



## Bureau of Planning and Sustainability

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# MEMO

**DATE:** January 22, 2021

**TO:** Portland Planning and Sustainability Commission

**FROM:** Eric Engstrom / Al Burns

**SUBJECT:** Shelter to Housing Continuum (S2HC) - Zoning Code Amendments for Work Session on January 26, 2021

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At the January 12, 2021 PSC work session, BPS staff presented amendment suggestions made by PSC members. A table with the suggested amendments is included on the following page for reference. The remainder of this memo contains code language for the suggested amendments to the Zoning Code in anticipation of the January 26, 2021 PSC work session. The amended code language is highlight through **shaded text**.

Please review the attached changes against the original *Proposed Draft* in Volume 2 and come prepared to discuss these amendments. Feel free to let staff know in advance if you have any additional concerns on any of these items.

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PSC List updated from January 12, 2021 work session

Item	Topic	Amendment
1	Outdoor shelters - adding sanitary service standards	PSC straw poll 1/12/21: No amendment
2	Outdoor shelters - designated supervisor	PSC straw poll 1/12/21: No amendment
3	Outdoor shelters - name and contact available	PSC straw poll 1/12/21: No amendment
4	Outdoor shelters - supervisor on site 24 hours/day	PSC straw poll 1/12/21: No amendment
5	Outdoor shelter - required neighborhood meeting	PSC straw poll 1/12/21: No amendment
6	Outdoor shelters - 60 accommodations without a conditional use	<ul style="list-style-type: none"> <li>• Increase outdoor shelter allowance from 20 to 30 in lower intensity zones</li> <li>• Increase outdoor shelter from 40 to 60 in more intense zones</li> <li>• Adjust other mass/short term shelter amounts for consistency with outdoor shelter decision.</li> <li>• Remove requirement to be on a site with an Institutional use.</li> </ul>
7	Outdoor shelters - Require certification from the Joint Office of Homelessness	PSC straw poll 1/12/21: No amendment
8	Permanent Shelters in Open Space.	<ul style="list-style-type: none"> <li>• Amend OS base zone use allowances to remove prohibition on shelters in OS - amend to refer to 33.285 with the following:</li> <li>• All shelter types through a CU in OS</li> <li>• Use the OS zone CU approval criteria</li> </ul>
9	Permanent Shelters in Open Space Zones within Certain Areas	Prohibit all shelter types from environmental and other natural resource-based overlay zones and the floodplain.
10	Temporary Shelters in Any Base Zone within Certain Areas	Add language to temporary activity chapter prohibiting temporary mass/outdoor shelters in sensitive areas
11	Clarify Emergency and Shortage Declarations for Temporary Shelter Uses	Include “shelter shortage” as a type of emergency temporary activity
12	Group Living - Dwellings with More than Eight Bedrooms	Use 8 bedrooms rather than 6 to distinguish Household Living from Group Living

13	Group Living - Define bedroom	PSC straw poll 1/12/21: No amendment
14	Tiny Houses and RVs - Allow Residency Without Sewer Hook-ups	See memo for other Titles
15	Tiny Houses and RVs - Allow more than one	See memo for other Titles
16	Tiny Houses and RVs - Don't count as ADUs	Delete language proposed for ADU chapter and create new 200s chapter that clarifies how a single occupied recreational vehicle is classified for density and development standards
17	"Visitability"	<ul style="list-style-type: none"> <li>• Revise language in single dwelling zones to match previous recommendation on visitability</li> <li>• Revise language in multi-dwelling zones to refer to previous recommendation on visitability, and clarify what development types are applicable.</li> </ul>
18	Proof of ownership (title or registration) for a RV	See memo for other Titles
19 (new)	Ensure that any vehicle can be an accommodation in an outdoor shelter	Amend definition of outdoor shelter to include "vehicles" as a type of individual shelter

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## **ITEM #6**

### **OUTDOOR SHELTERS – CHANGES TO ALLOWED ACCOMODATIONS**

The PSC suggested amendment is to increase the number of outdoor shelters allowed by right to 60 and to remove requirements that allowed shelters be on a site of an institution.

To create a more ‘tiered’ approach that recognizes the differences in zoned intensity, especially amongst the multi-dwelling zones, staff is proposing the following amendments. These amendments expand the original request to include other shelter types to ensure that there is some regulatory intensity. The changes include:

- Amend 33.285.040.A.1.a.(1) to allow up to 30 beds in a short term shelter as an allowed use in the RM1-RMP and IR zones, and add CI1 zone to this provision. Remove the requirement that the shelters be on the site of an existing institutional use.
- Amend 33.285.C.1.a.(1) to increase the number of allowed outdoor shelter amounts from 20 to 30 individual shelters in RM1, RM2,RMP zones and add CI1 zones to the list of zones. Create a new 33.285.C.1.a.(2) to increase the number of allowed outdoor shelter amounts from 20 to 60 individual shelters in the RM3, RM4 and RX zones. Remove the requirement that the shelters be on the site of an existing institutional use. Remove prohibition for more than 20 shelters in the CI1 zone.
- Amend Table 285-1, which provides the threshold for the number of mass shelter beds allowed by right, to do the following:
  - Increase the number of beds in CR, CM1, RM1, RM2, RMP, CI1 and IR from 25 to 30 beds.
  - Remove the requirement in RM1, RM2, RMP, CI1 and IR zones that the shelter be operated on the site of an existing institutional use.
  - Increase the number of beds in RX, RM3, and RM4 from 50 to 60 beds.

#### **Amend 33.285.040.A.1.a(1)**

- (1) A short term shelter housing with for up to 30 beds is an allowed use in the RM1 – RMP, CI1, and IR zones if it is when provided on the site of an existing Institutional Use and meets the standards of 33.285.050 are met.

#### **Amend 33.285.040.C.1.a(1)-(2) and C.1.b**

- (1) An outdoor shelter with up to 30 individual shelters is an allowed use in the RM1, RM2, RMP, CI1, and IR zones when the standards of 33.285.050 are met.
- (2) An outdoor shelter with up to 60 individual shelters is an allowed use in the RM3, RM4, and RX zones when the standards of 33.285.050 are met.
- (2) [re number to (3)]
- b. Prohibited use. Outdoor shelters with more than 20 individual shelters are prohibited in the RF through R2.5 zones.

#### **Amend 33.285.040.C.3.a(1)**

- (1) An outdoor shelter with up to 60 individual shelters is an allowed use if it meets the standards of Section 33.285.050.

**Amend Table 285-1**

<b>Table 285-1 Maximum Number of Shelter Beds for Mass Shelters</b>	
<b>Zone of Site</b>	<b>Maximum Number of Shelter Beds</b>
EX, CX, CM3, and CE	200
CM2 and CI2	<del>75</del> 140
<del>CR, CM1, and CI1</del>	<del>25</del>
RX, RM3, and RM4	<del>50</del> 60
RM1, RM2, RMP, <u>CI1, IR, CR, CM1</u> [1]	<del>15</del> 30

**Notes:**

- ~~[1] The mass shelter must be operated on the site of an existing Institutional Use.~~

**ITEM #8**

**PERMANENT SHELTERS IN OPEN SPACE**

The PSC suggested amendment is to provide opportunities to allow shelters within the Open Space (OS) zones. The amendments below accomplish the following

- *Revise OS zone use limitation so that shelters are not prohibited, and instead refer readers to Chapter 33.295, Short Term, Mass and Outdoor Shelters.*
- *Revise all of the use regulations within 33.285 so that shelters within the OS zone can be approved through a Conditional Use review.*
- *Clarify the approval criteria to be the ones applicable to all uses in the OS zone*

**Amend 33.100.100.B.4**

4. Community Services. This regulation applies to all parts of Table 100-1 that have note [4]. Most Community Service uses are a conditional use. ~~However, Sshort term, housing and mass, and outdoor shelters are prohibited.~~ regulated by 33.285, Short Term, Mass, and Outdoor Shelters.

**Amend 33.285.040.A.1, A.1.b and 33.285.040.A.3:**

1. OS, R, CI1, and IR zones. ~~A n~~New short term shelterhousing, an expansion of net building area, or an increase in the number of occupants in an existing short term shelterhousing in R, CI1, and IR zones is subject to the following regulations:
  - b. Conditional use. If the short term shelterhousing does not meet Subparagraph A.1.a, it is a conditional use and is reviewed through the following procedures. In the OS zone, the approval criteria are in 33.815.100, Uses in the Open Space Zones. In the R, CI1 and IR zones, t~~he approval criteria are in 33.815.107, Short Term, Housing and~~

Mass, and Outdoor Shelters in R, CI1, and IR Zones. The short term shelterhousing must also meet the standards of 33.285.050:

3. ~~OS and~~ I zones. A ~~s~~Short term shelterhousing is prohibited in ~~OS and~~ I zones.

**Amend 33.285.040.B.1, B.1.a and 33.285.040.B.6:**

1. ~~OS and~~ RF through R2.5 zones. Generally, ~~a~~ new mass shelters, expansions of net building area and increases in the number of occupants in ~~an~~ existing mass shelters in ~~OS and~~ RF through R2.5 zones ~~is~~are a conditional use and ~~is~~are, reviewed through the following procedures. Certain alterations to ~~an~~ existing mass shelters may be allowed if they meet Subparagraph B.1.b. The standards of Section 33.285.050 do not apply to ~~a~~ mass shelters reviewed as conditional uses.
  - a. New mass shelters. The following procedures apply to ~~a~~ new mass shelters and alterations to ~~an~~ existing mass shelters that do not meet subparagraph B.1.b. In OS zones, the approval criteria are in Section 33.815.100, Uses in the Open Space Zone. In RF through R2.5 zones, t~~he~~ approval criteria are in Section 33.815.107, Short Term, Housing and Mass, and Outdoor Shelters in R, CI1, and IR Zones:

**Amend 33.285.040.C.1, and C.1.c:**

- C. **Outdoor shelters.** *The changes to this section enable an outdoor shelter proposal in an OS zone through a CU review.*
  1. OS, R, CI1, and IR zones. A new outdoor shelter, and an alteration or expansion of an existing outdoor shelter in OS, R, CI1, and IR zones is subject to the following regulations:
    - c. Conditional use. If the outdoor shelter does not meet Subparagraph C.2.a, and it is not prohibited, it is a conditional use and is reviewed through the following procedures. In OS zones, the approval criteria are in 33.815.100, Uses in Open Space Zones. In the R, CI1, and IR zones, the approval criteria are in 33.815.107, Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones. The outdoor shelter must also meet the standards of 33.285.050:

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## **ITEM #9**

### **PERMANENT SHELTERS IN OPEN SPACE WITHIN CERTAIN AREAS**

*The PSC suggested amendment is to prohibit short-term, mass, or outdoor shelters from locating in environmental sensitive areas, regardless of the underlying base zone. Note, that a version of this is included in the proposed draft for Outdoor Shelters. This amendment does the following:*

- *Expand area/zone prohibitions for permanent outdoor shelters in the development standards from just Environmental overlay zones, Scenic overlay zones and flood hazard areas to include the Pleasant Valley Natural Resource overlay zones, River Natural overlay zones, and River Environmental overlay zones.*
- *Add the same area/zone prohibition so it also applies to short-term shelters and mass shelters.*
- *Clarify how this limitation applies to mass shelters undergoing a Conditional Use review.*

#### **Amend 33.285.040.B.1:**

1. RF through R2.5 zones. Generally, a new mass shelters, expansions of net building area and increases in the number of occupants in an existing mass shelters in RF through R2.5 zones ~~is~~ are a conditional use and ~~is~~ are reviewed through the following procedures. Certain alterations to an existing mass shelters may be allowed if they meet Subparagraph B.1.b. The standards of ~~Section Paragraphs~~ 33.285.050.B.2 through B.9 do not apply to a mass shelters reviewed as conditional uses.

#### **Amend 33.285.040.B.2.b:**

- b. Conditional use. If the mass shelter does not meet Subparagraph B.2.a, it is a conditional use as follows. The approval criteria are in Section 33.815.107, Short Term, Housing and Mass, and Outdoor Shelters in R, CI1, and IR Zones. The standards of ~~Section Paragraphs~~ 33.285.050.B.2 through B.9 do not apply to a mass shelter reviewed as a conditional use.

#### **Amend 33.285.040.B.3.b:**

- b. Conditional use. If the mass shelter does not meet Subparagraph B.3.a, it is a conditional use as follows. Approval criteria are in Section 33.815.107, Short Term, Housing and Mass, and Outdoor Shelters in R, CI1, and IR Zones. The standards of ~~Section Paragraphs~~ 33.285.050.B.2 through B.9 do not apply to mass shelters reviewed as conditional uses.

#### **Amend 33.285.040.B.4.b:**

- b. Conditional use. If the mass shelter does not meet the standards of 33.285.050, it is a conditional use, as follows. Approval criteria are in Section 33.815.140, Mass and Outdoor Shelters and Specified Group Living Uses in the C, CI2, E and EI Zones. The standards of ~~Section Paragraphs~~ 33.285.050.B.2 through B.9 do not apply to mass shelters reviewed as conditional uses.

**Amend 33.285.040.B.5:**

5. EG zones. Generally, a mass shelters in EG zones ~~is~~are a conditional use, reviewed through the following procedures. Certain alterations to an existing mass shelters may be allowed if they meet Subparagraph B.5.b. Approval criteria are in Section 33.815.140, Mass and Outdoor Shelters and Specified Group Living Uses in the C, CI2, EX, and EI Z zones. The standards of Section Paragraphs 33.285.050.B.2 through B.9 do not apply to mass shelters reviewed as conditional uses.

**Amend 33.285.050.A.1-5:**

1. A short term shelter is prohibited in:
  - a. Environmental overlay zones;
  - b. Pleasant Valley Natural Resource overlay zones;
  - c. River Natural overlay zones;
  - d. River Environmental overlay zones;
  - e. Scenic overlay zones; and
  - f. The special flood hazard area.

1-5. [renumber to 2 through 6.]

**Amend 33.285.050.B.1-9:**

1. A mass shelter is prohibited in:
  - a. Environmental overlay zones;
  - b. Pleasant Valley Natural Resource overlay zones;
  - c. River Natural overlay zones;
  - d. River Environmental overlay zones;
  - e. Scenic overlay zones; and
  - f. The special flood hazard area.

1-8. [renumber to 2 through 9.]

**Amend 33.285.050.C.1:**

1. An outdoor shelter is prohibited in:
  - a. Environmental overlay zones;
  - b. Pleasant Valley Natural Resource overlay zones;
  - c. River Natural overlay zones;
  - d. River Environmental overlay zones;
  - e. Scenic overlay zones; and
  - f. The special flood hazard area.



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## **ITEM #10**

### **TEMPORARY SHELTERS IN ANY BASE ZONE WITHIN CERTAIN AREAS**

*The PSC suggest amendment is to restrict temporary shelters from locating in environmentally sensitive areas.*

#### **Amend 33.296.030.H:**

- H. Mass and outdoor shelters.** Mass shelters and outdoor shelters are allowed as a temporary activity in all zones except for Environmental overlay zones, the River Natural overlay zone, the River Environmental overlay zone, Scenic overlay zone, and the Pleasant Valley Natural Resource overlay zone. The temporary shelter is allowed for up to 180 days within a calendar year.

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## **ITEM #11**

### **CLARIFY EMERGENCY AND SHORTAGE DECLARATIONS FOR TEMPORARY SHELTER USES**

*This was amendment resolves some confusion regarding how to interpret a shelter shortage that is declared in Title 15 within the provisions of the Temporary Activities Chapter, 33.296. This amendment adds the term 'shelter shortage' to the provision on natural disasters and health and safety emergencies. A shelter shortage will be designated by Council with same mechanism as the health and safety emergencies, and so will last as long as the shelter shortage is declared.*

#### **Amend 33.296.030.G:**

- G. Natural disasters and emergencies.** Temporary activities and structures needed as the result of a natural disaster, shelter shortage, or other health and safety emergencies are allowed for the duration of the emergency. Temporary activities include food, water, and equipment distribution centers, medical facilities, short term shelters, mass shelters, outdoor shelters, warming or cooling shelters, and triage stations.

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## ITEM #12

### GROUP LIVING -DEFINE AS DWELLING WITH MORE THAN EIGHT BEDROOMS

The PSC suggested amendment is to change the distinction between Household Living and Group Living use categories from six bedroom to eight bedrooms.

#### Amend 33.920.100

#### 33.920.100 Group Living

- A. **Characteristics.** Group Living is the residential occupancy of a dwelling unit that contains more than eight bedrooms. Group Living is also the residential occupancy of a congregate housing facility. Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). Generally, Group Living uses often include structures have a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility (see Chapter 33.910, Definitions)
- B. [No changes]
- C. **Examples.** Examples include houses and other dwelling units with nine or more bedrooms; dormitories; communes; fraternities and sororities; monasteries and convents; nursing and convalescent homes; single room occupancy housing or SROs, rooming houses, residential hotels and other congregate housing facilities; some group homes for persons with disabling conditionsthe physically disabled, mentally retarded, or emotionally disturbed; and some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities.
- D. **Exceptions.**
1. Lodging where the length of stay tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category. However, in certain situations, lodging where tenancythe length of stay may be arranged for periods less than one month may be classified as a Community Service use such as short term, housing or mass or outdoor shelters.
  2. Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period, in a dwelling unit with eight or fewer bedrooms is classified as Household Living.
  3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

## Amend 33.920.110

### 33.920.110 Household Living

- A. Characteristics.** Household Living is characterized by the residential occupancy of a dwelling unit that contains **eight** or fewer bedrooms by a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where ~~tenancy~~ the length of stay may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). ~~Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy housing (SROs), that do not have totally self-contained dwelling units are also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents. In addition, residential homes as defined by the State of Oregon are included in the Household Living category (see Chapter 33.910, Definitions).~~
- B. Accessory Uses.** Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, accessory short-term rentals, and food membership distribution are accessory uses that are subject to additional regulations.
- C. Examples.** Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, and other ~~structures~~ dwelling units with **eight** or fewer bedrooms ~~self-contained dwelling units~~. Examples also include living in SROs if the provisions are met regarding length of stay and separate meal preparation.
- D. Exceptions.**
1. ~~Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis. Situations where the length of stay may be arranged for periods of less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category.~~
  2. ~~SROs that contain programs which include common dining are classified as Group Living.~~
  3. ~~Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses.~~
  4. In certain situations, lodging where the length of stay ~~tenancy~~ may be arranged for periods less than one month may be classified as a Community Service use, such as short term, ~~housing or mass, or outdoor~~ shelter.
  3. Lodging where tenancy is arranged on a month-to-month basis, or for a longer period, in a dwelling unit with more than **eight** bedrooms is classified as Group Living.

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**ITEM #16**

**TINY HOUSES AND RVS – DON'T COUNT AS ADUS**

*PSC suggested amendment to delete the code language that counts an occupied RV or tiny house on wheels counts as one of the allowed ADUs. Without this reference, there is no direction within the Zoning Code to how an occupied trailer allowed in conformance with Title 29 is treated. This amendment creates a new special use/ development chapter to clarify this situation.*

**DELETE the proposed amendment to 33.205.020** from Proposed Draft and **REPLACE** with the following:

**33.260 Occupied Recreational Vehicle**

**260**

**Sections:**

33.260.010 Purpose

33.260.020 Occupied Recreational Vehicles

**33.260.010 Purpose**

Title 29 of the Portland City Code allows the residential occupancy of recreational vehicles under certain circumstances. This chapter provides direction on how Title 33 regulations apply to occupied recreational vehicles.

**33.260.020 When This Chapter Applies**

This chapter applies to an occupied recreation vehicle on a site with a house, attached house, or manufactured home.

**33.260.010 Occupied Recreational Vehicles**

An occupied recreational vehicle is a vehicle and is not a building, structure or dwelling unit in terms of Title 33. The following standards clarify how Title 33 applies to an occupied recreational vehicle.

- A. Parking.** Chapter 33.266 applies to both occupied and unoccupied recreational vehicles. The development standards in 33.266 that apply to parking area and recreational vehicles on a site also apply occupied recreational vehicles.
- A. Density.** Because an occupied recreational vehicle is not a dwelling unit, building or structure it does not count toward minimum or maximum density or FAR.
- C. Other development standards.** Occupied recreational vehicles are not subject to development standards in this Title that apply to buildings or structures. However, structures attached to an occupied recreational vehicle are subject to all applicable development standards in this Title.
- D. Accessory short-term rentals.** An occupied recreational vehicle is prohibited from being an accessory short-term rental.

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## **ITEM #17**

### **VISITABILITY**

*This amendment is based on testimony from BDS, to revise the visitability references approved by the Residential Infill (RIP) and Better Housing by Design (BHBD) projects to incorporate the originally recommended language from the PSC.*

**Amend 33.110.265, 33.120.211, 33.205.040 and 33.270.200**

#### **33.110.265 Residential infill options**

**A.-D.** [No change]

- E. Triplexes and fourplexes.** Triplexes and fourplexes that meet the following standards are allowed on interior and corner lots in the R7 through R2.5 zones. Triplexes and fourplexes are prohibited on lots that abut a street that has not been accepted for maintenance by the City of Portland, or the State of Oregon in the case of state highways, and are prohibited on lots that abut a private street that connects to a street or highway that has not been accepted for maintenance by the City or State. See Title 17.42, Property Owner Responsibility for Streets. Payment in lieu of street improvements does not satisfy this requirement. Triplexes and fourplexes are also prohibited on lots where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District was demolished within the past ten years unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure that was demolished was an accessory structure, or the demolition was approved through demolition review.

1.-2. [No change]

3. Visitability.

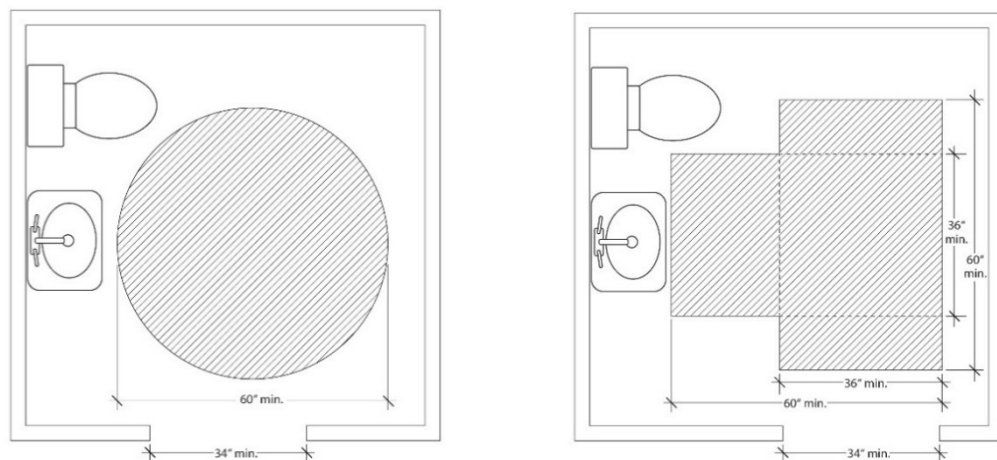
- a. Purpose. Visitability standards ensure that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
- Promote a diverse supply of more physically accessible housing;
  - Allow people of all ages and abilities to easily enter and visit the residence;
  - Foster community interaction by reducing barriers that can lead to social isolation; and
  - Enhance public safety for all residents and visitors.
- b. VISIBLE unit standards. Unless exempted by Subparagraph E.3.c., at least one dwelling unit on the lot must meet all of the following visitability standards: the requirements for Type C visitable units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and ensures that the features required by the Type C standards are retained for the life of the dwelling unit.

- (1) Visible entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
- (2) Visible bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visible bathroom must be on the same floor as the visible entrance or be accessible from the visible entrance via a ramp, elevator or lift. Adjustments are prohibited;
- (3) Visible living area. There must be at least 200 square feet of living area on the same floor as the visible entrance or 200 square feet of living area must be accessible from the visible entrance via a ramp, elevator or lift. Adjustments are prohibited; and
- (4) Visible doors. All door openings between and including the visible entrance, visible living area, and the visible bathroom must be at least 34 inches wide. Adjustments are prohibited.

c. Exemptions. The following are exempt from the standards of this Subsection:

- (1) Lots with an average slope of 20 percent or greater;
- (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.
- (3) Conversion of an existing residential structure to a triplex or fourplex.

**Figure 110-14**  
**Visible Bathroom Clearances**



**F. Affordable fourplexes and multi-dwelling structures.** Fourplexes and multi-dwelling structures with no more than six dwelling units are allowed on interior and corner lots in the R7 through R2.5 zones when the following standards are met. Fourplexes and multi-dwelling structures are prohibited on lots that abut a street that has not been accepted for maintenance by the City of Portland, or the State of Oregon in the case of state highways, and are prohibited on lots that abut a private street that connects to a street or highway that has not been accepted for maintenance by the City or State. See Title 17.42, Property Owner Responsibility for Streets. Payment in lieu of street improvements does not satisfy this requirement. Fourplexes and multi-dwelling structures are also prohibited on lots where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District was demolished within the past ten years unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure that was demolished was an accessory structure, or the demolition was approved through demolition review.

1.-5. [No change]

6. Visitability.

a. Purpose. Visitability standards ensure that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:

- Promote a diverse supply of more physically accessible housing;
- Allow people of all ages and abilities to easily enter and visit the residence;
- Foster community interaction by reducing barriers that can lead to social isolation; and
- Enhance public safety for all residents and visitors.

b. VISIBLE unit standards. Unless exempted by Subparagraph E.3.c., at least one dwelling unit on the lot must meet all of the following visitability standards: the requirements for Type C visible units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and ensures that the features required by the Type C standards are retained for the life of the dwelling unit.

(1) Visible entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.

(2) Visible bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visible bathroom must be on the same floor as the visible entrance or be accessible from the visible entrance via a ramp, elevator or lift. Adjustments are prohibited;

(3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and

(4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.

c. Exemptions. The following are exempt from the standards of this Subsection:

(1) Lots with an average slope of 20 percent or greater;

(2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.

(3) Conversion of an existing residential structure to a fourplex or multi-dwelling structure.

G. [No change]

### **33.120.211 Floor Area Bonus Options**

A.-B. [No change]

C. **Bonus options.**

1.-3. [No change]

4. Visitable units bonus option. Bonus FAR is allowed up to the maximum with visitable units bonus as stated in Table 120-5 when at least 25 percent of all the dwelling units on the site meet the following visitability standards, except that this bonus is not available for projects with buildings that are required by the Oregon Structural Specialty Code to include Type A or Type B accessible units; are built to either Type A or Type C standards as described below. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and ensures that the features required by the Type A or Type C standards cited below are retained for the life of the dwelling unit:

~~a. Dwelling units in houses, attached houses, duplexes, attached duplexes, triplexes, fourplexes, and multi-level dwelling units in multi-dwelling structures or multi-dwelling development must meet the requirements for Type C visitable units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance;~~

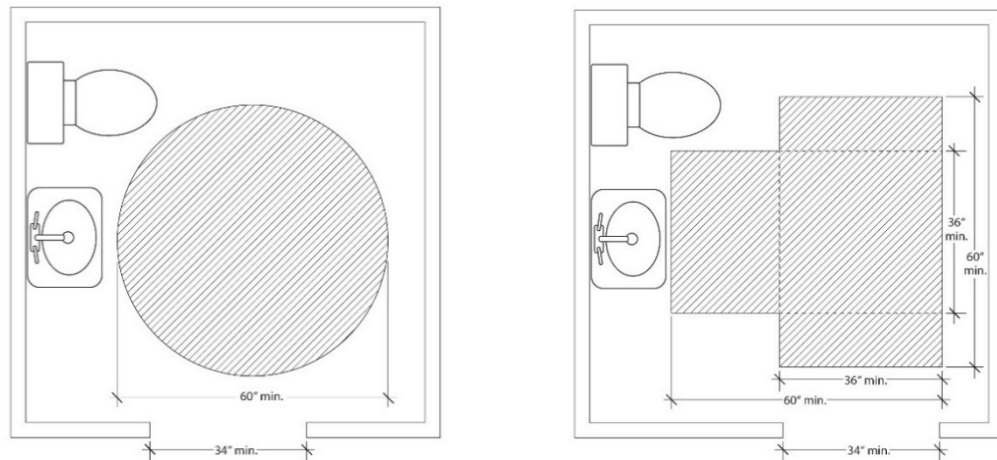
~~b. Other types of dwelling units must meet the requirements for Type A units as defined in the Oregon Structural Specialty Code.~~

a. Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.



- b. Visible bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 120-1. The visible bathroom must be on the same floor as the visible entrance or be accessible from the visible entrance via a ramp, elevator or lift. Adjustments are prohibited;
- c. Visible living area. There must be at least 200 square feet of living area on the same floor as the visible entrance or 200 square feet of living area must be accessible from the visible entrance via a ramp, elevator or lift. Adjustments are prohibited; and
- d. Visible doors. All door openings between and including the visible entrance, visible living area, and the visible bathroom must be at least 34 inches wide. Adjustments are prohibited.

**Figure 120-1**  
**Visible Bathroom Clearances**



**Renumber Figures 120-1 through 120-16 to be Figures 120-2 through 120-17**

### 33.205.040 Development Standards

A.-B. [No change]

C. **Requirements for accessory dwelling units.** Accessory dwelling units must meet the following:

1.-4. [No change]

5. Visitability.

a. Purpose. Visitability standards ensure that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:

- Promote a diverse supply of more physically accessible housing;
- Allow people of all ages and abilities to easily enter and visit the residence;
- Foster community interaction by reducing barriers that can lead to social isolation; and
- Enhance public safety for all residents and visitors.

b. When the visitable unit standards apply. Unless exempted by Subparagraph C.5.c., the visitable unit standards apply to the following situations:

- (1) When there are two accessory dwelling units on a site with a house, attached house or manufactured home; and
- (2) When there is one accessory dwelling unit on a site with a duplex.

c. Visitable unit standards. Unless exempted by Subparagraph E.3.c., at least one dwelling unit on the lot must meet the following visitability standards: the requirements for Type C visitable units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and ensures that the features required by the Type C standards are retained for the life of the dwelling unit.

(1) Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.

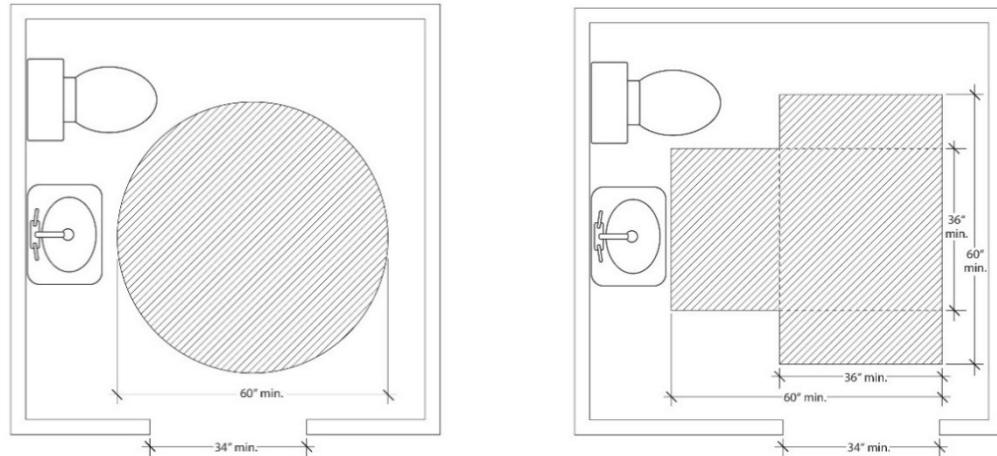
(2) Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 205-1. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;

(3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be

accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and

- (4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.

**Figure 205-1**  
**Visitable Bathroom Clearances**



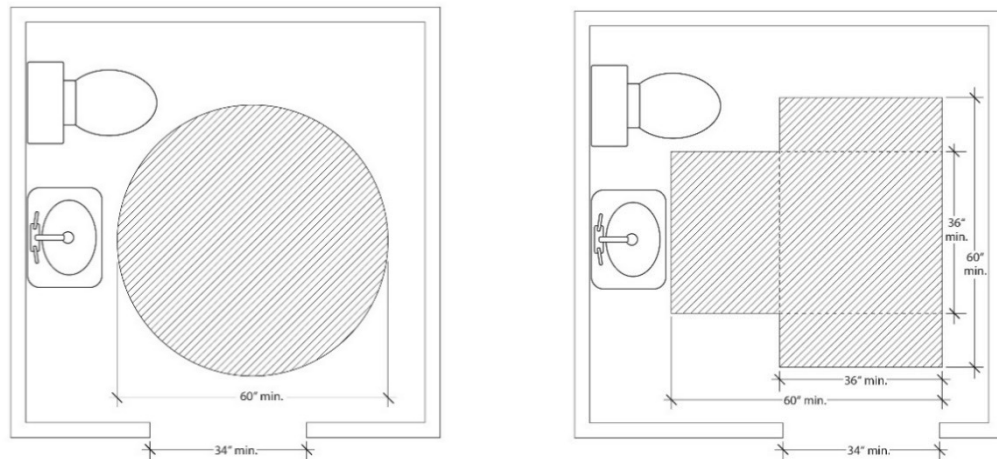
- d. Exemptions. The following are exempt from the standards of this Subsection:
- (1) Lots with an average slope of 20 percent or greater;
  - (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.
  - (3) Conversion of an existing accessory structure that is at least 5 years old or converting space in a house that is at least 5 years old to an accessory dwelling unit.

### 33.270.200 Additional requirements for Planned Developments in the R7 and R5 Zones

- A. Where this standard applies.** In the R7 and R5 zones, unless exempted by Subsection C., the standards of this section apply when the total number of proposed dwelling units is at least 75 percent of the maximum number of dwelling units allowed through the Planned Development,
- B. Visitability.** At least 33 percent of the dwelling units on the Planned Development site must meet the the following standards: requirements for Type C visitable units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and ensures that the features required by the Type C standards are retained for the life of the dwelling unit.

1. Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
2. Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 270-1. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;
3. Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
4. Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.

**Figure 270-1**  
**Visitable Bathroom Clearances**



**C. Exemptions.** The following are exempt from the standards of Subsection B:

1. Sites with an average slope of 20 percent or greater
2. Sites where fewer than 3 units are proposed.
3. Sites with a concurrent land division where no multi-dwelling development or multi dwelling structures are proposed. For these sites, the visitability standards are applied to each lot according to 33.110.265.E.3. at the time of development.

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**ITEM #19 (New)**

**ENSURE THAT ANY VEHICLE CAN BE AN ACCOMMODATION IN AN OUTDOOR SHELTER**

*This is a staff suggested technical amendment to clarify that outdoor shelters may include other vehicles besides RVs to function as individual shelters*

**Outdoor Shelter.** Individual tents, yurts, huts, cabins or other similar individual shelters that do not contain sanitary or cooking facilities, vehicles, and recreational vehicles with or without cooking and sanitary facilities, grouped together in an outdoor setting. The shelter is managed by a public agency or a non-profit agency, with or without a fee, and with no minimum length of stay. An outdoor shelter may or may not include buildings that have food preparation or shower facilities. See also Mass Shelter and Short Term Shelter.