



**Bureau of Planning and Sustainability**  
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January 22, 2021

TO: Planning and Sustainability Commission

FROM: Eric Engstrom, Principal Planner

RE: Shelter to Housing Continuum - codes outside of the Zoning Code

The purpose of this memo is to provide a summary of changes being made to the elements of the project outside of Title 33, the Zoning Code. The proposed draft included amendments to Titles 8, 15, 17 and 29. The summary is based on the amendments as they stand today. Staff is working with the other bureaus and the City Attorney on refinements. This work will continue into February.

We received a variety of testimony related to these other titles. City agencies have been reviewing the testimony and will be making several revisions to the proposal in response. As you know, the PSC's formal role is to make recommendations on the proposed Zoning Code elements (Title 33), but we understand that you may also want to reference the other elements in your letter to Council. Understanding the most current status of the other elements may also help you ensure that the Zoning Code is aligned with these other codes.

Title 8

These amendments remove an obsolete chapter of the Portland City Code regulating automobile trailer courts. There was little or no testimony about this. Staff is not reconsidering this deletion.

Title 15

The proposed draft recommended removing authorization for City Council to declare a housing emergency and replacing it with authority to declare a shelter shortage. Staff has abandoned this approach and is now proposing to add shelter shortage declaration authority to the existing housing emergency authority. The difference between the two is that, once declared, an emergency declaration

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has to be renewed every six months while a shelter shortage declaration may remain in place until the shortage is abated. Either declaration would authorize code future actions to waive city codes, but either declaration, in and of itself, would not waive any codes. A notice provision is added to Title 15 for any future proposal to waive a Title 33 land use regulation. Staff has also some minor changes to Chapter 33.296 to better align Council's emergency authorities with the zoning code.

## **Title 17**

This title addresses utilities and the right of way. The S2HC amendments allow certain portable facilities to be placed in the right of way. Staff is not recommending any changes to this proposed language. We are working with BES to assess the need for additional Title 17 changes related to sanitary sewer connections for Tiny Houses on Wheels and RVs, and Outdoor Shelters.

## **Title 29**

This title addresses nuisances and housing conditions. The proposed amendments provided exceptions to the general prohibition on the residential occupancy of structures or spaces not intended for permanent residential use or occupancy, including Tiny Houses on Wheels (THOWS) and RVs. We received quite a bit of testimony on these provisions. We are working with other agencies to develop several revisions to the proposed language, including:

- Removing the references to a DMV Title for THOWS and RVs
- Refining the requirement for a sanitary sewer connection to exempt vehicles that do not have internal plumbing and developing procedures so that required connections can be permitted through a plumbing trade permit without triggering SDC fees.
- We are discussing the reference to the ANSI 119.5 and NFPA 1192 standards and may make changes to that language.
- We are not proposing to change the number of allowed THOWS and RVs on a residential site. The proposal limited the number of vehicles to one per site, and we are carrying that recommendation forward to Council. State Laws governing campgrounds are triggered when there is more than one vehicle on a site, which makes a multi-vehicle configuration much more complex. Multiple THOWs and RVs can be allowed on a site through several other City Codes: in campgrounds and RV Parks (where those land uses are allowed), and on religious institutional sites under Oregon Revised Statutes, Chapter 203, Section 082. THOWS and RVs are also an allowed shelter type in an Outdoor Shelter (where that land use is allowed).

