



Shelter ▶ to Housing Continuum

Amendments to the City Code

Volume One, Introduction

Proposed Draft
November 2020

The Shelter to Housing Continuum Project will further fair housing goals by expanding shelter and housing options throughout the city. The Bureau of Planning and Sustainability, the Portland Housing Bureau and the Joint City-County Office of Homeless Services are partnering to retool city codes to better address our homelessness crisis.

Cover illustrations kindly provided with permission:

Josh Chang for a photograph of the Kenton Women's Village shelter,
Multnomah County Communications for a photograph of the
Laurelwood Center shelter,
Multnomah County Communications for a photograph of the Family
Village shelter, and
Guerilla Development Company for a drawing of the "Jolene's First
Cousin" group living building.

Cover design by Gaby Jenkins, Bureau of Planning and Sustainability.

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www.portland.gov/bps/translation-interpretation-and-accommodation

How testify on the code proposals:

Thank you for reviewing the proposed changes to the shelter and group living provisions of the Portland City Code. This *Proposed Draft* is for public review of staff-recommended code amendments. Your testimony on these proposed changes will inform the Planning and Sustainability Commission's (PSC) development of a *Recommended Draft* of zoning code amendments that will be considered by the Portland City Council in 2021.

Written testimony on the *Proposed Draft* is due by 5:00 pm on Tuesday, December 15, 2020, unless extended by the PSC Chair. Written testimony may be submitted by:

- **MapApp:**

The MapApp is easy as sending an email. Go to:

<https://www.portlandmaps.com/bps/mapapp/proposals/#/s2hc>, and then click "Testify".

- **U.S. Mail:**

Portland Planning and Sustainability Commission S2HC Project Testimony

1900 SW 4th Avenue, Suite 7100

Portland, OR 97201

Oral testimony may be provided to the PSC at their December 8 or December 15, 2020, virtual hearings:

The December 8 meeting starts at 12:30 pm. The December 15 meeting starts at 5:00 pm. Please check the calendar at www.portland.gov/bps/psc/events a week in advance to confirm the time of this agenda item. To testify during the hearing, please visit the project website to register: www.portland.gov/bps/s2hc. The deadline to sign up for the December 8 PSC hearing is Monday, December 7 at 5:00 pm. The deadline to sign up for the December 15 PSC hearing is Monday, December 14 at 5:00 pm.

For more information:

Visit the project webpage at www.portland.gov/bps/s2hc or contact Project Manager Al Burns at A.Burns@portlandoregon.gov.

Project timeline:



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Project Research

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Table of Contents, Volume One, Introduction

Volume One, Introduction	
Summary	1
Purpose	1
Authorization	1
Contributors	2
Partners	2
Context	2
A Brief Overview of How the City Code Works	3
Overview of Code Changes	3
Shelter Flexibility	4
Outdoor Shelters	7
Tables and Maps	8
Housing Flexibility	14
Recreational Vehicles and Tiny Houses of Wheels	17
Policy Basis	19
Community Engagement	21

Volume Two, Zoning Code Amendments

Volume Three, Other Amendments to the City Code

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Volume One, Introduction

Summary

This report contains amendments to the Portland City Code that would facilitate provision of shelter and allow more affordable forms of housing. None of these amendments would go into effect unless first adopted by an ordinance of the Portland City Council.

The report is in three volumes. This Volume One contains an introduction. Volume Two contains amendments to Title 33 of the Portland City Code, which includes all the City's planning zoning regulations. Volume Three contains amendments to four other titles of the Portland City Code concerning a variety of matters other than planning and zoning.

Comments describing proposed amendments may be found on the pages facing the code changes in both Volumes Two and Three of this report. Language to be added to City codes is indicated by underlined text and language to be removed is indicated by ~~striketrough~~ text. Language to remain unchanged is indicated by plain text.

Purpose

The Shelter to Housing Continuum Project (S2HC) is part of a larger multi-jurisdictional effort to provide safe, decent and affordable shelter and housing to every Portlander that needs it. The project scope is limited to reviewing and proposing changes those parts of the Portland City Code having the potential to impede this purpose.

Particularly, the S2HC project will allow accommodations sited as temporary emergency uses to be reviewed and considered for approval through permanent code provisions. The housing emergency declaration allowing temporary siting expires on April 4, 2021. The project schedule allows necessary amendments to be placed into effect before the emergency expires.

The S2HC project will further fair housing laws, expand the range of shelter and housing options, and improve the regulatory environment for nonprofit, for-profit and public-sector shelter and housing providers.

The word "continuum" underscores an intent that the proposed code amendments will help make more low-barrier, entry-level, temporary shelter available to more persons experiencing, or about to experience, a loss of housing; provide for more longer-term transitional shelters with onsite supportive services; and allow construction of a wider variety of more affordable types of permanent housing.

Authorization

The Portland Bureau of Planning and Sustainability was directed by City Council on February 19, 2019 to undertake this work through Ordinance No. 189387. That ordinance extended the City's State of Housing Emergency to April 4, 2021. Background research for the S2HC Project was supported by a grant from the Oregon Department of Land Conservation and Development. Best practices research was provided by Angelo Planning.

Contributors

The Portland Bureau of Planning and Sustainability (BPS), Bureau of Development Services (BDS), Portland Housing Bureau (PHB) Bureau of Transportation (PBOT) and the Multnomah County/City of Portland Joint Office of Homelessness Services (Joint Office) are the principal contributors to this report.

Partners

While the proposed code amendments were under development, the Portland Housing Bureau built more apartments with supportive services for extremely low-income individuals and households. The Joint Office of Homeless Services increased its efforts to meet rising demand for emergency and short-term shelter, day storage, and hygiene facilities, while the City provided socially distanced, outdoor tent camping facilities as a COVID-19 response. Metro also made the Oregon Convention Center available as an emergency shelter.



Interior of the Portland Homeless Family Shelter “Family Village.” A Short Term Shelter facility supported by the Joint Office of Homeless Services.

Context

On October 7, 2015, the Portland City Council declared a housing emergency to help address the city’s growing homelessness and housing affordability crises. That declaration allowed for the expedited development of affordable housing projects and made it easier to provide shelter and services to people experiencing homelessness.

Two years later, in partnership with Multnomah County and the Joint Office, the City committed to adding 2,000 units of Permanent Supportive Housing to address chronic homelessness in our community. There are already more than 800 new units of this supportive housing, either open or being built now.

Affordable housing production remained at an all-time high in 2019 for a second consecutive year, with 878 new units — the most ever produced in a single year. Another 3,100 are currently in development. Portland’s Housing Bond has contributed to this robust response. Twelve projects, totaling more than 1,420 units of permanently affordable housing, are either open or in progress across the City since voters overwhelmingly approved the City’s first bond for affordable housing in 2016.

Despite this progress, 4,015 people were counted as experiencing homelessness on a single night during the winter of 2019. The economic downturn caused by the COVID-19 pandemic has placed many more households at risk. So, Portland’s homelessness crisis is far from over.

The S2HC project is informed by this larger context.

A Brief Overview of How the City Code Works

Portland City Code, Title 33, Planning and Zoning (zoning code) contains all City’s land use regulations. These regulations indicate whether a particular use or development is allowed in a particular place. These places are usually a base zone, overlay zone, or a plan district. All these zones and districts are depicted on the City’s zoning map. The S2HC project makes no changes to the zoning map.

While Title 33 contains the City’s land use regulations, other Titles also impact how development occurs or how uses operate. For example, Title 24 contains building regulations governing how development allowed by the zoning code must be built. There are different building standards for single-dwelling residential, multi-dwelling residential, and commercial buildings as well as for low- and high-rise construction. Title 29 contains property management regulations controlling of the types of uses that may occupy various types of structures.

This is an example of how these codes work together. Title 33 would allow building a detached garage in a residential back yard, provided lot line setback and building height and coverage requirements were all met. Title 24 would control how the garage was built by only allowing certain construction methods and materials. Title 29 would then allow the parking of cars and the storage of tools, but it would prohibit the owner of the garage from allowing a student to live in it while attending a nearby college.

While Titles 24, 29, and 33 regulate platted lots and parcels, both privately and publicly owned, Titles 16 and 17 regulate dedicated public rights-of-way. How a street can be used and what can be stored, placed, or parked upon it is controlled by these Titles of the City Code.

Overview of Code Changes

The four most significant code changes are:

- Providing more flexibility for shelter siting,
- Establishing outdoor shelters as a new community service use,
- Liberalizing of group living allowances, and
- Allowing permanent occupancy of recreational vehicles and tiny house on wheels.

Volumes Two and Three of the S2HCP Project each contain a table of contents citing the report page numbers for each chapter of amended codes. A title is the largest division of the City code; a chapter is a more detailed division of a title. The amended City Code Titles include 8, 15, 17, 29, and 33.

Other changes include:

- Replacement of the several Title 15 Housing Emergency authorities with new authorities in other Titles of the Portland City Code.
- Clarifying how Group Living accommodations that are not complete dwelling units (these are often called “micro apartments” or “single room occupancy units”) are regulated’
- Eliminating the special Group Living conditional use requirement for alternative and post incarceration facilities.
- Allowing transportable day storage locker, and bathroom and shower modules to serve people experiencing homelessness and being served by shelters.
- Providing alternative methods for siting temporary outdoor and mass shelters.
- Exempting outdoor shelters from design review and pedestrian circulation standards.
- Employing more careful terminology to distinguish shelter from housing, consistent with the principle that there is a tenant to landlord relationship established with housing but not with shelter.

All of these changes are described in more detail in the Sections below.

Shelter Flexibility

Temporary Shelters

The current code requires periodic declarations of an emergency to facilitate siting of some types of temporary shelter. What was initially viewed as a short term need for temporary shelters has become an ongoing need. The proposed codes would allow the quick opening of temporary shelters in temporary locations through new procedures. These shelters would be allowed to operate for 180 days, and in certain zones, could be retained for longer periods through base zone allowances or conditional use reviews. The changes described above are accomplished through amendments to Chapters 33.296 and 33.815, and through an amendment to Title 15.

Established Shelters

The proposal also increases allowed number of shelter beds in some zones. These changes are proposed, in part, to correct an oversight made when the then new commercial mixed-use zones were but in place during 2015 and 2016. The changes to the numbers of allowed shelter beds are made in Chapter 33.285.



The Laurelwood Center and Portlad Harbor of Hope
Two examples of the Mass Shelter format

Day Facilities and Services

Some shelters need to be served by ancillary facilities, such as lockers and hygiene stations. These facilities may need to be placed in rights-of-way. Existing code is not clear on how these would be permitted. The proposal includes Title 17 amendments to more clearly allow day storage units and hygiene facilities in public right-of-way.

Meal Programs

There have been some cases where existing code has limited the ability of faith-based institutions to initiate or expand charitable meal programs. Changes are proposed to clarify that operating a “meal program” no longer requires a conditional use, or a conditional use amendment. This amendment also applies to schools, colleges and community service providers that want to provide meal programs.

Shelter and Housing Terminology

Using the term “housing” for a shelter facility not intended for long-term residential occupancy can create confusion and may imply landlord-tenant relationships exist. In general, housing is intended for permanent occupancy, and shelter is intended to serve transitional or emergency needs. The proposal makes numerous substitutions of terminology in several zoning code chapters to make the distinction between shelter and housing clearer. For example, the proposal changes the name of the Community Service use “Short Term Housing” to “Short Term Shelter” because the relationships in these facilities are provider to client or host to guest rather than landlord to tenant.



An individual bedroom within the Portland Homeless Family Shelter. A facility in the Short Term Shelter format.

Outdoor Shelters

The current zoning code offers no clear path for approving long-term siting of outdoor shelters, such as the Kenton Woman’s Village, Dignity Village, and Right 2 Dream Two. Some existing shelters have been given temporary lawful status through an emergency declaration, or through other project-specific Council actions. Code amendments provide for quick approval temporary shelters and allow longer term occupancy of smaller shelters in certain zones. Clearer and more certain paths for retention and longer-term approval of outdoor shelters are in amended Titles 15 and 33 of the City Code. The new outdoor shelter use would join mass shelters and short term shelters (renamed from short term housing) in the Community Service use category.

Because outdoor shelters are often built with temporary structures and because the individual accommodations within the shelters are often replaced, reconfigured, or moved, exemptions to some zoning standards are proposed. Outdoor shelters are made exempt from design review by a change to 33.420.

A narrow exception has also been added to the blanket prohibition on shelters in industrial zones. This is accomplished through modified approval criterion in 33.815. This exception would only apply to outdoor shelters on small sites on publicly owned land.



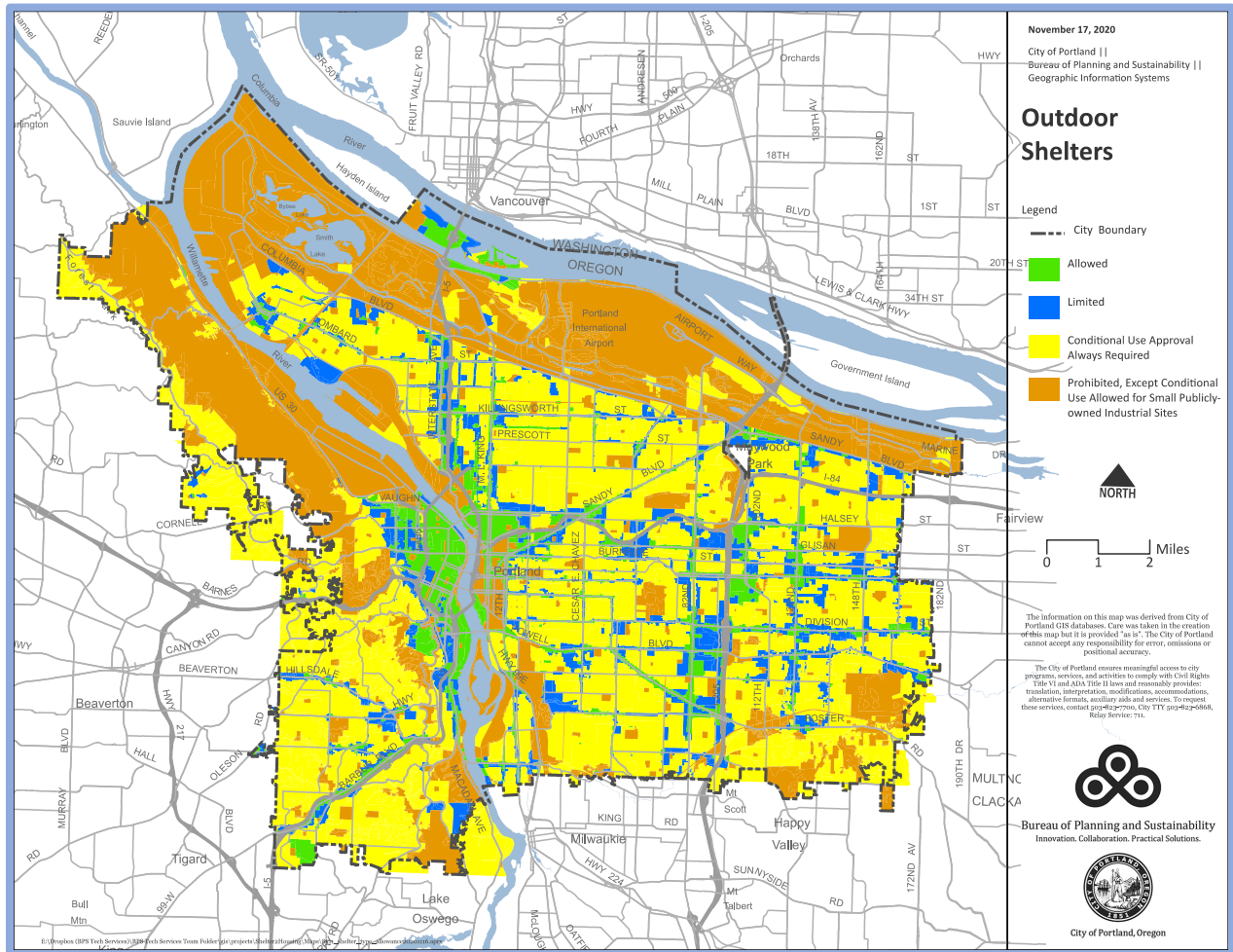
The Kenton Women’s Village
An Example of the Outdoor Shelter format.

A series of six tables and three maps follow, which depict how and where the three types of shelter are allowed within the City of Portland. Area and lot number allowances are not calculated for prohibited areas.

**Table One
Outdoor Shelter Allowances by Zone**

	Current Code	Proposed Code
Open Space	NA	Prohibited.
Single dwelling	NA	Up to 20 accommodations is a Conditional Use; otherwise Prohibited.
Multi dwelling	NA	Up to 20 accommodations is allowed on the site of an institutional use; otherwise Conditional Use.
Commercial	NA	Up to 40 accommodations is allowed; otherwise Conditional Use.
Institutional	NA	In C11, up to 20 accommodations is a Conditional Use, otherwise Prohibited. In IR, up to 20 accommodations is allowed on the site of an institutional use; otherwise Conditional Use. In C12, up to 40 accommodations is allowed; otherwise, Conditional Use.
Employment	NA	In EX, up to 40 accommodations is allowed; otherwise Conditional Use. In EG1 and EG2 is a Conditional Use.
Industrial	NA	Conditional Use if under 2 acres, publicly owned, and not on certain kinds of industrial land; otherwise prohibited.

Map One Outdoor Shelter Allowances by Area



**Table Two
Outdoor Shelter Allowances on Lots Larger than 5,000 Square Feet**

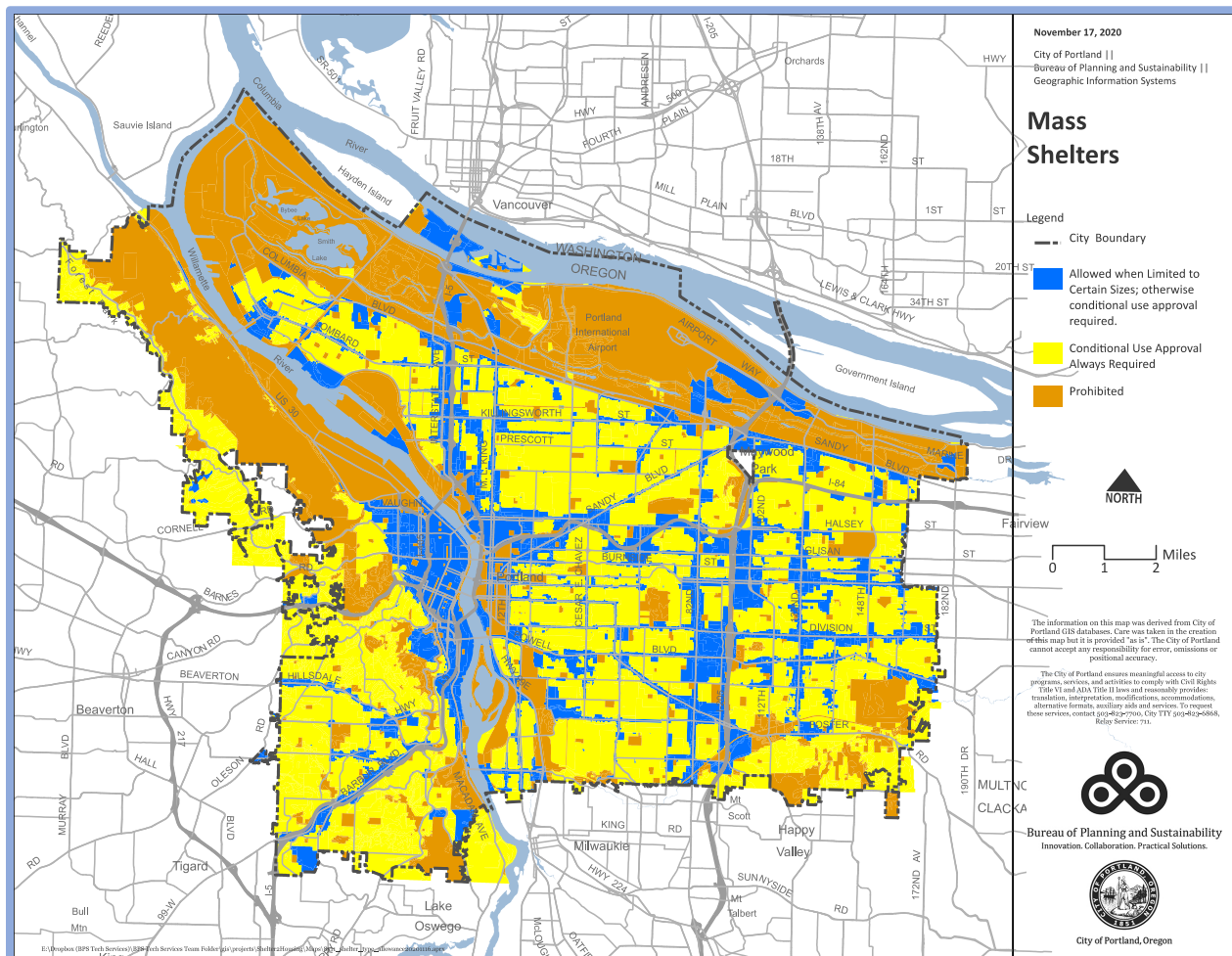
	Number of Lots	Total Lot Acres	Number of Vacant lots	Total Vacant Lot Acres
Allowed Use Areas	8,391	4,654	1,316	700
Limited Use Areas	11,186	4,960	733	384
Conditional Use Areas*	90,332	26,142	4,683	5,371
Grand Total	109,909	35,756	6,732	6,454

*Note: Initial calculations indicate an additional 27 acres qualify for the conditional use allowance in otherwise prohibited areas.

Table Three
Mass Shelter Allowances by Zone

	Current Code	Amended Code
Open Space	Prohibited.	Prohibited
Single dwelling	Conditional Use.	Conditional Use.
Multi dwelling	Allowed up to 50 beds in RM3, RM4 and RX. In RM1, RM2, and RMP up to 15 beds allowed if on the site of an institutional use; otherwise a Conditional Use.	Allowed up to 50 beds in RM3, RM4 and RX. In RM1, RM2, and RMP up to 25 beds allowed if on the site of an institutional use; otherwise a Conditional Use
Commercial	Allowed up to 200 beds in CX, CM3, and CE; up to 75 beds in CM2; and up to 25 beds in CM1 and CR; otherwise a Conditional Use.	Allowed up to 200 beds in CX, CM3, and CE; up to 140 beds in CM2; up to 25 in CR and CM1; otherwise a Conditional Use
Institutional	Allowed up to 15 beds in IR on site of institution; up to 25 beds in CI1; and up to 75 beds in CI2; otherwise a Conditional Use.	Allowed up to 25 beds in IR and CI1 on site of institution; up to 140 beds in CI2; otherwise a Conditional Use
Employment	Allowed up to 200 beds in EX; otherwise Conditional Use. EG1 and EG2 Zones. Conditional Use.	Allowed up to 200 beds in EX; otherwise Conditional Use. EG1 and EG2 Zones. Conditional Use.
Industrial	Prohibited	Prohibited

Map Two Mass Shelter Allowances by Area



**Table Four
Mass Shelter Allowances on Lots Larger than 5,000 Square Feet**

	Number of Lots	Total Acres	Number of Vacant lots*	Total Vacant Lot Acres
Limited Use Areas	89,350	24,754	4,385	4,960
Conditional Use Areas	20,559	11,001	2,347	1,495
Grand Total	109,909	35,756	6,732	6,454

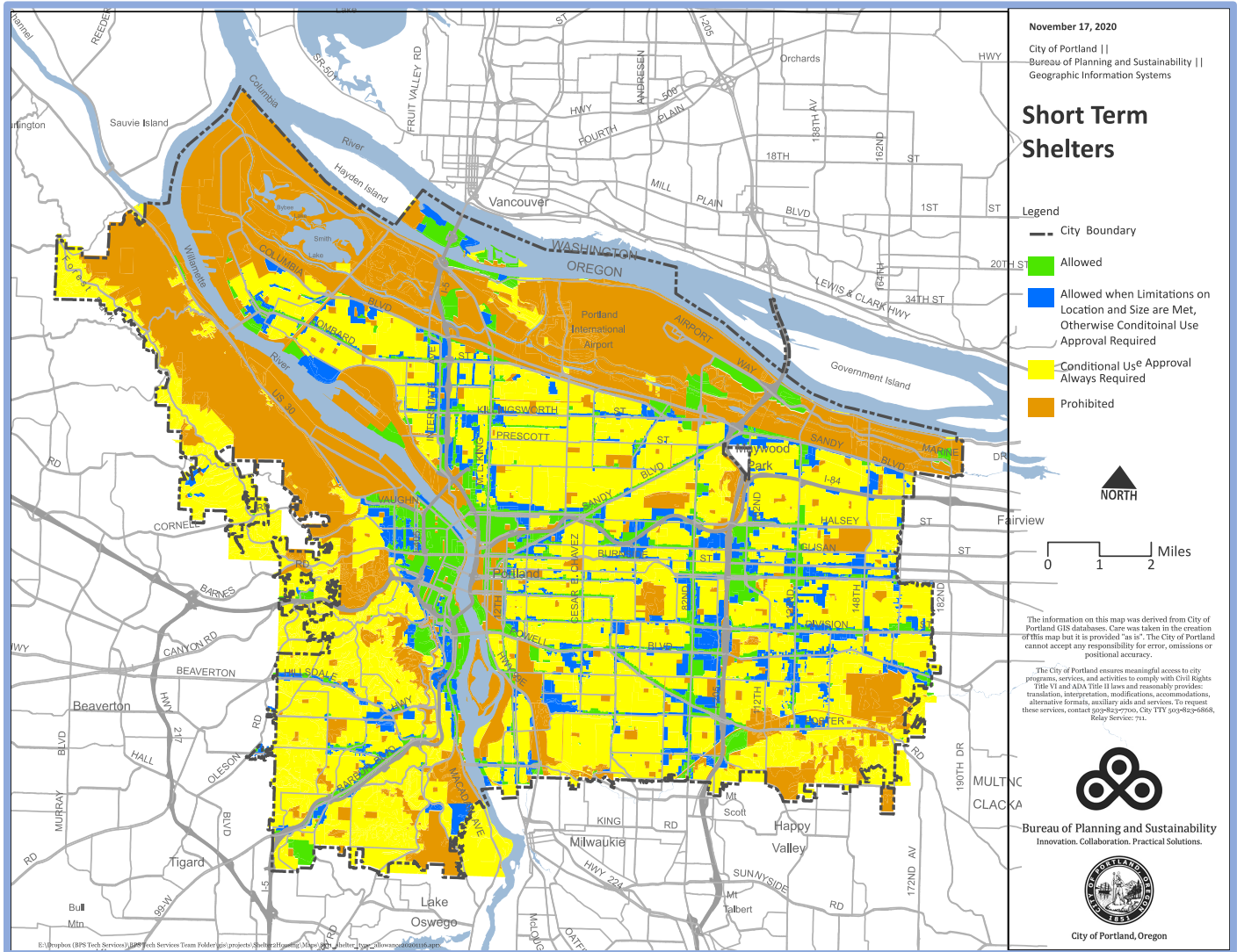
*Note: Since Mass Shelters may be placed in existing buildings new shelters are not limited to vacant lots.

**Table Five
Short Term Shelter Allowances by Zone**

	Current Code	Amended Code
Open Space	Prohibited	Prohibited
Single dwelling	Conditional Use	Conditional Use
Multi dwelling	Up to 15 beds allowed if on the site of an institutional use; otherwise a Conditional Use	Up to 25 beds allowed if on the site of an institutional use; otherwise a Conditional Use
Commercial	Allowed	Allowed
Institutional	Allowed in CI2, allowed up to 15 beds in CI1* and IR; otherwise Conditional Use	In CI1, Conditional Use; In CI2, allowed; In IR, allowed up to 25 beds allowed if on site of an institutional use; otherwise Conditional Use
Employment	Allowed	Allowed
Industrial	Prohibited	Prohibited

[*note] The shelter bed allowance in the CI1 zone is unclear. The existing code makes reference to the density allowed for Group Living in Chapter 33.239, and this Chapter provides no density allowance for the CI1 zone. So, an alternate reading may be that no beds are allowed. This situation probably arose from an oversight in an earlier ordinance where a clear bed allowance was not provided CI1 zone.

Map Three Short Term Shelter Allowances by Area



**Table Six
Short Term Shelter Allowances on Lots Larger than 5,000 Square Feet**

	Number of Lots	Total Acres	Number of Vacant lots*	Total Vacant Lot Acres
Allowed Areas	89,350	24,754	733	384
Limited Areas	11,186	4,960	1,614	1,111
Conditional Use Areas	9,373	6,041	4,385	4,960
Grand Total	109,909	35,756	6,732	6,454

*Note: Since Short Term Shelters may be placed in existing buildings new shelters are not limited to vacant lots

Housing Flexibility

Household and Group Living

There are two types of residential use defined in the Portland Zoning Code – Household Living and Group Living.

- Household living is currently defined as the residential occupancy of a dwelling unit by a household. A Household is currently defined as one or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than 5 additional persons, who live together in one dwelling unit. Household Living occurs in houses, duplexes, apartments, condominiums, retirement facilities with self-contained apartments, manufactured housing, houseboats, and other structures with self-contained dwelling units.
- Group Living is currently defined as “the residential occupancy of a structure by a group of people who do not meet the definition of Household Living”. Examples include dormitories; communes; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for people with disabilities; some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities. Some forms of co-housing, micro-apartment buildings, and retirement communities may also be included in the Group Living category, depending on the number of people and how they share kitchens or bathrooms.

The proposed code would employ a different method to distinguishing Group Living from Household Living. All dwellings, like houses and apartments, with up to six bedrooms would be classified as Household Living, without regard to how the occupants might be related. Dwellings units with more than six bedrooms, and congregate living structures, like dormitories, single room occupancy buildings, and convents, that do not meet the definition of a dwelling would be classified as Group Living.

Where and How Group Living Would be Allowed

It should be easy to site a residential use in a residential zone. The current code requires that a Group Living use obtain a conditional use approval to locate in single dwelling zones. This requirement is proposed for elimination because it makes siting Group Living harder than it needs to be. Allowing Group Living without a conditional use would promote fair housing and enable a wider variety of solutions to meet present and future housing needs identified in Portland’s *2035 Comprehensive Plan*. The proposed code changes would allow Group Living in more base zones as an allowed-by-right use or as a limited use and achieve greater parity between Group Living and Household Living. In single dwelling zones the amount of Group Living allowed on oversized lots would be limited regulated to a square footage cap that would apply in addition to other base zone limitations. Group Living in congregate housing facilities and additional increments of Group Living in dwelling units would continue to require conditional uses approval. In multi-dwelling zones Group Living would be allowed under the same floor ratio, height, and lot coverage limitations that apply to Household Living. These changes are

accomplished by amending the use regulations of the base zones, (Chapters 33.110, 120, 130), and by changing definitions (Chapter 33.910) and use category descriptions (33.920).

“Household” no Longer a Basis for Regulation

Because Household and Group Living would be distinguished by structure type or the number of bedrooms contained therein, the proposed code eliminates the definition “household.” There are three reasons for elimination:

- The current definition is no longer necessary,
- Inspection and enforcement would be enhanced by an alternative regulation, and
- The current definition relies on culturally specific descriptions family relationships that may no longer reflect the variety of living situations in Portland today.

The existing limitation on the number of people that may live in a dwelling unit is removed from the Zoning Code. Instead of counting people the amended regulation would count bedrooms. Overcrowding would continue to be regulated through a more objective and enforceable provision in Section 29.30.220 of the Portland City Code. That code allows one resident, plus one additional resident for each 100 square feet of habitable room space. For the purpose of this calculation bathrooms, toilet compartments, closets, halls, storage areas, utility areas, and other similar areas are not considered habitable space.

Micro-Apartments and Single Room Occupancies

Buildings where several bedrooms share a common kitchen, common bathroom, or both can be more affordable than standard apartments, because kitchens and bathrooms are expensive to build. The current code is confusing with regard to Single Room Occupancies, which can be classified as Group Living, Household Living, or Retail Sales and Service uses depending on technical details. The proposed code clarifies that there are only two types of residential uses, Household Living and Group Living. References to Single Room Occupancy have been eliminated, but what could be done as single Room Occupancy under the current code can be accomplished as Group Living under the proposed code. These clarifications are made by changing definitions (33.910) and use category descriptions (33.920).



“Jolene’s First Cousin” on SE Gladstone. The green part of the building contains dwelling units rented as apartments. The red part of the building contains ten group living accommodations that share a common kitchen on the ground floor.

Inclusionary Housing

All the proposed code changes described above were made carefully so as to not change existing Inclusionary Housing requirements. Household Living in a dwelling unit counts toward inclusionary housing requirements, which apply when a building contains 20 or more dwelling units. Group Living, whether in a dwelling unit or not, does not count toward inclusionary housing requirements. Inclusionary housing requirements are neither expanded nor contracted by the proposed amendments.

Post-Incarceration Facilities

An “alternative or post incarceration facility” is a Group Living use where the residents are on probation or parole, but not subject to on-site supervision by sworn officers. To remove unnecessary stigma, the conditional use requirement for these facilities is being eliminated. These facilities will be treated like any other residential use. A facility in a dwelling unit with six or fewer bedrooms will be classified as a Household Living use and a facility in a dwelling unit with seven or more bedrooms would be classified as a Group Living use. Alternative or post incarceration in a congregate housing facilities would continue to require conditional use approval.

The following table provides a summary of the various shelter and housing types.

**Table Seven
Shelter and Housing Type Comparisons**

	In a Building	Has Bedroom(s)	Minimum Stay	Use Category	Occupants Are
Outdoor Shelter	No	No	None	Community Service	Clients or Guests
Mass Shelter	Yes	No	None	Community Service	Clients or Guests
Short Term Shelter	Yes	Yes	None	Community Service	Clients or Guests
Dwelling Unit Household Living	Yes	Yes, 6 or less	30 Days	Residential	Owners or Tenants
Dwelling Unit Group Living	Yes	Yes, 7 or more	30 Days	Residential	Owners or Tenants
Other Structures Group Living	Yes	Not required	30 Days	Residential	Owners or Tenants

Recreational Vehicles and Tiny Houses on Wheels

In response to public comments, a proposal has been added to allow residential occupancy of tiny houses on wheels and other similar recreational vehicles on residential property. This is currently prohibited by Title 29, the City’s property maintenance code. The approach is to allow this in place of one allowed accessory dwelling unit (ADU) on a property. The intent is to acknowledge the need for a wider continuum of housing types, to accommodate more people.

The city is temporarily allowing overnight camping in RVs and tiny homes on wheels, as long as they’re parked on private property. Commissioner Eudaly announced in 2017 that the Bureau of Development Services, which enforces development and zoning code compliance, would deemphasize enforcement of the relevant codes against sleeping in a vehicle while the city develops a more permanent policy. While the Bureau of Development Services is no longer reporting to Commissioner Eudaly, subsequent commissioners in charge have not altered the approach. This proposal would replace the current non-enforcement policy.

There is no official definition of a tiny house or a tiny house on wheels (THOW) in City Code. It is generally thought of as a small house, typically sized under 600 square feet. While tiny homes can be built on foundations, many tiny homes are built on trailers. Some California Cities have added references to “movable tiny houses” in their zoning codes.

The State of Oregon classifies a THOW as a vehicle, and they must be titled and registered with the DMV. Tiny home trailers built by manufacturers may be considered travel trailers or park model recreational vehicles if they meet certain standards. THOWS used for commercial purposes would be registered by the state as commercial vehicles. ORS 801.100-610 and 174.101 contain the state definitions for different types of vehicles.

- A “Travel trailer” does not have motive power and is eight and one-half feet or less in width.
- A “Park Model Recreational Vehicle” is more than eight and one-half feet in width and is designed to be located in mobile home park.
- A “Camper” designed to be mounted upon a motor vehicle, has no more than one axle supporting its weight, and is five and one-half feet or more in height from floor to ceiling at any point.
- A “Motor Home” is similar to a Camper but has motive power.

The Portland Zoning Code defines “recreational vehicle”, which is inclusive of what the Oregon Department of Motor Vehicles calls a motor home, a camper, and a travel trailer.



While City Code (Title 29) does not currently permit long term residential occupancy of a vehicle, there are several existing legal paths for tiny house and recreational vehicle occupancy.

- Campgrounds. Motor Homes, Trailers, Campers and THOWS can legally park in a campgrounds and be used as short term accommodations in that context. Campgrounds are allowed in commercial zones. Any lot containing two or more THOWs would be a “campground” within the meaning of state law and require a state license. There are several commercial hotels that operate as campgrounds in Portland using THOWS and RVs.
- RV Parks. Motor Homes, Trailers, Campers and THOWS can legally park in a recreational vehicle parks. Recreational vehicle parks are considered a retail sales and service use and are allowed in commercial zones.
- Residential occupancy of a tiny home without wheels (attached to a foundation) is allowed by both the Zoning Code and Building Code; either as a primary dwelling, or as an accessory dwelling unit.
- State Law (ORS 203.082) provides an additional exception and allows religious institution to host of to three vehicles for homeless camping. This could be a car, motor home, trailer, camper, or potentially a THOW.

To implement this proposal, amendments are proposed in three locations:

1. An exception is added to Title 29.
2. An allowance is added to the ADU Chapter of the Zoning Code (33.205)
3. The Definition of RVs in the Zoning Code is modified to better align with current DMV terminology (including ORS 801.100-610 and 174.101).

Policy Basis

Portland's 2035 Comprehensive Plan contains a housing continuum policy that is informed by the following interjurisdictional guidance on homelessness.

Understandably, the homeless population is most vulnerable to decreasing affordability and declining household prosperity. Unified guidance by the City of Portland, Multnomah County, and Home Forward is provided through their jointly authored plan, *A Home for Everyone: A United Community Plan to End Homelessness in Multnomah County* (2013). This plan focuses resources to support priority populations, particularly families with children, unaccompanied youth, adults with disabilities, women, and veterans. It focuses investments in six program areas to prevent and end homelessness, including housing, income and benefits, health, survival and emergency services, access to services, and systems coordination. The purpose of the plan is to prevent homelessness and reduce the time people spend being homeless. The following policy provides land use support for the priorities identified by this plan.

The referenced policy states.

Policy 5.46 Housing continuum.

Prevent homelessness and reduce the time spent being homeless by allowing and striving to provide a continuum of safe and affordable housing opportunities and related supportive services including but not limited to rent assistance, permanent supportive housing, transitional housing, micro housing communities, emergency shelters, temporary shelters such as warming centers, and transitional campgrounds/rest areas.

The S2HC project also carries out many other Comprehensive Plan goals and policies. The following are some examples.

Goal 2.B: Social justice and equity

The City of Portland seeks social justice by expanding choice and opportunity for all community members, recognizing a special responsibility to identify and engage, as genuine partners, under-served and under-represented communities in planning, investment, implementation, and enforcement processes, particularly those with potential to be adversely affected by the results of decisions. The City actively works to improve its planning and investment-related decisions to achieve equitable distribution of burdens and benefits and address past injustices.

GOAL 3.A: A city designed for people

Portland's built environment is designed to serve the needs and aspirations of all Portlanders, promoting prosperity, health, equity, and resiliency. New development, redevelopment, and public investments reduce disparities and encourage social interaction to create a healthy connected city.

Policy 3.3.b.

Make needed investments in areas that are deficient in public facilities to reduce disparities and increase equity. Accompany these investments with proactive measures to avoid displacement and increase affordable housing.

Goal 5.A: Housing diversity

Portlanders have access to high-quality affordable housing that accommodates their needs, preferences, and financial capabilities in terms of different types, tenures, density, sizes, costs, and locations.

Goal 5.B: Equitable access to housing.

Portland ensures equitable access to housing, making a special effort to remove disparities in housing access for people with disabilities, people of color, low-income households, diverse household types, and older adults.

Goal 7.D: Environmental equity.

All Portlanders have access to clean air and water, can experience nature in their daily lives, and benefit from development designed to lessen the impacts of natural hazards and environmental contamination.

Policy 9.25 Transit equity.

In partnership with TriMet, maintain and expand high-quality frequent transit service to all Town Centers, Civic Corridors, Neighborhood Centers, Neighborhood Corridors, and other major concentrations of employment, and improve service to areas with high concentrations of poverty and historically under-served and under-represented communities.

Community Engagement

Engagement began on March 10, 2020 when the BPS Community Involvement Committee (CIC) reviewed the proposed scope and work program for the S2HC Project and endorsed an “involvement” as the project’s engagement goal. Involvement means not only helping people know about and understand the project, but also enabling them to influence the project at each decision step along the project’s way to adoption. To do this, the City must not only seek out involvement but ensure that concerns and aspirations of those involved are consistently and properly understood and considered. Here, “considered” means that proposals arising from involvement have real potential to shape final decisions.

The CIC, BPS, and partner agencies are acutely aware that the persons most likely to benefit from this project may also be the persons least able to influence it. It is therefore of utmost importance that involvement be carried out in a manner designed to ameliorate this inverse relationship. Involvement also must be adjusted to observe health advisories for the COVID-19 pandemic. The CIC recommended a mid-point check-in to review and suggest adjustments for project engagement and a post-project “lessons learned” session designed to aid engagement goals for future projects.

Project Activities to Leading to the Discussion Draft

Initial work was aided by a technical assistance grant provided by the Oregon Department of Land Conservation and Development (DLCD). Angelo Planning, under contract with DLCD, prepared a series of reports describing approaches other jurisdictions had taken in facilitating shelter and group living accommodations and suggesting how similar provisions might be added to the Portland City Code. These reports are available at this link: <https://efiles.portlandoregon.gov/record/13829522>.

A standing inter-agency Housing Continuum Committee provided valuable context for further shaping the scope of the S2HC project, helped develop code concepts, and commented on rough drafts of code. Members of this committee attended and provided valuable assistance during community meetings.

A core Technical Advisory Committee (TAC) composed of five members from three city bureaus drafted the proposed amendments, coordinated with the Housing Continuum Committee, and participated in community meetings.

The S2HC Project, including outlines of the proposed code amendments, were presented through video conferencing during the following community meetings:

May 28, 2020, The Build Small Coalition, advisory to Metro.

June 25, 2020, Portland Forum on Alternative Shelters & Villages, sponsored by the Northeast Coalition of Neighborhoods and the Interfaith Alliance on Poverty.

July 15, 2020, Portland Neighbors Welcome; Monthly Meeting.

July 20, 2020, Southeast Uplift, Land Use Committee Meeting.

September 8, Central Eastside Industrial Council, Land Use Committee Meeting.

September 17, 2020, the Development Review Advisory Committee, advisory to the Portland Bureau of Development Services.

The S2HC Project was the main agenda item in five of these meetings, and the proposals contained within the discussion draft of this report benefited greatly from the comments and suggestions received.

Project Activities to Leading to the Proposed Draft

The S2HC Project, including the Discussion Draft version of the code amendments, were presented or discussed through video conferencing during the following meetings:

October 13, 2020, Bureau of Planning and Sustainability hosted Community Forum moderated by A Home for Everyone.

October 14, 2020, Portland Forum on Alternative Shelters & Villages, sponsored by the Northeast Coalition of Neighborhoods and the Interfaith Alliance on Poverty.

October 22, 2020, Bureau of Planning and Sustainability hosted Community Forum.

October 27, 2020, Bureau of Planning and Sustainability hosted Community Forum.

November 10, 2020, Planning and Sustainability Commission Briefing.

November 17, 2020, Southwest Neighbors Incorporated, Land Use Committee Meeting.

The S2HC Project was the sole agenda item for four of these six meetings. Valuable input from persons with lived shelter experience was received during the October 13th and 14th meetings. About ninety people attended the Community Forums. Message transcripts from the forums were saved, read, and those messages that addressed the project purpose were compiled by topic and considered while formulating the Proposed Draft.

Eighteen Map App Comments and thirteen email comments were received on the Discussion Draft. Again, all these comments were read, compiled by topic and considered while formulating the Proposed Draft.

Response to Comments

The Proposed Draft responded to comments received on the discussion draft by:

- Increasing the places where shelters allowed under easier approval procedures.
- Increasing the number of beds and accommodations allowed in some shelters.
- Allowing permanent residential occupancy of recreational vehicles and tiny houses on wheels in some places.
- Providing maps and charts explaining the different shelter allowances.

- Numerous technical adjustments.
- Adding a second Planning and Sustainability Commission Hearing.

The Proposed Draft does not incorporate comments requesting:

- Even greater increases in the number of allowed shelter beds and accommodations.
- Allowing shelters as a permanent use of Open Space after the housing and COVID-19 emergencies expire.
- Allowing permanent residential occupancy of more than one recreational vehicle or tiny house on wheels on a residential lot.
- Stopping or slowing down the project.

Continuing Engagement

As the S2HC project heads into its public hearing phase Bureau of Planning and Sustainability Staff will publish blog posts, issue news releases, and continue to brief interested communities. The focus of staff engagement will shift from explaining how to best influence the Bureau of Planning and Sustainability to how to effectively testify before the Planning and Sustainability Commission.

The project website, which explains the project purpose, content, and how to testify, will be updated as the project proceeds. This site will also contain links to documents containing the facts and reasons upon which the proposals are based.

Staff will establish and maintain an email list for interested parties who wish to stay informed of project milestones and opportunities to testify. An on-line “Map App” database used to receive, organize and respond to public testimony. The database will be viewable to the public through a web browser. Commission testimony will also be received by mail and email. Oral Testimony will be received at two Commission hearings.

This project is a “legislative procedure” under Title 33 of the Portland City Code and a legislative “land use decision” under Chapter 197 of the *Oregon Revised Statutes*. Anytime a quorum of the Portland Planning and Sustainability Commission or the Portland City Council meets to deliberate on this project notice of the time and place of those meetings will be provided. Whenever those meetings are also public hearings, information will also be provided on how to testify.

Nothing in the S2HC project amends the City Zoning Map or reduces the amount or type of permitted land uses within any zone. So, mailed “Measure 56” notices are not required for the hearings.