

ORDINANCE No. 190380 As Amended

*Amend Title 33 Planning and Zoning to facilitate the provision of shelter and housing options for Portlanders in need (Ordinance; amend Code Title 33)

The City of Portland ordains:

Section 1. The Council finds:

1. On October 7, 2015, the Council, through Ordinance 187371, declared a housing emergency for a period of one year.
2. On September 7, 2016, the Council, through Ordinance 187973, extended the housing emergency declared by Ordinance 187371 for an additional one-year period.
3. On October 4, 2017, the Council, through Ordinance 188627, further extended the housing emergency for another eighteen-month duration.
4. On February 19, 2019, the Council, through Ordinance 189387, continued the housing emergency initially declared by Ordinance 187371, and subsequently extended twice, until April 4, 2021.
5. Ordinance 189387 also directed the Bureau of Planning and Sustainability (BPS) to develop a legislative proposal making permanent changes to city code to allow for temporary housing, shelters, and alternative shelter siting. This directive led to the Shelter to Housing Continuum Project.
6. The State of Emergency Declarations by City Council have allowed for the siting of shelters, and related services, and has expedited the design review process for affordable housing. These operational improvements have provided significant efficiencies and improvements to be able to address expedited affordable housing development, and to provide service locations to people experiencing homelessness.
7. The population experiencing homelessness are amongst the most vulnerable residents of Portland. On a single night during the winter of 2019, a point-in-time (PIT) count recorded 4,015 people as experiencing homelessness. The persistence of people experiencing unsheltered homelessness, the reliance on our emergency shelters, and the severe shortage of affordable housing are circumstances that create an immediate need to provide adequate, safe, and habitable shelter to persons experiencing homelessness.
8. Experiencing homelessness causes tremendous human suffering and demands a spectrum of emergency response that includes adequate, safe, and habitable shelters, affordable housing units, and appropriate supportive services. Since 2015, the Council has recognized and responded to the ongoing affordable housing crisis in an emergency mode.

9. The Bureau of Planning and Sustainability, the Portland Housing Bureau, the Bureau of Development Services, and the Joint City-County Office of Homeless Services partnered on this project to retool Portland City Codes to better address the emergency housing needs of people experiencing homelessness or at risk of homelessness or displacement.
10. The Shelter to Housing Continuum Project is intended to further fair housing goals by expanding shelter and housing options throughout the city.
11. Research for this project was funded by a technical assistance grant from the Oregon Department of Land Conservation and Development.
12. The Shelter to Housing Continuum Proposed Draft was released for public review on November 25, 2020.
13. On October 30, 2020, notice of the Proposed Draft was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-0020.
14. On December 8, 2020 and December 15, 2020, the Portland Planning and Sustainability Commission (PSC) held public hearings on the Proposed Draft. The PSC voted to forward the Shelter to Housing Continuum Project to City Council on January 26, 2021.
15. The Shelter to Housing Continuum Recommended Draft was released for public review on February 17, 2021.
16. The Shelter to Housing Continuum Recommended Draft includes three volumes. Volume One contains an introduction to the proposal. Volume Two contains PSC-recommended amendments to Title 33, Planning and Zoning. Volume Three contains related amendments to other titles of Portland City Code being considered through a separate companion ordinance.
17. On February 24, 2021, notice of the March 17, 2021 City Council public hearing on the Shelter to Housing Continuum Recommended Draft was mailed to the those who presented oral and written testimony at the Planning and Sustainability Commission public hearings and those who requested such notice.
18. The Shelter to Housing Continuum Recommended Draft includes changes to Portland City Code to: remove barriers to the siting of shelters; enable operation by public agencies or nonprofit organizations of outdoor shelters where people can be accommodated in tents, yurts, small cabins or vehicles on sites that can also have supportive services such as bathrooms, laundry, and cooking facilities; ease restrictions on unrelated persons sharing homes in residential areas; and allow occupancy of a recreational vehicle, or a tiny house on wheels, on residential property. These changes will provide a continuum of new shelter and housing alternatives for people experiencing homelessness including those currently camping on streets and in open spaces.

19. Due to the urgent need for shelters, the code amendments in Exhibit C related to removing barriers to the siting of shelters, specified in directives a, b and c, will go into effect immediately upon adoption by City Council.
20. Amendments to code sections and subsection that include easing restrictions on unrelated persons sharing homes (i.e. changes to group living) and the occupancy of recreational vehicles (i.e. tiny houses on wheels)(collectively the “group living” code amendments), specified in directive e, will go into effect on August 1, 2021 in tandem with implementation of the adopted Residential Infill Project code changes.
21. Some of the shelter code amendments and some of the group living code amendments affect the same sections or subsections of code. Because the group living code changes trigger rewording or renumbering, it is necessary for Council to adopt interim zoning code amendments that implement certain shelter code amendments until the sections that implement both the shelter code group living amendments become effective on August 1, 2021. These amendments are described in directive d. As specified in Section 2 of this ordinance, the interim zoning code amendments in directive d go into effect immediately upon adoption by Council and sunset on August 1, 2021, at which time the changes in directive e go into effect, triggering the reorganization or rewording of the section or subsection.
22. The Findings of Fact Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland 2035 *Comprehensive Plan*.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A—As-Amended as additional findings
- b. Adopt Exhibit B, Shelter to Housing Continuum Recommended Draft Volume One, dated February 2021, and the commentary in Exhibit C, Shelter to Housing Continuum Recommended Draft Volume Two—As-Amended, dated April 2021, as legislative intent and further findings.
- c. Amend Title 33, Planning and Zoning, of the Municipal Code of the City of Portland as shown in Exhibit C, Shelter to Housing Continuum Recommended Draft Volume Two—As-Amended, dated April 2021, but excluding the amendments to Title 33, Planning and Zoning List of Chapters, Table of Contents, 33.110.100, 33.110.200, 33.110.210, Table 110-4, 33.110.225, 33.110.265, 33.120.100, Table 120-2, 33.120.213, 33.120.240, 33.130.100, 33.130.207, 33.130.228, 33.140.100, 33.150.100.B.9; 33.200 Table of Contents, 33.205.040.C, 33.207.040, 33.207.050, 33.236.030, 33.239, 33.260, 33.266.110, Table 266-2, 33.270, 33.815.140, 33.920.100, 33.920.110, the following terms in 33.900 List of Terms: Congregate Housing Facility, Group Living Facility, Household, Residential Structure Types, Single Room Occupancy Housing (SRO), and the following definitions in 33.910.030: Congregate Housing Facility, Density, Group Living Structure, Household,

- Residential Structure Types, Single Room Occupancy Housing (SRO),
Vehicle Types.
- d. Amend 33.110.100, 33.120.100, 33.130.100, 33.140.100, and 33.815.140 as shown in Exhibit D, Shelter to Housing Continuum Interim Zoning Code Amendments.
 - e. Amend Title 33, Planning and Zoning List of Chapters, Table of Contents, 33.110.100, 33.110.200, 33.110.210, Table 110-4, 33.110.225, 33.110.265, 33.120.100, Table 120-2, 33.120.213, 33.120.240, 33.130.100, 33.130.207, 33.130.228, 33.140.100, 33.150.100.B.9; 33.200 Table of Contents, 33.205.040.C, 33.207.040, 33.207.050, 33.236.030, 33.239, 33.260, 33.266.110, Table 266-2, 33.270, 33.815.140, 33.920.100, 33.920.120, the following terms in 33.900 List of Terms: Congregate Housing Facility, Group Living Facility, Household, Residential Structure Types, Single Room Occupancy Housing (SRO), and the following definitions in 33.910.030: Congregate Housing Facility, Density, Group Living Structure, Household, Residential Structure Types, Single Room Occupancy Housing (SRO), Vehicle Types, of the Portland City Code as shown in Exhibit C, Shelter to Housing Continuum Recommended Draft Volume Two—As-Amended, dated April 2021.

Section 2. The Council declares that an emergency exists because the city is experiencing a housing crisis and, for humanitarian reasons, immediate action is necessary; therefore, directives a, b and c shall be in full force and effect on April 30, 2021, directive d shall be in full force and effect from April 30, 2021 until August 1, 2021, and directive e shall be in full force and effect on August 1, 2021.

Section 3. If any section, subsection, sentence, clause, phrase, diagram or drawing contained in this ordinance, or the map, report, inventory, analysis, or document it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the map, report, inventory, analysis, or document each section, subsection, sentence, clause, phrase, diagram and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by the Council: April 28, 2021

Mayor Wheeler &
Commissioners Rubio & Ryan
Prepared by: Eric Engstrom
Date Prepared: April 20, 2021

Mary Hull Caballero
Auditor of the City of Portland

By *Christina Thomas*

Deputy

Agenda No.
ORDINANCE NO. 190380 As Amended
Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Rubio, Ryan, Wheeler</p>	<p>CLERK USE: DATE FILED <u>March 9, 2021</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u>Megan Lehman</u> Deputy</p> <p>ACTION TAKEN:</p> <p>March 17, 2021 Continued to March 24, 2021 at 2:00 p.m. Time Certain</p> <p>March 24, 2021 Continued to March 31, 2021 at 3:00 p.m. Time Certain</p> <p>March 31, 2021 Continued to April 14, 2021 at 2:00 p.m. Time Certain</p> <p>April 14, 2021 Continued to April 28, 2021 at 2:00 p.m. Time Certain</p>
<p>Mayor—Finance & Administration - Wheeler <small>Ted Wheeler Digitally signed by Ted Wheeler Date: 2021.03.09 10:42:23 -08'00'</small></p>	
<p>Position 1/Utilities - Rubio <small>Carmen Rubio Digitally signed by Carmen Rubio Date: 2021.03.09 10:42:23 -08'00'</small></p>	
<p>Position 2/Works - Ryan <small>Digitally signed by Yessica L. Carrillo Date: 2021.03.09 14:01:24 -08'00'</small></p>	
<p>Position 3/Affairs - Hardesty</p>	
<p>Position 4/Safety - Mapps</p>	
<p style="text-align: center;">BUREAU APPROVAL</p>	
<p>Bureau: Planning and Sustainability Bureau Head: <u>Andrea Durbin</u> <small>Digitally signed by Andrea Durbin Date: 2021.02.24 15:41:48 -08'00'</small></p>	
<p>Prepared by: <u>Eric Engstrom</u> Date Prepared: <u>2/23/2021</u></p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <small>Digitally signed by Lily Rees Date: 2021.02.24 15:28:16 -08'00'</small></p>	
<p>Council Meeting Date <u>March 17, 2021</u></p>	

AGENDA

TIME CERTAIN
Start time: 2:00 P.M.
Total amount of time needed: 3 hrs (1 of 2)
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Rubio	✓	
2. Ryan	✓	
3. Hardesty	✓	
4. Mapps	✓	
Wheeler	✓	