EMPLOYEES, VOLUNTEERS, OR CONTRACTORS, OR OTHERWISE IN APPROVING THIS APPLICATION. REGISTRANT ALSO UNDERSTANDS THAT BENTON COUNTY DOES NOT ASSUME ANY RESPONSIBILITY FOR OR OBLIGATION TO PROVIDE FINANCIAL ASSISTANCE OR OTHER ASSISTANCE, INCLUDING BUT NOT LIMITED TO MEDICAL, HEALTH, OR DISABILITY INSURANCE OR SUPPORT IN THE EVENT OF INJURY OR ILLNESS RESULTING FROM ANY STRUCTURE OR SHELTER ALLOWED UNDER THIS APPLICATION.

I HAVE READ AND AGREE TO THIS RELEASE, INDEMNIFICATION AND HOLD HARMLESS AGREEMENT:

\_\_\_\_\_  
Permit Holder Name

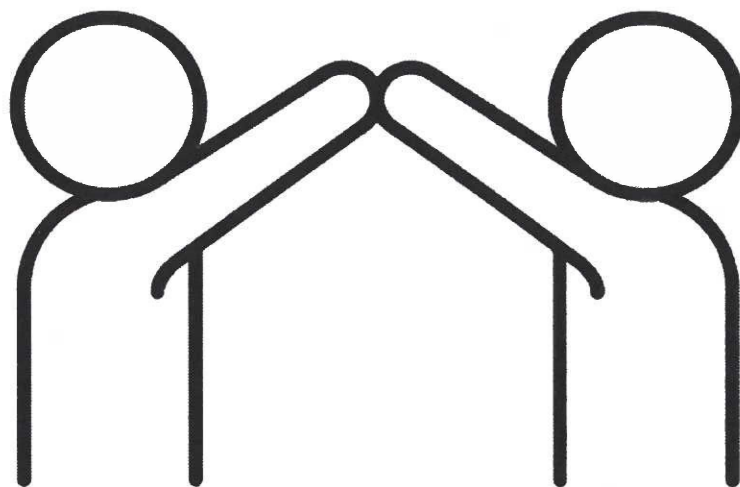
\_\_\_\_\_  
Date

If Permit Holder is an organization, title of person with authority to obtain permit:

\_\_\_\_\_



# Resource Manual For Religious Institutions Hosting Vehicle Camping





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## Introduction

Benton County Commissioners enacted an emergency ordinance on May 5, 2020 to allow vehicle camping for up to three vehicles at religious institutions in Benton County unincorporated areas. Oregon State Law permits local jurisdictions to adopt this type of code.<sup>1</sup> This emergency ordinance will be in effect from May 5, 2020 through July 4, 2020. The County Commissioners are also pursuing adopting an intermediate ordinance that would take effect July 5, 2020 and end December 31, 2021. The interim ordinance will allow for more public outreach and feedback before adopting a permanent ordinance that would last for a longer period of time.

Religious institutions in Benton County unincorporated areas can invite up to three vehicles onto their property to provide a safe place for individuals to sleep in their vehicles and shelter in place. Religious institutions will need to provide a minimum amount of hygiene access and other requirements listed in the Code Information Section on page 3.

### Purpose of the Resource Manual

The purpose of the resource manual is to educate religious organizations and interested community members about what is and is not allowed under this new code. This manual will also help prepare interested religious organizations to host vehicle camping and to talk about hosting vehicle camping with others in their neighborhoods.

The intent is to assist and enable religious institutions to host vehicle camping and conduct community outreach in a way that actively engages community members in different aspects of the process, increases transparency, strengthens relationships, and builds trust and collaboration among advocates, neighbors, and the broader community.

This resource manual is provided as a courtesy by the County and is not intended to impose any additional requirements on religious institutions beyond what is required in the code.

### Religious Institution Responsibility and Liability

Religious institutions assume all responsibility and liability for hosting vehicle camping. The organization, supervision, and maintenance of a vehicle camping location is solely the responsibility of the religious institution, and not Benton County. Religious institutions deciding to host vehicle camping do so at their own risk and expense. The religious institution or property owner will be solely responsible for removing unwanted vehicles or occupants; Benton County shall play no role in removal of persons or vehicles who are not permitted to be on the property.

Vehicle camping at religious institutions is not funded or sponsored by the County. All costs associated with hosting vehicle camping are the responsibility of the property owner. These costs may include, but are not limited to, sanitizing, providing toilet facilities, trash receptacles,

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<sup>1</sup> ORS 203.082

supervision of the guests, ensuring state and county COVID-19 health and safety protocols are met and clean-up of the area.

The County may only explain the minimum requirements for a registered vehicle camping location, and cannot offer any legal advice for property owners interested in hosting vehicle camping. The County strongly recommends that anyone interested in hosting vehicle camping undertake their own research on the subject, inquire about their liability insurance coverage, and obtain the advice of their own attorney before deciding to host vehicle camping.

In the event vehicles are abandoned on religious institution property, removal disposal of the vehicles is the sole responsibility of the vehicle owner of religious institution.

## Benton County Vehicle Camping Code Information

The full Code allowing vehicle camping at religious institutions is located on the Benton County Code website.<sup>2</sup>

To host vehicle camping at a religious institution, the religious institution must be located within unincorporated Benton County, outside the city limits of the incorporated cities in Benton County (Philomath, Corvallis, Adair Village, Monroe, and north Albany).

The following requirements must be met by religious institutions wishing to host vehicle camping.

### Registration:

- Religious institutions shall register with the Benton County Community Development Department prior to establishing overnight camping in vehicles and shall submit a site plan and any other documentation required by the department's adopted procedures for ensuring compliance with the code.
- The registration will require the religious organization to state: 1) how many vehicles they plan to host (up to three vehicles), 2) where on their property those vehicles will be located, and 3) the host site has the required hygiene access outlined in the code.
- Register here: <https://www.co.benton.or.us/cd/page/vehicle-camping-religious-institutions>
- "Vehicle" includes a licensed and operable automobile, camper, travel trailer or recreational vehicle. "Vehicle" also includes a rigid-walled, readily transportable temporary sleeping unit exempt from building code and consistent with minimum guidelines issued by the Benton County Community Development Director. A church, synagogue or other religious institution shall be responsible for ensuring vehicles meet and adhere to the minimum guidelines.

### Site Requirements:

- Religious institution shall provide campers with access to onsite sanitary facilities, including, at a minimum, toilet, hand washing, and trash disposal facilities.
- The camping occurs on the same property as the religious institution's facility or an adjacent property that the religious institution owns or leases and has land use approval for religious institutional uses. In the case of leased land, the church shall provide the County with written authorization from the property owner to establish vehicle camping.

### Religious Institution Responsibilities:

- No payment of fee, rent, or other monetary charge shall be required of campers. This provision does not prevent the religious institution from accepting donations.

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<sup>2</sup> BCC Ch. 40. County Code available here: <https://www.co.benton.or.us/cd/page/vehicle-camping-religious-institutions>

- The religious institution may select which individuals to allow to camp on the institution's property, and may revoke this permission at any time and for any reason.
- Vehicles and all associated outside facilities (such as toilet, trash disposal, storage unit) shall be located at least 12 feet from all property lines, road right-of-way or access easements, and each vehicle shall be located at least 12 feet from other vehicles and from associated outside facilities.
- All items and materials must be stored in vehicles or in separate storage unit, other than items designed and intended for outdoor use (e.g., bike and bike cart) which shall be screened from adjacent properties and public rights-of-way.

Limitations:

- Up to three vehicles are allowed at a religious institution for vehicle camping.
- Benton County may intervene and limit the number of individuals on a property if the activity on the premises constitutes a nuisance or other threat to public health, safety, or welfare. Otherwise, the number of people is not limited by this ordinance.
- Upon expiration or revocation of this ordinance, all vehicle camping on registered sites shall cease. Authorization of vehicle camping on a site does not establish a land use or a vested right to continue the activity if and when this code is modified.
- Nothing in this code creates any duty on the part of the County, its employees, or its agents to ensure the protection of persons or property with regard to overnight sleeping in vehicles.

## Considerations before Choosing to Host Vehicle Camping

It is important to consider hosting individuals, couples, and families experiencing homelessness as guests in a vehicle on your property. How you design your site and guest/host interface is ultimately up to you. Being a successful host site depends on you developing a host/guest interface plan. You should clearly communicate this plan to any potential guests. Give the new guests a copy of the host plan. Be sure they understand, agree to, and sign the designated plan. This protects a host site and provides a means of accountability if problems do arise.

### **Considerations in developing your Host/Guest Interface plan:**

(You do *not* need to provide the County with answers to these questions.)

1. What is your motivation for becoming a host site? What do you have to offer as a Host?
2. Do you have the capacity and skills to actively manage relations with guests, relations between guests and neighbors, relations with law enforcement and service providers? If necessary, will you be able to ask or require a guest to leave? Do you have a process for this? Do you have an agreement and set of expectations that you will share with guests at the outset so everyone shares a common understanding?
3. Do you have any experience with disadvantaged populations? How will your organization interact with guests?
4. How many vehicles will you start with? How many people total can you accommodate? What is your policy regarding guests of guests?
5. How long will you want guests to be able to stay at your site?
6. How will you provide the required access to toilets, hand washing, and trash disposal? Do you need to rent portable restrooms and portable hand washing stations? Do you have the financial resources to provide these facilities on an ongoing basis 24/7?
7. Will your site provide electricity? How will guests have access to potable water?
8. Will your guests have access to your religious institution's facilities? If so, when? Who will be there to oversee use during these times? What are the limitations (i.e., kitchen, shower, internet/computer access, telephone, etc.)? What are the guidelines for use of these amenities? Who will ensure facilities are used responsibly?
9. Will you offer your guests an opportunity to get involved with your organization? How will residents plug in to host site activities?
10. Who will be tasked with being the 24/7 direct contact person for the guests? For community members?
11. A designated person to act as the onsite camp host could provide the needed onsite supervision and assistance to guests. Is there someone in your current staff or volunteer base that could serve as onsite camp host (refer to Sample Camp Host Job Description on page 15)? Periodic check-ins may help your guests feel supported. During check-ins you

can review host agreements, check on guest needs, and check on the tidiness and cleanliness of the host space.

12. Selecting the right guest(s) to host is an important consideration.
13. Will you offer to connect your guests with local service providers who can provide case management, enrollment in health care, connections to resources, etc.?
14. Connection with the local fire district regarding smoking and open flames on the property is an important step.

## Considerations for Choosing where to Locate Vehicle Camping on your Property

Many factors and needs influence the identification and operation of a potential host site. First and foremost, public safety and health factors should be considered. For example, Emergency Responders must be able to access the camping site in the event of an emergency. In addition, BCC Chapter 40 requires that vehicles and all associated outside facilities (such as toilet, trash disposal, storage unit) shall be located at least 12 feet from all property lines, road right-of-way or access easements, and each vehicle shall be located at least 12 feet from other vehicles and from associated outside facilities.

Trucks must be able to access the site to service the portable restrooms, hand washing stations, and trash bins. Although religious institutions are allowed to host up to three vehicles, that number may need to be reduced if the site does not have space or capacity to serve that many guests.

The religious institution must be within Benton County limits and outside the city limits of Corvallis, Philomath, Monroe, Adair Village, and north Albany. If you need help determining if you are an eligible site, please contact:

### **Benton County Community Development Department – Code Compliance Program**

Phone: (541) 766-0178, email: [CodeCompliance@co.benton.or.us](mailto:CodeCompliance@co.benton.or.us)

360 SW Avery Avenue Corvallis, OR 97333-1139 [www.co.benton.or.us/cd/](http://www.co.benton.or.us/cd/)

Things to consider when evaluating where to locate guest vehicles on your property:

- Is the site suitable for vehicle camping? Is the site flat or sloped? Grassy or graveled? Does it have seasonal wetness or dryness? Is there surrounding vegetation or elements that may add to or detract from its privacy?
- Have you consulted with your local Rural Fire Protection District for recommendations and guidelines?

- Access onto and off of the property need to be considered for guests who may have mobility issues and for emergency vehicles and personnel.
- The site must have road accessibility for trucks to service the portable restrooms, hand washing stations, and trash collection bins.
- Proximity to schools and to houses or residential areas must be considered.
- The availability of water or power should be considered.
- Sites should be in proximity to bus lines or public transportation.
- Vehicle camping must not be on wetlands or land that is environmentally sensitive.

## Environmental Health Informational Guidance for Vehicle Camping at Religious Institutions

1. **Potable Water:** Water used for handwashing and drinking purposes must meet minimum water quality standards. For questions regarding water quality consult with Benton County Environmental Health at 541-766-6841 regarding bacterial testing.
2. **Portable Toilets:** For every 20 persons<sup>3</sup>, provide a minimum of one portable toilet that meet American with Disability Act (ADA) standards.
3. **Portable Handwashing Station:** Provide a minimum of one portable handwashing station per 15 persons. Handwashing station must be equipped with soap, paper towels and one covered waste receptacle. If handwashing stations are not provided by a commercial company, gray water must be disposed of in a sanitary sewer or septic system.
4. **Showering/Bathing Facilities:** If provided, clean and disinfect showers or bathing facilities after every use.
5. **Septic Systems:** To prevent a septic system failure, the Oregon Department of Environmental Quality requires an authorization review for any increase in usage such as showering or wastewater. Contact Benton County Environmental Health at 541-766-6841.
6. **Food Service:** If food service is provided, it must be done in consultation with Benton County Environmental Health at 541-766-6841.
7. **Micro-shelters:** Must be cleaned and disinfected between occupants using current Centers of Disease Control (CDC) guidance on Cleaning and Disinfecting Your Facility <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>
8. **Physical Distancing:** Adhere to current State and County orders and guidance on physical distancing.

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<sup>3</sup>CDC: Environmental Health Disaster Sheltering Assessment Guide  
[https://emergency.cdc.gov/shelterassessment/pdf/Shelter\\_Assessment\\_instruct\\_508.pdf](https://emergency.cdc.gov/shelterassessment/pdf/Shelter_Assessment_instruct_508.pdf)



## Benton County Rural Fire District Contacts

<p><b>Adair RFPD</b>          Chief Chuck Harris          Dennis Haney          Phone: 541-745-7212          Email: <a href="mailto:adair@adair-rural-fire.com">adair@adair-rural-fire.com</a> &amp;  <a href="mailto:haneydp@proaxis.com">haneydp@proaxis.com</a></p>	<p><b>Monroe RFPD</b>          Rick Smith          Phone: 541- 847-5170          Email: <a href="mailto:rsmith@monroefiredept.org">rsmith@monroefiredept.org</a></p>
<p><b>Albany FD</b>          Lora Ratcliff (Deputy Fire Marshall)          Phone: 541-917-7703          Email: <a href="mailto:lora.ratcliff@cityofalbany.net">lora.ratcliff@cityofalbany.net</a></p>	<p><b>North Albany RFPD</b> (see Albany FD)</p>
<p><b>Alsea RFPD</b>          George Foster          Phone 541-487-8701          Email: <a href="mailto:alseafire@peak.org">alseafire@peak.org</a></p>	<p><b>Oregon State Fire Marshal</b>          Jonathon Jones 503-934-0042          Kristina Deschaine 541-726-2572          Email: <a href="mailto:jonathon.jones@state.or.us">jonathon.jones@state.or.us</a></p>
<p><b>Blodgett-Summit RFPD</b>          David Feinberg          Phone: 541-456-4406          Email: <a href="mailto:bldgtdave@aol.com">bldgtdave@aol.com</a></p>	<p><b>Philomath RFPD</b>          Richard Saalsaa          Phone: 541-929-0030          Email: <a href="mailto:rich.saalsaa@philomathfire.com">rich.saalsaa@philomathfire.com</a></p>
<p><b>Corvallis RFPD (Corvallis FD)</b>          Jeff Prechel 766-6903          Phone: 541-766-6970          Email: <a href="mailto:Jeffrey.prechel@corvallisoregon.gov">Jeffrey.prechel@corvallisoregon.gov</a></p>	<p><b>Outside an agency service area,          contact the Oregon State Fire Marshal.</b></p>
<p><b>Hoskins-Kings Valley RFPD</b>          Adam Ryan          Phone and Fax: 541- 737-6605          Email: <a href="mailto:adamdryan@gmail.com">adamdryan@gmail.com</a></p>	

## Resources on Housing and Assistance for Individuals Experiencing Homelessness

To help religious institutions successfully host vehicle camping, this section lists community resources in Benton County. Below are some resources for education on the topic and for connecting individuals with service providers.



### Service Providers

Many service providers and government entities provide resources for individuals experiencing homelessness.

#### **Alsea Food Bank / Jeni's Place**

The Alsea Food Bank is located at 18595 Highway 34.

Hours: 10 a.m. – 6 p.m. Tuesdays & Wednesdays

Call (541) 487-4442

#### **Alsea Valley Gleaners**

The Alsea Valley Gleaners serve the Alsea Valley community by gathering food and other items then distributing them to the local families in need. View their website for more information:

<https://alseavalleygleaners.org/>

#### **Coastal Range Food Bank, Inc.**

At the Coastal Range Food Bank individuals shop in a country store atmosphere for groceries or they can shop for the individual. They are located at 11661 Nashville Rd in Blodgett.

Hours: 11 a.m. – 2 p.m. Saturdays & Sundays

Call (541) 456-2141 or email: [crfb@casco.net](mailto:crfb@casco.net)

#### **Monroe Gleaners and South Benton Food Pantry**

The South Benton Food Pantry is co-located with the Gleaners at the Methodist Church in Monroe. Visit their website for location, hours, and contact info:

<https://southbentonfoodpantry.org/>

#### **Philomath Community Services**

The mission of Philomath Community Services is to provide social services to meet the needs of families and individuals in Philomath and western Benton County. They strive to serve all clients with dignity and respect. One building houses their five programs. Currently, PCS focuses on programs that provide food, garden education, clothing, select daily living items, fire wood, and

seasonal gift baskets to those local individuals and families who need these services the most. Their website lists location and hours: <https://www.philomathcommunityservices.org/outreach-programs/gleaners/>

### **Community Services Consortium (CSC)**

CSC is the community action agency for Linn, Benton, and Lincoln counties with programs to assist with housing, utility assistance, weatherization, food, and workforce and education. They also publish a resource guide that lists other local service providers.

CSC's main help page: <https://communityservices.us/get-help/>

CSC has a concise brochure with contact information for local service providers: <https://communityservices.us/wp-content/uploads/2020/04/help-card-linn-benton-042220.pdf>

CSC has a comprehensive resource guide that describes in detail all the local service providers and which services each of them offer: <https://communityservices.us/wp-content/uploads/2020/04/resources-guide-english-042220.pdf>

CSC keeps an up-to-date list of available shelter beds in Benton County: <https://communityservices.us/housing/>

### **Community Health Center (CHC) of Benton and Linn Counties**

CHCs offer team-based care that includes primary care, behavioral health, chronic disease management, and health screenings.

Alsea Clinic: <https://www.bentonlinnhealthcenters.org/alsea-health-center/>

Monroe Clinic: <https://www.bentonlinnhealthcenters.org/monroe-health-center/>

The Benton County Health Navigation Program is also available to help enroll individuals in Oregon Health Plan insurance. Details about coverage and contact information are available on the website: <https://www.bentonlinnhealthcenters.org/affordable-care/enrollment-assistance/>

### **SafePlace**

SafePlace is a collaborative effort of the First Congregational United Church of Christ, and several local agencies providing screening, support, and case management for individuals hosted by religious organizations near Corvallis. Contact information is available on their website: <https://corvallisucc.org/safe-camp/>

### **Strengthening Rural Families**

Strengthening Rural Families serves rural areas of Benton County with programs in Philomath, Alsea, Monroe, and their surrounding areas. Their website describes programs available in these areas: <https://www.ruralfamilies.org/>

Strengthening Rural Families uses a collaborative approach to promote the health and well-being of individuals and families in rural communities through education, advocacy, coalition building and community connections. They partner with local organizations, offer resources, support rural communities and provide programming through two initiatives – rural parenting and rural health. Locally-based community coordinators are in each of the primary areas served who help facilitate community events and outreach.

### [Reports and Plans](#)

Benton County and the City of Corvallis have jointly assembled the HOPE Advisory Board to address issues surrounding homelessness, services, and affordable housing. Many resource documents are listed at the bottom of the HOPE webpage: <https://www.co.benton.or.us/health/page/housing-and-homelessness>

## Sample of Vehicle Camping Screening Tool

(Modify this template to fit your institution's needs)

Name of Applicant: _____ DOB: _____
Name of Applicant: _____ DOB: _____
Phone number of Applicant:
Referral source:
Referral contact information:

### Criminal History

Does the Applicant have any of the following criminal charges?

- Sexual Offense                       Person-to-person  
 Recent or active criminal charges    Other

### Case Management Needs

- Basic Needs                               Health Care                               Food  
 OHP/Health Insurance                       Housing                                       Other

Agency Responsible for Case Management: \_\_\_\_\_

### Code of Conduct and House Rules

- The guest has signed Code of Conduct and House Rules for residing

## Samples of Vehicle Camping Agreement between Hosts & Campers

### Sample Code of Conduct

(Modify this template to fit your institution's needs)

[Name of Religious Institution] is participating as a Host to assist individuals, couples, and/or families in housing transitions by providing a safe environment for temporary shelter. By signing this form, the Participating Host agrees to provide the following:

1. Space to place one or up to three vehicles for camping on the Host's property
2. Dumpster space for a reasonable amount of personal trash
3. Access to potable water
4. Porta-toilet services

By initialing the following items and signing this form, I, as a Guest, signify that I understand and agree to each of them:

- \_\_\_\_\_ I have read and understand the Program Guidelines
- \_\_\_\_\_ I will keep the site and the surrounding area clean, neat, and presentable to the public at all times. I will not store items outside of the vehicle.
- \_\_\_\_\_ I will be respectful of neighbors and keep noise at acceptable levels. Quiet hours are 10:00 pm to 8:00 am daily.
- \_\_\_\_\_ I will not participate in illegal activities including but not limited to theft, violence, intimidation, illegal drug use, etc.
- \_\_\_\_\_ I will not have open flames inside or around my vehicle. No smoking or vaping allowed in the vehicle or on the property.
- \_\_\_\_\_ I know where a fire extinguisher is located and how to use it.
- \_\_\_\_\_ I will respect the belongings and property of the Host, all other Guests, and surrounding neighborhood.
- \_\_\_\_\_ I agree to attend a weekly check-in with the Host.

I understand that being a Guest is a temporary situation and is provided to support my transition into a more permanent housing opportunity while creating a safe environment to all Guests and the surrounding community. A pattern of behavior that is disruptive or failure to comply with this code of conduct will result in my removal from the Host property. I understand that this site is the property of the Host and I do not have tenancy rights and must leave if instructed to do so. This agreement is in effect for up to 60 days from date of signature.

_____	_____	_____
Host Representative	Date	Signature
_____	_____	_____
Guest Participant	Date	Signature

## Sample Policy Agreement

(Modify this template to fit your institution's needs)

I will adhere to the following rules and policies while participating in the Vehicle Camping Program at [location]. I will:

1. No visitors allowed.
2. Treat [staff, volunteers, employees, etc.] with respect.
3. Maintain the vehicle and surrounding area in a clean and tidy manner (e.g., nothing stored outside of or on top of the vehicle)
4. Refrain from asking for money, goods, or services from [staff, volunteers, employees, etc.].
5. Remember that I am at someone's church and will respect their beliefs.
6. Refrain from physical, verbal, or emotional abuse toward any man, woman, or child. Any person convicted, under investigation, or suspected of sexual offenses is not allowed to vehicle camp on the property.
7. Not engage in confrontational behavior while on or near the property.
8. Illegal drugs and alcohol are strictly prohibited. If suspected of being under the influence of alcohol or drugs, I will agree to submit to a drug test upon request.
9. Not smoke or vape on the property.
10. Not have open flames inside or around the vehicle. I know where the fire extinguisher is and how to use it.
11. Not bring weapons of any kind onto property.

I understand that violation of these rules may result in a written warning, suspension of services, or immediate termination of services. I further understand that if I am asked to leave and do not do so or become disruptive, I will be subject to arrest for criminal trespass.

\_\_\_\_\_  
Host Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Guest Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## Sample Camp Host Position Description

### Camp Host

The Camp Host will be responsible for day-to-day management of the vehicle camping program on [Institution Name]'s property.

### Job Summary

This position is responsible for overseeing the vehicle campsite on a day-to-day basis, with emphasis on working with individuals to adhere to camp code of conduct and provide basic assistance to individuals staying at the campsite, mainly helping them to maintain or establish connections with needed services. The Camp Host will also work closely with the institution leadership, institution staff, as well as service providers and volunteers who are assisting individuals.

### Background and Abilities:

Applicants must have a strong interest in human services or working with challenged populations, specifically those who have been homeless. We are seeking someone who is a self-starting problem-solver, but also has a proven ability to be a successful team player as this position provides key support to the case management process. This is a very rewarding and challenging position for someone who loves to help people. However, the candidate must also demonstrate an ability to establish healthy boundaries, show flexibility and compassion while being firm, and can hold themselves and others accountable. Possessing a calm demeanor, with a basic ability to resolve conflict and communicate effectively is desired.

### Duties Include:

#### Camp Operations

- Serves as point person for day-to-day management of Safe Camp, including coordinating repairs, supplies.
- Responds to inquiries about camp placement, manages waitlist.
- Responds to safety concerns in a timely manner. Also serves as the point person for law enforcement and EMT services.
- Facilitates weekly meetings with residents, in cooperation with leadership.
- Assists clients in settling in and completing the move-in process, including coordinating move-in, assessing and assisting in obtaining basic needs as necessary such as appropriate tents, sleeping bags, coordinating trips to the foodbank, etc.
- Provides life skills coaching to residents, helping them learn skills for independent, successful living. These skills could include teaching clean-up, basic cooking skills, and organizational skills as needed.
- Encourages residents to fulfill their housing and stability goals (Service Plan) by working with case managers and agency staff.



- Coordinates chore assignments and works with residents to complete chores and maintenance of the camp environment.
- Assists in mediation of conflicts within the camp between residents.
- Completes tent/micro-shelter checks to ensure residents have what they need, are maintaining their living spaces, and do not have prohibited items in their camp or shelter.
- Assists eligible clients needing transportation assistance based on medical or relocation needs; arranges transportation through bus-line and contact family members, friends, churches for assistance.
- Completes daily logs ensuring all information is accurate and up-to-date; maintains confidentiality of client information. Maintains daily “office hours” at camp office.

**Other Duties:**

- Assists in filing, completing reports and compiling other records for project reporting as needed.
- Works with volunteers to help coordinate camp project work.

**Work Environment**

Work is performed primarily outdoors with some time spent indoors and at partner agency offices.

## Neighborhood Outreach Strategies

Outreach efforts come in many forms and what may work well for one group, may not for another group. Which efforts you use will depend on where you are in the process, who is involved in your religious organization, and if your religious organization is associated with other community groups or neighborhoods.

The table below is to help you consider what strategies will work best for you considering your specific context.



**COVID-19 EMERGENCY:** Consider adapting your outreach strategies by hosting virtual meetings vs in person, making phone calls or emailing vs going door-to-door, and utilizing social media and newsletters to communicate with community members. If you choose to meet in person, consider meeting outside with a group no larger than 10 people, maintain 6 feet of physical distance, wear a mask, and stay home if you or someone in your household is sick.

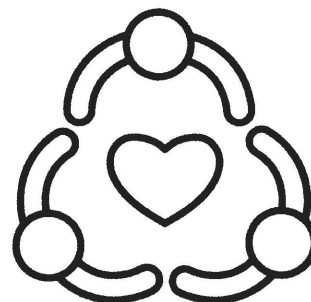
	Description	Timing	Considerations
<b>Living room meetings</b>	Have a meeting with neighbors at home. These can be one-on-one or small groups.	Use as a tool to build your team at the beginning of the process and to brainstorm and strategize.	Bring materials such as current site pictures, news blast sign-up sheets, maps, and flyers.
<b>Organize Tours</b>	Organize a group tour of a current site.	Anytime during the outreach phase.	Organize a tour for your task and outreach teams, or your Neighborhood Association Board and members. Groups may also want to coordinate or offer rides to make it easier for people to participate.
<b>Presenting to other groups</b>	Reach out to other community groups to see if you can get 20 minutes to talk about what you are trying to do. Other groups may include non-profit boards, local business groups, neighborhood associations, or service organizations.	Anytime during the outreach phase. This may be a good way to get others to join your task team or be a voice of support for your work.	Create a presentation that can be used by any member of the team. Creating visuals is a good way to keep people interested. Make sure to have news blast sign-up sheets and informational flyers, handouts, or brochures.
<b>Community Meeting</b>	Organize your own community meeting.	Anytime during the outreach phase. If you are early on in the process, consider framing the meeting more broadly as ways to reduce homelessness. If you are considering a particular site, having a skilled	Give yourself enough time to plan the meeting. Review the Outreach Tools and the Considerations for Community Meetings sheet below. Make sure to have news blast sign-up sheets and informational flyers, handouts, or brochures.

		facilitator to lead the meeting may be beneficial.	
<b>Social media posts</b>	Use various social media tools to garner support, encourage participation, and publicize any meetings. You can also encourage partner organizations to post info to their websites or social media feeds.	Anytime during the outreach phase. Use it in the beginning to grow the task team and during the project to keep the community informed and engaged.	There are many different tools available, including Facebook, Twitter, and Instagram. Use visuals, post often and encourage everyone you know to share what you have posted. There are many sites online that offer ideas about making your social media campaign effective.
<b>Newsletter Item</b>	Provide a write-up on your efforts for publication in a neighborhood association newsletter or for other organizations that may be willing to include it in their newsletters.	Throughout the outreach phase.	Several Neighborhood Associations produce newsletters.
<b>Meeting with nearby stakeholders</b>	Meet with businesses and other stakeholders near a site being considered.	Once a site has been identified and registered with Benton County.	Make sure to schedule enough time and set an agenda. You may want to bring materials such as flyers or maps. In order to avoid overwhelming a stakeholder, it is a good idea to not bring more than two or three of your group members to the meeting.
<b>Door-to-door</b>	Knock on doors to speak with neighbors and businesses within 500 feet of the identified site.	Once a site has been identified and registered with Benton County.	Canvassers should go in pairs and ideally are residents of the neighborhood. It is also beneficial for the potential operators to participate. Bring flyers about the program and a postcard with information specific to your group, the site under consideration, and future opportunities to comment.

## Considerations for a Community Meeting

Community meetings are an effective way to educate and engage community members and surrounding neighborhoods. They should be structured in a way that is efficient but that also creates ample space for all voices to be heard.

**COVID-19 EMERGENCY:** Consider adapting your outreach strategies by hosting virtual instead of an in person meeting.



Here are a few considerations for planning and hosting a community meeting.

1. Allow enough preparation time.
  - a. Give yourself as much time as possible to prepare for and advertise the meeting, at least a month is recommended.
  - b. Preparation includes finding a venue, creating an agenda, publicizing the meeting, getting copies of informational materials, and contacting potential speakers.
    - i. Potential speakers may include representatives from nonprofits currently operating vehicle camping, neighbors, others experienced with vehicle camping, involved community members, and other entities that serve the unhoused population.
2. Identify the purpose of the meeting.
  - a. Think about where your religious organization is in the process of registering as a vehicle camping location.
    - i. If you are early on in the process, use a community meeting to build support and awareness by framing it broadly as a discussion on homelessness reduction efforts supported by the County.
    - ii. If you have already registered as a host religious organization with the County, frame the meeting to be more informative and conversational about the service you are providing and the potential for having a site in the nearby neighborhood. Having a skilled facilitator to help lead the meeting may be beneficial in order to make sure that space is given for all people to be heard and that a respectful and productive meeting environment is maintained.
  - b. Be clear and up-front about whether you are exploring the possibility of establishing camping at your site and want community input on that question, or whether your institution has already decided to offer camping and are looking for input on how to reduce any concerns among neighbors.
3. Create an agenda for the meeting.
  - a. Be realistic about how much time each agenda item will take.
  - b. If you have speakers, make sure they are aware of how much time they have.
  - c. Leave enough time for questions.

- d. Keep the meeting on track and respect participants' time.
4. Give an opportunity for introductions depending on the size of attendance and purpose of the meeting.
  - a. Discussion based meetings should always start with introductions.
5. Do not use jargon specific to homelessness issues or programs.
  - a. Begin meetings by explaining the homelessness issue in Benton County and the program or programs you are interested in discussing or pursuing.
6. Do not dictate the outcome of the meeting.
  - a. Homelessness intervention can be a contentious issue. Make sure community members feel heard when they voice a concern. Even if you do not agree with what someone says, thank them for their time and willingness to participate.
  - b. As these conversations can be very difficult, it may also be helpful for meeting organizers to participate in a training on how to have difficult conversations, to have experienced organizations at the meeting to help answer questions, or to have a skilled facilitator facilitate the meeting.
7. Provide comment cards that allow for attendees to participate if they are uncomfortable speaking in the group.
8. Bring flyers, maps, and news blast sign-ups with you.

## Outreach Materials

This section provides examples of outreach materials that may be used to engage the community on this topic.

### Tips for Neighborhood Outreach

**COVID-19 EMERGENCY:** Consider adapting your outreach strategies by using email, calling on the phone, or posting on social media instead of going door-to-door.

- Go in pairs and use a tracking sheet to take notes and track where you have been.
- Have potential operators as well as people who live in the area participate if possible, creating a situation where neighbors can talk to neighbors.
- Look to the Benton County Community Development website and the County FAQ provided upon registration for other potential questions that may be asked.
- If no one answers the door, leave a flyer.
- If someone wants to talk, it is good to give them the space to do so and listen to their concerns. If someone does not want to talk, that is fine too. Just let them know there is a number on the flyer they can call if they have questions or concerns later. Sometimes it also just helps to remind people that you are a volunteer who cares about this issue because \_\_\_\_.
- Some may get off topic and discuss broader or separate issues all together. You may find it helpful to say something like, “I hear you. While we care about all issues that affect [the neighborhood or the community], we are community members who are working more specifically on this effort right now. On that other topic, you may want to talk to [your neighborhood association, Benton County, etc.]”
- Refrain from getting into an argument with someone. If a conversation becomes unproductive or argumentative, just leave it.
- Have a contact or response prepared for how someone may become involved.
- Leave any residence or business where you are or become concerned for your safety.

### Tracking Outreach Efforts

Community outreach should be coordinated to maximize volunteer time and avoid redundancy. Here you will find outreach tracking templates that you can adapt to fit your needs.

## **Meeting Tracking Sheet**

<b>Date</b>	<b>Time</b>	<b>Location</b>	<b>Type (Open to Public or Invite Only)</b>	<b>Meeting Purpose/Agenda</b>	<b>Attendees (number or names depending on size)</b>

## Door-to-Door Tracking Sheet

Time	Address (Type: home, business, etc.)	Talked with or Left Flyer	Notes/Comments	Contact Info (if follow up needed)	Initials



## Social Media Posts

You can use the following template to create and plan consistent social media posts.

Date	Type (Facebook, Instagram, etc.)	Message

## News Blast Sign-Up

Want to keep up with our efforts? Sign up to receive e-news updates.

Name	Neighborhood	Email



# Vehicle Camping at Religious Institutions

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Benton County Vehicle Camping at Religious Institutions. Code Chapter 40.

[Click here for the Benton County Vehicle Camping Registration Form](#)

[Click here for Benton County Resource Manual for Vehicle Camping](#)

[Click here for Vehicle Camping at a Religious Institution Ordinance 2020-0295 \(Emergency\)](#)

*This page will be updated as new information becomes available.*

[Frequently Asked Questions](#)

## **What is the Vehicle Camping on Religious Institution Property Code?**

On May 5, 2020, the Benton County Board of Commissioners adopted Benton County Code Chapter 40, which allows religious institutions in unincorporated areas (outside city limits) of Benton County to host up to three vehicles for overnight camping on their property for individuals who lack permanent shelter.

## **Why is this a County Code instead of a land use action?**

Oregon Revised Statutes (ORS) 203.082 provides a means, separate from land use laws, for jurisdictions to enable vehicle camping at religious institutions. In essence, the vehicle

camping is allowed as an accessory use to an established religious institution.

### **What does the Vehicle Camping code allow?**

The code allows for religious institutions in unincorporated areas (outside city limits) of Benton County to host no more than three vehicles for vehicle camping at the registered site at any one time, subject to certain standards and restrictions.

### **What is considered a “vehicle”?**

A “vehicle” includes a licensed and operable automobile, camper, travel trailer or recreational vehicle. A “vehicle” also includes a rigid-walled, readily transportable temporary sleeping unit exempt from building code and consistent with minimum guidelines issues by the Benton County Community Development Director. The hosting religious institution is responsible for ensuring vehicles meet and adhere to the minimum guidelines.

### **What is the purpose of the Vehicle Camping code?**

The COVID-19 pandemic has caused social service disruptions that have left all vulnerable populations in the community, including people experiencing homelessness, at greater risk to a variety of health and welfare impacts.

There is an immediate need for individuals to have access to stable locations at which to shelter in place, in order to comply with Oregon Governor Brown’s Executive Order No. 20-12 directing Oregonians to stay at home and participate in physical distancing.

There are members of rural communities that have vehicles as their primary shelter and no fixed place at which to safely and legally park. Additionally, community organizations have constructed temporary transportable sleeping units (“micro-shelters”) which are similar to vehicles in that they can be relocated and are not permanent installations but which provide many benefits when compared to a standard vehicle in use as a sleeping unit.

### **Why was an emergency, limited-term Vehicle Camping code adopted instead of a permanent code?**

The need for swift action in the face of the COVID-19 crisis combined with the challenges that the pandemic creates for public engagement necessitate Benton County adopting a limited-term ordinance with a commitment to a robust public engagement process prior to adopting any permanent ordinance authorizing vehicle camping at religious institutions.

The County has adopted an emergency ordinance, which will be in effect for 60 days. The County is in the process of adopting an intermediate ordinance, which would take effect upon expiration of the emergency ordinance and would expire December 31, 2021. The County intends to vet a permanent ordinance through a robust public engagement process and consider its possible adoption, prior to expiration of the intermediate ordinance.

### **Why does the Vehicle Camping code only apply to unincorporated areas of Benton County?**

The Vehicle Camping code applies to religious institutions in unincorporated areas (outside city limits) of Benton County as this is the area Benton County has jurisdiction over.

Incorporated cities would need to adopt similar codes to enable religious institutions within their jurisdictions to offer vehicle camping.

### **Why is vehicle camping allowed on religious institutions? What other institutions were considered?**

Pursuant to Oregon Revised Statutes (ORS) 203.082, Benton County may enact an ordinance authorizing vehicle camping specifically and only at religious institutions. The ORS does not include other institutions.

### **Did Benton County consider the impact of dispersing vulnerable people experiencing homelessness away from social services?**

The intention of the emergency Vehicle Camping code is to provide one additional tool for rural communities to provide a safe and stable means to shelter in place during the COVID-19 pandemic. There are members of rural communities that have vehicles as their primary shelter and no fixed place at which to safely and legally park.

### **How does a religious institution become a host for vehicle camping?**

Religious institutions interested in hosting vehicle camping should carefully consider whether hosting vehicle camping is appropriate for their organization and the property, and

whether they have the necessary resources to successfully host individuals or families in a vehicle camping environment.

The organization, supervision, and maintenance of a vehicle camping location is solely the responsibility of the religious institution, and not Benton County. Religious institutions deciding to host vehicle camping do so at their own risk and expense.

To host vehicle camping, Benton County is requiring that the religious institutions register their location with Community Development and comply with specific standards outlined in the code.

### **What standards do religious institution hosting vehicle campers need to follow?**

To host vehicle camping, the County is requiring that the religious institutions register their location with the County and comply with the standards outlined below:

- No more than three vehicles for vehicle camping is allowed at the registered site at any one time. Vehicle also includes a rigid-walled, readily transportable temporary sleeping unit exempt from building code and consistent with minimum guidelines issued by the Community Development Director. A church, synagogue or other religious institution shall be responsible for ensuring vehicles meet and adhere to the minimum guidelines.
- The religious institution shall provide campers with access to onsite sanitary facilities, including at minimum toilet, hand washing and trash disposal facilities.



- The camping occurs on the same property as the religious institution's facility or an adjacent property that the religious institution owns or leases and has land use approval for religious institutional uses. In the case of leased land, the church shall provide the County with written authorization from the property owner to establish vehicle camping.
- No payment of fee, rent, or other monetary charge shall be required of campers. This provision does not prevent the religious institution from accepting donations.
- Vehicles and all associated outside facilities (such as toilet, trash disposal, storage unit) shall be located at least 12 feet from all property lines, road right-of-way or access easements, and each vehicle shall be located at least 12 feet from other vehicles and from associated outside facilities.
- All items and materials must be stored in vehicles or in separate storage unit, other than items designed and intended for outdoor use which shall be screened from adjacent properties and public rights-of-way

### **Who will let neighbors know if a religious institution becomes a host for vehicle camping?**

Benton County staff are preparing a support manual with recommendations from various agencies to insure that religious institutions are aware and prepared to host individuals on their property. This manual recommends that religious institutions communicate with their neighbors before

and during the hosting of people on their property. Benton County will not be notifying neighbors.

### **What do I do if I have a concern about the vehicle camping that is occurring at a religious institution in my neighborhood?**

The Code Compliance program of the Benton County Community Development Department can provide emergency contact information for the host institution, which will typically be the most direct and effective way to have a concern addressed. In cases where that is ineffective and if a nuisance or threat to public health, safety or welfare exists, Benton County can take action pursuant to Benton County Code Chapter 21 – Nuisance Abatement.

### **Who funds vehicle camping on religious institution property?**

Vehicle camping at religious institutions is not funded or sponsored by Benton County. All costs associated with hosting vehicle camping are the responsibility of the property owner. These costs may include providing toilet facilities, trash receptacles, supervision of the guests, and clean-up of the area.

The County may only explain the minimum requirements for a registered vehicle camping location, and cannot offer any legal advice for property owners interested in hosting vehicle camping, and strongly recommends that anyone interested in hosting vehicle camping undertake their own research on the

subject, and obtain the advice of their own attorney before deciding to host vehicle camping.



# WASHINGTON COUNTY

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## OREGON

### PROPOSED LAND USE ORDINANCE NO. 867

*Individual and General Notice 2020-04*  
*July 10, 2020*

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

#### ORDINANCE PURPOSE AND SUMMARY:

Ordinance No. 867 would amend the Community Development Code (CDC) to allow religious institution sites and other properties in certain urban nonresidential land use districts to offer space where homeless persons can temporarily live in vehicles, subject to participation in a program designed to transition them to stable housing.

#### Who is Affected

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

#### What Land is Affected

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

#### PUBLIC HEARING INFORMATION/LOCATION:

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

#### Planning Commission

**1:30 p.m.**

Aug. 5, 2020

#### Board of Commissioners

**10 a.m.**

Sept. 1, 2020

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

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

#### KEY PROVISIONS:

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

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

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

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

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

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

- 106 - Definitions
  - 201 - Development Permit
  - 308 - Future Development 20-Acre District (FD-20)
  - 309 - Future Development 10-Acre District (FD-10)
  - 311 - Neighborhood Commercial District (NC)
  - 312 - Office Commercial District (OC)
  - 313 - Community Business District (CBD)
  - 314 - General Commercial District (GC)
  - 320 - Industrial District (IND)
  - 330 - Institutional District (INST)
  - 375 - Transit Oriented Districts
  - 390 - North Bethany Subarea Overlay District
  - 392 - Pedestrian-Oriented Mixed-Use Districts
  - 430 - Special Use Standards
- 

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

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

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

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

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

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

##### **Staff Contact**

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

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

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

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

FILED

JUL 01 2020

Washington County  
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 867

An Ordinance Amending the Community  
Development Code Relating to Safe Vehicle  
Camping/Parking for Homeless Persons to Aid in  
Transition to Stable Housing

The Board of County Commissioners of Washington County, Oregon ("Board")

ordains as follows:

SECTION 1

A. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380-381, 384-386, 392-393, 397, 399-403, 407, 412-413, 415, 417, 421-423, 428-434, 436-437, 439, 441-443, 449, 451-454, 456-457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525-526, 528-529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588-589, 591-595, 603-605, 607-610, 612, 615, 617-618, 623-624, 628, 631, 634-635, 638, 642, 644-645, 648-649, 654, 659-662, 667, 669-670, 674, 676-677, 682-686, 692, 694-698, 703-704, 708-709, 711-712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762-763, 765-766, 769-776, 782-788, 791-792, 797-802, 804, 809-811, 813-815, 820, 822-824, 826-828, 831-835, 838, 840-42, 845-847, 851, 853, and 855-859.

B. The unprecedented need for transitional housing and complementary services for the benefit of homeless individuals indicates the need for amendments to the Community

1 Development Code to facilitate such assistance. The Board recognizes that such changes are  
2 necessary for the health, safety, and welfare of the residents of Washington County, Oregon.

3 C. Under the provisions of Washington County Charter Chapter X, the  
4 Department of Land Use and Transportation has carried out its responsibilities, including  
5 preparation of notices, and the County Planning Commission has conducted one or more  
6 public hearings on the proposed amendments and has submitted its recommendations to the  
7 Board. The Board finds that this Ordinance is based on those recommendations and any  
8 modifications made by the Board, as a result of the public hearings process.

9 D. The Board finds and takes public notice that it is in receipt of all matters and  
10 information necessary to consider this Ordinance in an adequate manner and finds that this  
11 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan  
12 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington  
13 County Charter, the Washington County Community Development Code, the Washington  
14 County Transportation System Plan, and the Washington County Comprehensive Plan.

15 SECTION 2

16 The following exhibit, attached hereto and incorporated herein by reference, is adopted  
17 as an amendment to the designated document as follows:

18 A. Exhibit 1 (5 pages), amends the following sections of the Community  
19 Development Code:

- 20 1. Section 106 – Definitions;
- 21 2. Section 201 – Development Permit;
- 22 3. Section 308 – Future Development 20-Acre District (FD-20);

- 1 4. Section 309 – Future Development 10-Acre District (FD-10);
- 2 5. Section 311 – Neighborhood Commercial District (NC);
- 3 6. Section 312 – Office Commercial District (OC);
- 4 7. Section 313 – Community Business District (CBD);
- 5 8. Section 314 – General Commercial District (GC);
- 6 9. Section 320 – Industrial District (IND);
- 7 10. Section 330 – Institutional District (INST);
- 8 11. Section 375 – Transit Oriented Districts;
- 9 12. Section 390 – North Bethany Subarea Overlay District;
- 10 13. Section 392 – Pedestrian-Oriented Mixed-Use Districts; and
- 11 14. Section 430 – Special Use Standards.

### 12 SECTION 3

13 All other Comprehensive Plan provisions that have been adopted by prior ordinance,  
14 which are not expressly amended or repealed herein, shall remain in full force and effect.

### 15 SECTION 4

16 All applications received prior to the effective date shall be processed in accordance  
17 with ORS 215.427.

### 18 SECTION 5

19 If any portion of this Ordinance, including the exhibit, shall for any reason be held  
20 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be  
21 affected thereby and shall remain in full force and effect.

22 ///



1     SECTION 6

2             The Office of County Counsel and Department of Land Use and Transportation are  
3 authorized to prepare planning documents to reflect the changes adopted under Section 2 of  
4 this Ordinance, including deleting and adding textual material and maps, renumbering pages  
5 or sections, and making any technical changes not affecting the substance of these  
6 amendments as necessary to conform to the Washington County Comprehensive Plan format.

7     SECTION 7

8             This Ordinance shall take effect thirty (30) days after adoption.

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

12   BOARD OF COUNTY COMMISSIONERS  
13   FOR WASHINGTON COUNTY, OREGON

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

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

17                     READING

17                     PUBLIC HEARING

18     First \_\_\_\_\_  
19     Second \_\_\_\_\_  
20     Third \_\_\_\_\_  
21     Fourth \_\_\_\_\_  
22     Fifth \_\_\_\_\_  
23     Sixth \_\_\_\_\_

18     First \_\_\_\_\_  
19     Second \_\_\_\_\_  
20     Third \_\_\_\_\_  
21     Fourth \_\_\_\_\_  
22     Fifth \_\_\_\_\_  
23     Sixth \_\_\_\_\_

24     VOTE: *Aye*: \_\_\_\_\_

24     VOTE: *Nay*: \_\_\_\_\_

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

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

## 1. SECTION 106 – DEFINITIONS

**106-243212 Urban Growth Boundaries (UGB).** The legally defined boundaries adopted by Washington County, Metro or appropriate incorporated cities, and acknowledged by LCDC, which identify and separate urbanized land from rural and natural resource land.

**106-244213 Vanpool/Carpool.** Two (2) or more people who share the use and/or cost of a van or car for transportation to and from a destination.

**106-245214 Vegetated Corridor.** Lands that are located within the Clean Water Services boundary and are defined in the "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor. Vegetated corridors are generally preserved and maintained lands intended to protect the water quality functions of water quality sensitive areas.

**106-215 Vehicle Camping Site for Homeless Persons.** A location where overnight camping spaces are provided temporarily to homeless persons living in vehicles, as allowed pursuant to program requirements adopted by a city or County or other public agency that are designed to aid in transition to stable housing (Section 201-2.36).

For the purpose of a Vehicle Camping Site for Homeless Persons, a "vehicle" is a car, van, truck, motorized or towable recreational vehicle/camper/trailer/tiny home on wheels or similar conveyance, without regard to whether the vehicle was designed for use as temporary living quarters.

\*\*\*

## 2. SECTION 201 – DEVELOPMENT PERMIT

### 201-2 Exclusions from Permit Requirement

The following activities are permitted in each district except as limited to particular districts below, but are excluded from the requirement of obtaining a development permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

\*\*\*

**201-2.36 Vehicle Camping Site for Homeless Persons** as defined in Section 106, on a site in the following non-residential districts: FD-20, FD-10, NC, OC, CBD, GC, IND, INST, TO:RC, TO:EMP, TO:BUS, NCC NB, NCMU NB, INST NB, CCMU or NMU or on the site of a religious institution in any urban district, subject to the following:

abcdef Proposed additions  
~~abcdef~~ Proposed deletions

- A. Written certification from a city, the County or other authorized public agency that, at the time of certification, the property owner and site are in compliance with program requirements adopted by the city, the County or other public agency, designed to aid in transition to stable housing;
- B. Located in a parking lot on a site that includes a building occupied by a non-residential commercial interest, religious institution, place of worship, public service nonprofit, or public entity, where both the parking lot and building are owned or operated by that entity;
- C. Any storage facility placed onsite is not visible from public rights of way;
- D. Maximum number of vehicles for camping use that will be onsite simultaneously is three unless otherwise provided in Oregon Revised Statute and program rules;
- E. Parking spaces used for vehicle camping, and storage and sanitary facilities, are located:
  - 1. No less than 10 feet from property lines of the subject site; and
  - 2. Storage and sanitary facilities are no less than 20 feet from the property line of any offsite residential use; and
- F. Vehicle camping does not occupy pedestrian walkways, fire lanes or other emergency access areas, or areas needed for corner vision (Section 418-3) or sight distance (Section 501-8.5 F.).

### 3. SECTION 308 – FUTURE DEVELOPMENT 20-ACRE DISTRICT (FD-20)

#### 308-5 Prohibited Uses

- 308-5.1 Structures or uses not specifically authorized in Section 308, except as listed under Section 201-2 (Exclusions from Permit Requirement).
- 308-5.3 The use of a recreational vehicle as a residence except where specifically authorized as a temporary use in Sections 308-2.8 and 308-3.4 or as allowed under Section 201-2 (Exclusions from Permit Requirement).
- 308-5.4 The outdoor parking or storage of any five or more vehicles on a single lot or parcel for more than 48 hours, except as approved in conjunction with a development or as allowed under Section 201-2 (Exclusions from Permit Requirement).

#### **4. SECTION 309 – FUTURE DEVELOPMENT 10-ACRE DISTRICT (FD-10)**

##### **309-5 Prohibited Uses**

- 309-5.1 Structures or uses not specifically authorized in Section 308, except as listed under Section 201-2 (Exclusions from Permit Requirement).
- 309-5.2 The use of a recreational vehicle as a residence except where specifically authorized as a temporary use in Sections 309-2.8 and 309-3.4 or as allowed under Section 201-2 (Exclusions from Permit Requirement).
- 309-5.3 The outdoor parking or storage of any five or more vehicles on a single lot or parcel for more than 48 hours, except as approved in conjunction with a development or as allowed under Section 201-2 (Exclusions from Permit Requirement).

#### **5. SECTION 311 – NEIGHBORHOOD COMMERCIAL DISTRICT (NC)**

##### **311-5 Prohibited Uses**

- 311-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).
- 311-5.4 New residential uses except as provided in Sections 311-3.6 and 311-3.16 or identified under Section 201-2 (Exclusions from Permit Requirement).

#### **6. SECTION 312 – OFFICE COMMERCIAL DISTRICT (OC)**

##### **312-5 Prohibited Uses**

- 312-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

#### **7. SECTION 313 – COMMUNITY BUSINESS DISTRICT (CBD)**

##### **313-5 Prohibited Uses**

- 313-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

**8. SECTION 314 – GENERAL COMMERCIAL DISTRICT (GC)**

**314-5 Prohibited Uses**

314-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

**9. SECTION 320 – INDUSTRIAL DISTRICT (IND)**

**320-5 Prohibited Uses**

320-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

**10. SECTION 330 – INSTITUTIONAL DISTRICT (INST)**

**330-6 Prohibited Uses**

330-6.1 Structures or uses not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed as permitted through a Type I, II, or III procedure, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

**11. SECTION 375 – TRANSIT ORIENTED DISTRICTS**

**375-5 Prohibited Uses**

375-5.1 Uses in each of the Transit Oriented Districts that are identified in Table A as prohibited use, except as allowed for uses listed under Section 201-2 (Exclusions from Permit Requirement).

375-5.2 Structures or uses not specifically authorized by the applicable Transit Oriented District, unless the structure or use has substantially similar use and impact characteristics to a use listed as determined through the provisions of Section 202-2.2. or is identified under Section 201-2 (Exclusions from Permit Requirement).

**12. SECTION 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT**

**390-6 Prohibited Uses**

390-6.2 The following structures and uses are prohibited in all non-residential districts in the North Bethany Subarea.

abcdef Proposed additions  
~~abcdef~~ Proposed deletions

- A. Structures or uses not specifically authorized by Section 390, unless identified under Section 201-2 (Exclusions from Permit Requirement).
- C. New residential uses except as provided in Sections 390-13.3 H. and 390-14.3 G. and K. or identified under Section 201-2 (Exclusions from Permit Requirement).

**13. SECTION 392 – PEDESTRIAN-ORIENTED MIXED-USE DISTRICTS**

392-5.2 Structures or uses not specifically authorized by the applicable Pedestrian-Oriented Mixed-Use District, unless the structure or use has substantially similar use and impact characteristics to a listed use as determined through the provisions of Section 202-2.2. or is identified under Section 201-2 (Exclusions from Permit Requirement).

**14. SECTION 430 – SPECIAL USE STANDARDS**

**430-25 Campground (Camping Areas and Facilities - Public and Private)**  
Any area or tract of land used to accommodate two (2) or more camping parties (including tents, travel trailers, other camping outfits and, except in the EFC, EFU, and AF-20 Districts, cabins). A campground is an area devoted to overnight, temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A Vehicle Camping Site for Homeless Persons (Section 201-2.36) is not considered a campground for purposes of this section.



# ZONING CODE

## INFORMATION GUIDE

### Information for Religious Institutions: Safe Park Program and Transitional Housing Allowances

**Religious institutions can host up to three vehicles a night, allowing people to safely park and sleep on their property:**

The Portland Zoning Code acknowledges State of Oregon allowances for religious institutions to host up to three vehicles for car camping per night. The provision written in Portland Zoning Code Section 33.920.470.B states “a religious institution may allow overnight car camping for up to three vehicles as specified in ORS 203.082” provided the guests have access to sanitary facilities. The City, in recognition of the benefits of these programs, has created guidelines to assist with the creation and activation of this community program.



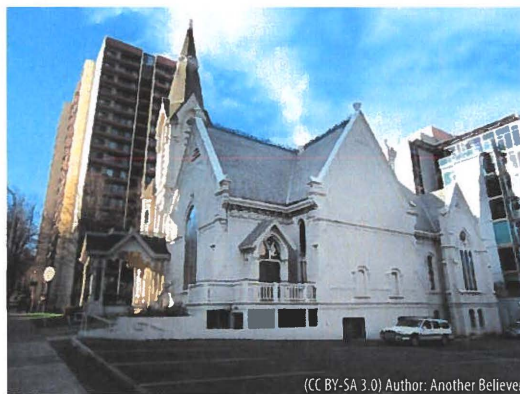
(CC BY 3.0 DE) Author: High Contrast



(CC BY-SA 2.0) Author: dave\_7

**Religious Institutions can host up to 6 families for a period of up to 180 days.**

The Portland Zoning Code allows religious institutions to host up to 6 transitional housing units for a period of up to 180 days. These housing units, deemed temporary shelters, can range from Sunday school areas to auditoriums. For periods of less than 180 days, building code inspectors do not require permits. However, a conditional use permit is required through the Fire Marshal’s Office. Inspections are required as part of this conditional use permit. The number of guests allowed is dependent on the space of the area proposed and is limited to six households (defined in the Portland Zoning Code). These transitional housing units are listed as accessory uses to the Religious Institutions. Portland Zoning Code Section 33.920.470.B states “a transitional housing unit is a housing unit for one household and is occupied for less than 180 days within a calendar year.”



(CC BY-SA 3.0) Author: Another Believer

INFORMATION FOR RELIGIOUS INSTITUTIONS: SAFE PARK PROGRAM AND TRANSITIONAL HOUSING ALLOWANCES



# The Car Camping Program

## What is the Car Camping Program?

The Car Camping Program provides safe and legal places for unhoused people to sleep in vehicles, camper trailers, tents, Conestoga huts, or tiny homes on wheels.

## How are sites selected?

Car camping sites can be located on property owned or leased by public entities, non-profits, businesses, or religious organizations. The property owner may grant permission for up to 6 vehicles, which, by applicable City Code, also includes camper trailers, tents, Conestoga huts, or tiny homes on wheels.

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*Last year, the Overnight Parking Program, operated by St. Vincent de Paul, helped 81 individuals, 27 families, and 41 children*

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## Who operates the sites, and who pays for the program?

The majority of car camping sites are managed by St. Vincent de Paul through their Overnight Parking Program. They oversee more than 70 permitted spots at 43 addresses in the Eugene/Springfield metro area. There are also churches, non-profits, and businesses who host and oversee their own Car Camping sites.



The City of Eugene provides funding for the Overnight Parking Program operated by St. Vincent de Paul through a contract agreement. Funds are used to supply the portable restrooms and trash service and for St. Vincent de Paul staff to administer the program. Hosts who are not part of St. Vincent de Paul's program pay their own program costs.

## How are the sites kept healthy and safe?

Car camping sites must have sanitary facilities, garbage disposal services, and a storage area for campers to store any personal items so that they are not visible from any public street. St. Vincent de Paul provides siting, camper screening and placement, garbage disposal, portable restrooms, and linkages to services for participants in their program at no cost to the host site.

## How does someone get on the waiting list?

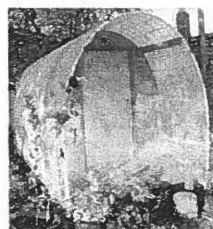
Families and individuals experiencing homelessness may apply to receive a slot at one of the sites. Single adults in need of assistance should call (541) 461-8688 or visit the Eugene Service Station at 450 Highway 99 N. Families should visit First Place Family Center at 1995 Amazon Parkway, open 7 days/week.

## Where can I find more information about becoming a host site?

St. Vincent de Paul manages car camping sites at no cost to the host. Individuals or businesses who are interested in more information about their program can visit <https://www.svdp.us/what-we-do/homeless-services/overnight-parking-program/> or call (541) 461-8688. You can also reach the City Manager's Office at (541) 682-8442 to find out more information about becoming a host site.

## Where do Conestoga huts come from?

A local nonprofit, Community Supported Shelters, constructs the Conestoga huts for use in homeless programs in Eugene and the surrounding area. For more information, visit [www.communitysupportedshelters.org](http://www.communitysupportedshelters.org).







# PERMITTED OVERNIGHT SLEEPING (CAMPING)

The City of Eugene allows for overnight sleeping (camping) in certain situations with the property owners' permission. The requirements are set out in Chapter 4 of the Eugene Code (EC) beginning at EC 4.816. The Eugene Code is available online at [www.eugene-or.gov/citycode](http://www.eugene-or.gov/citycode).

## Where is camping allowed?

**Parking Lots** People may sleep overnight in a vehicle, camper, trailer, tent, or Conestoga hut in a parking lot of a religious organization, business, or public entity as long as there is an occupied structure on site. The property owner may grant permission for up to 6 vehicles used for sleeping at any one time.

**Residential Zones** No more than one family may sleep overnight in the backyard or in a vehicle, camper, or trailer parked in the driveway of a single family dwelling. Permission of the tenant, as well as the property owner, is required. Only one tent or camping shelter is allowed in the backyard and must be at least five feet from any property line. A "family" means people related by blood or marriage, or no more than two unrelated adults.

**Vacant Lots** People may sleep overnight in a vehicle, camper, or trailer on a paved or graveled surface located on a vacant or unoccupied lot. The city may require the camping site to be part of a supervised program operated by the city or its agent. The property owner may grant permission for up to 6 vehicles used for sleeping at any one time.

## Are there any other regulations I should be aware of?

Yes, a property owner that allows people to sleep overnight on a property must provide the following:

- Sanitary facilities;
- Garbage disposal services;
- Storage area for campers to store any personal items, so the items are not visible from any public street.

Also, the property owner CANNOT require payment of any fee, rent, or other monetary charge for overnight sleeping.


The City has the right to revoke permission for overnight sleeping if such an activity on that property is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare.

If you have any questions please check with Code Compliance staff at 541-682-5819 or [codecompliance@ci.eugene.or.us](mailto:codecompliance@ci.eugene.or.us).

[www.eugene-or.gov/bps](http://www.eugene-or.gov/bps)

*Note: This document should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this document.*

# Memorandum

To: Planning Commission / Commission Advisory Committee  
 From: Derrick I. Tokos, AICP, Community Development Director   
 Date: July 23, 2020  
 Re: Request for Proposals to Prepare a Refinement Plan for the South Beach / US 101 Commercial-Industrial Corridor

This work session has been scheduled to provide the Planning Commission an opportunity to provide input on how the project scope is framed for the South Beach / US 101 Commercial Industrial Corridor refinement plan. With that in mind, I have outlined below the substantive elements for your consideration. Once we have your feedback, I'll work this in to the City's preferred format for Request for Proposals. It will then be reviewed by the Urban Renewal Agency in August. Proposals would be due by the end of September. The Urban Renewal Agency has about \$9 million available for the final project phase, plus any proceeds it may receive from the sale of the property at 35<sup>th</sup> and US 101.

**Project Purpose:** Assess commercial and industrial lands along the US 101 corridor from the south end of the Yaquina Bay bridge to the Newport Municipal Airport, to identify development or land acquisition opportunities, determine if changes to land use requirements are needed to facilitate revitalization of the area, and inform the final round of urban renewal investments from the South Beach Urban Renewal District. That District closes to new projects at the end of 2025. This plan will also specifically evaluate redevelopment possibilities for the 2.3 acres that the Urban Renewal Agency purchased at the northeast corner of US 101 and 35<sup>th</sup> Street in light of the improvements that will be made to the highway and intersection at that location. The highway and intersection improvements will go under construction in spring/summer of 2021.

**Desired Qualifications:** The City of Newport is seeking proposals from qualified individuals, firms, or teams with demonstrated experience in preparing land use, infrastructure, and financing plans for the redevelopment and adaptive re-use of property through a process of active public engagement.

**Timing:** City desires to have the plan complete by the end of 2021.

**Budget:** \$100,000

**Deliverables:** Pandemic appropriate public engagement plan, existing condition assessment (land use/infrastructure), redevelopment/re-use opportunities and constraints report and maps (land use/infrastructure), community preference surveys (at least two), preferred alternatives memo and illustrative plan, prioritized list of projects for final round of South Beach Urban Renewal District investments with planning level cost estimates (5 year window), commercial/industrial land use code audit with recommended revisions, concept drawings for 4-5 priority projects including the urban renewal owned parcel at 35<sup>th</sup> and US 101.

#### Attachments

South Beach Urban Renewal District Fact Sheet  
 Final Phase of South Beach District Projects  
 Map of Agency Property at 35<sup>th</sup> and US 101  
 Map of Upcoming US 101 and 35<sup>th</sup> Street Improvements



# South Beach Urban Renewal District

The South Beach Urban Renewal District was established in 1983 and extended at a reduced size in 2009 for the purpose of upgrading the infrastructure and acquiring land to support economic development. With public input, a new project list was developed with the 2009 extension, to be funded with revenue bonds over three, 6 year phases. Urban renewal projects constructed or budgeted since the 2009 amendment, and subsequent amendments, have leveraged over \$8.8 million from federal, state, and private sources. Those dollars are in addition to the urban renewal funding figures listed below.

## QUICK FACTS (AMENDMENT NO. 13)

SIZE:	1,169 acres (Incorporated and Unincorporated)
DURATION:	44 years
USE DESIGNATIONS	
COMMERCIAL:	1.21%
INDUSTRIAL:	14.03%
WATER-RELATED INDUSTRIAL:	32.37%
RESIDENTIAL	15.85%
PUBLIC:	36.54%
MAX. INDEBTEDNESS:	\$38,750,000
REMAINING FOR PROJECTS:	\$9,864,000
EST. INCREMENT OVER LIFE OF AMENDMENT:	\$40,619,593
PORTION INCREMENT CITY TAXES:	37.56%

## PROJECT DETAILS (COMPLETED)

MARINE SCIENCE DRIVE CIRCULATION AND STREETScape ENHANCEMENTS:	\$2,154,000
COHO BRANT REFINEMENT PLAN:	\$60,000
COASTAL GULLY OPEN SPACE:	\$225,000
SAFE HAVEN HILL TSUNAMI EVACUATION ASSEMBLY AREA IMPROVEMENTS:	\$272,500
ASH STREET IMPROVEMENTS:	\$355,000
US 101 – 40 <sup>TH</sup> TO 50 <sup>TH</sup> WATER AND SEWER LINE IMPROVEMENTS:	\$797,000
SE FERRY SLIP ROAD STREET AND PATHWAY IMPROVEMENTS:	\$1,354,900
SW ABALONE, SW 30 <sup>TH</sup> , SW 27 <sup>TH</sup> , AND SW BRANT STREET IMPROVEMENTS:	\$2,038,700
PURCHASE NE CORNER 35 <sup>TH</sup> / US 101:	\$1,540,000

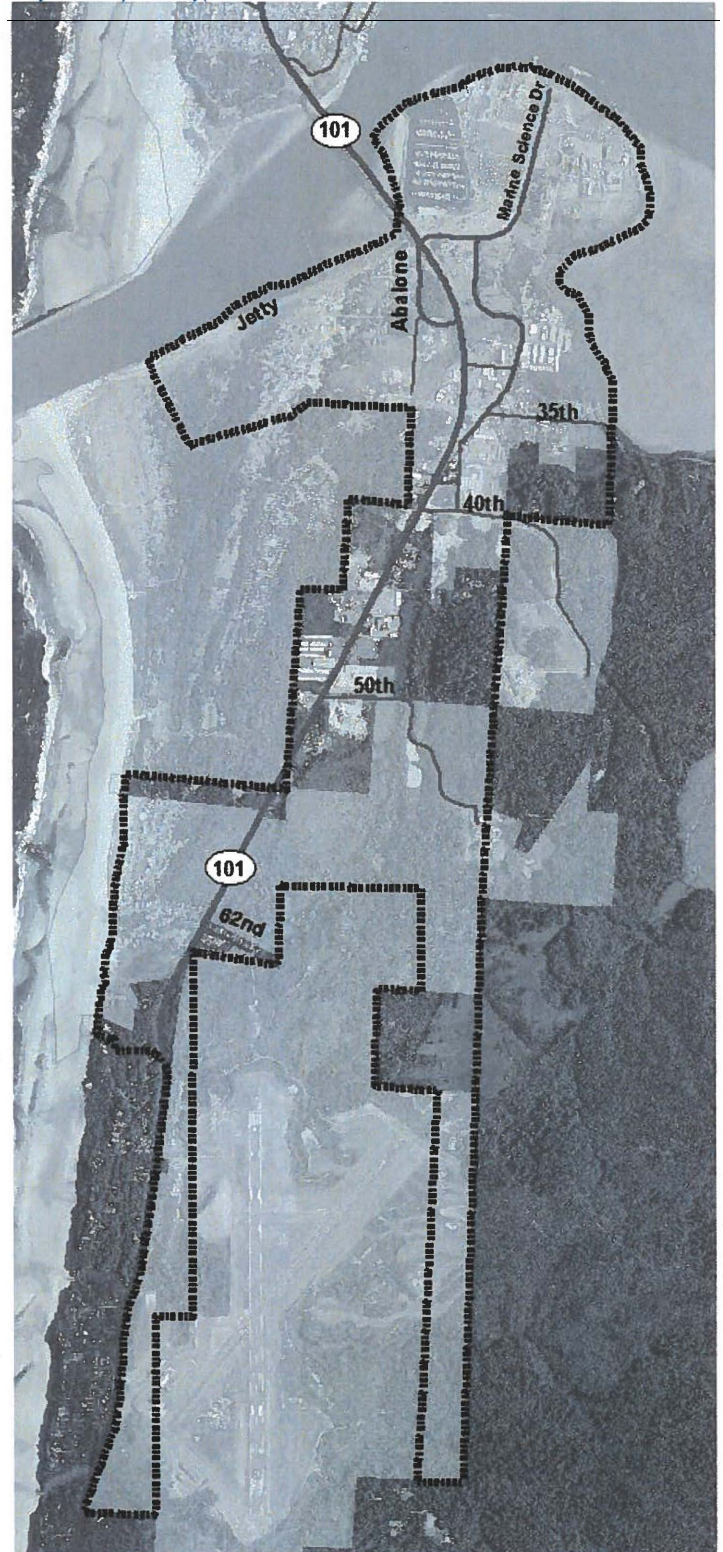
## BUDGETED PROJECTS

US 101 – SE 32 <sup>ND</sup> TO SE 35 <sup>TH</sup> SIGNAL RELOCATION AND STREETScape ENHANCEMENT PROJECT:	\$2,495,100
SE FERRY SLIP / US 101 UTILITY UNDERGROUNDING:	\$1,000,000
SE 50 <sup>TH</sup> AND SE 62 <sup>ND</sup> ROW ACQUISITION:	\$200,000
SE CHESTNUT TRAIL EASEMENT	\$50,000
US 101 CORRIDOR REFINEMENT PLAN	\$75,000

## PRIORITIES FOR FINAL PROJECT PHASE

SIGNALIZE SE 40 <sup>TH</sup> AND US 101:	\$1,750,000
INSTALL REDUNDANT YAQUINA BAY WATER PIPELINE CROSSING:	\$2,800,000
EXTEND SEWER SERVICE TO NEWPORT MUNICIPAL AIRPORT:	\$3,000,000

City Limits (Lt. Grey)



### 3. Phase 3 – 2019/2025

PUBLIC RIGHTS OF WAY	Escalated Cost Estimate (2020)	UR Portion
<u>Streets</u>		
40 <sup>th</sup> and US 101 Signal and Intersection Improvements (Moved from Phase 2)	\$3,500,000	\$1,750,000
50 <sup>th</sup> and US 101 Intersection Improvements	\$2,100,000	Not funded
<u>Sidewalks</u>		
Abalone Street Multi-Use Path Extension (Coho/Brant Project #12B)		Not funded (Shifted to Phase 2)
SE 35 <sup>th</sup> Street from Ferry Slip Road to Estuary Turn	\$605,000	\$605,000
<u>Acquisition/Development</u>		
Match for LIDs formed to implement Tier 2 and Tier 3 Coho/Brant improvements (Moved from Phase 2)	\$250,000	\$250,000
	\$1,100,000	\$200,000
 UTILITIES		
<u>Water</u>		
12-inch Bay Under-crossing Pipeline	\$3,530,000	\$2,800,000
<u>Sewer</u>		
Extend Gravity Sewer to Airport/Surfland	\$6,300,000	\$3,000,000
Henderson Creek Piping		Not funded
Henderson Creek Lift Station		Not funded
<u>Storm</u>		
170-feet of 36-inch storm drain crossing US 101 in the vicinity of Southshore	\$150,000	\$75,000
<u>Utility Lines</u>		
Bury existing/new underground utility lines	\$200,000	\$200,000
 PUBLIC AMENITIES		
Neighborhood Park (Under Bridge Space – Coho Brant Plan)	\$694,000	\$300,000
Gateway to South Beach	\$100,000	\$100,000
Street Tree and Open Space Planting	\$100,000	\$100,000
Street Furniture	\$50,000	\$50,000
 COMMUNITY IMPROVEMENT PROGRAMS		
Fund Storefront Façade Loan/Grant Program		Not funded
 SPECIAL PROJECT IDEAS		
Trail Acquisition/Development	\$100,000	\$100,000
Coastal Gully Open Space Improvements (Coho/Brant Project #19)	\$735,000	\$250,000
Jetty Trail Improvement (SW Coho Street, SW 29 <sup>th</sup> Street, Jetty Way (Coho/Brant Project #12)	\$640,000	\$300,000
Tsunami Evacuation Route Improvements	\$200,000	\$200,000
Wetland Mitigation Bank		Not funded
 <b>Total:</b>		 \$10,280,000
	Proceeds from lease of Agency property:	-\$100,000
	Proceeds from the Phase 3 borrow:	-\$7,400,000
	Pay as you go increment:	-\$2,780,000



S COAST HWY

SE FERRY SLIP RD

SE 35TH ST

+/- 20-feet

+/- 20-feet



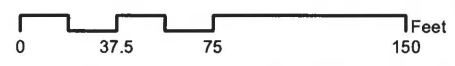
**City of Newport**  
Community Development Department  
169 SW Coast Highway Phone: 1.541.574.0629  
Newport, OR 97365 Fax: 1.541.574.0644

### Schones Property

Image Taken July 2013

4-inch, 4-band Digital Orthophotos

David Smith & Associates, Inc. Portland, OR



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**EXHIBIT A – Project Location Map**

