



Shelter ▶ to Housing Continuum

Amendments to the City Code

Volume Three, Changes to Other City Codes

Recommended Draft - As Amended
April 2021

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.

The Bureau of Planning and Sustainability is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503-823-7700 or use City TTY 503-823-6868, or Oregon Relay Service 711.

Traducción o interpretación	Chuyển Ngữ hoặc Phiên Dịch	翻译或传译	Письменный или устный перевод	Traducere sau Interpretare
الترجمة التحريرية أو الشفهية	Письмовий або усний переклад	翻訳または通訳	Turjumida ama Fasiraadda	ການແປພາສາ ຫຼື ການອະທິບາຍ

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

Testimony on the Recommended Draft is due on March 17, 2021

How to Testify:

The Shelter to Housing Continuum Recommended Draft will be considered by the Portland City Council. The public is invited to submit formal comments (public testimony) to City Council in writing, online via the Map App, or remotely at the public hearing. Testimony is directed to City Council, which may amend the proposal.

To testify in writing:

You must provide your full name and mailing address and use one of the following methods:

- **MapApp:**
The MapApp is easy as sending an email. Go to: <https://www.portlandmaps.com/bps/mapapp/>, click to view the Shelter to Housing Continuum Project and then click “Testify”.
- **U.S. Mail:**
Portland City Council
Shelter to Housing Continuum Tetimony
1221 SW 4th Avenue, Room 130
Portland, OR 97204

To testify at the City Council meeting:

You may speak for three minutes to the City Council, and your testimony will be added to the public record. You must provide your full name and mailing address.

Council hearing date: Wednesday March 17, 2021 at 2p.m.

The hearing will be held virtually. You can use a computer, mobile device or telephone to testify during the hearing. **You must pre-register to testify. See below:**

To testify during the hearing, please visit the project website to register: <https://www.portland.gov/bps/s2hc>. You will receive a confirmation email containing information about joining the virtual hearing. The deadline to sign up for the March 17 Council hearing is March 16 at 4:00 p.m. Individual have three minutes to testify, unless stated otherwise at the hearing.

Email the Council Clerk at cctestimony@portlandoregon.gov with questions.

To confirm the hearing date and time, check the City Council calendar at <https://www.portlandoregon.gov/auditor/26997> for the most updated information.

For more information:

Visit the project webpage at www.portland.gov/bps/s2hc or contact Phil Nameny at Phil.Nameny@portlandoregon.gov.

Project timeline:



Acknowledgments

Portland City Council

Ted Wheeler, Mayor
 Jo Ann Hardesty, Commissioner
 Mingus Mapps, Commissioner
 Carmen Rubio, Commissioner
 Dan Ryan, Commissioner

Portland Planning and Sustainability Commission

Eli Spevak, Chair
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 Katie Larsell, Commissioner
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 Chris Smith, Commissioner

Bureau of Planning and Sustainability

Carmen Rubio, Commissioner-in-charge
 Andrea Durbin, Director
 Joe Zehnder, Chief Planner
 Eric Engstrom, Principal Planner

Project Staff

Al Burns (Retired), AICP, Senior City Planner, Bureau of Planning and Sustainability, Project Manager
 Shannon Buono, Senior City Planner, Bureau of Planning and Sustainability, Code Editor
 Jessica Conner, Senior Policy and Planning Coordinator, Housing Bureau, Technical Advisor
 Phil Nameny, City Planner II, Bureau of Planning and Sustainability, Technical Advisor
 Matt Wickstrom, Senior City Planner, Bureau of Development Services, Technical Advisor

Project Advisors

Terry Whitehill, Bureau of Development Services
 Marc Jolin and April Rohman, Joint Office of Homeless Services
 Jonny Lewis, Office of Management and Finance
 Amber Clayton, and Mike Crebs, Portland Bureau of Transportation
 Brett Horner, Portland Parks and Recreation
 Marie Walkiewicz, Bureau of Environmental Services
 Nate Takara, Portland Fire and Rescue
 Chris Davis and Jake Jensen, Police Bureau
 Lauren King, City Attorney's Office
 Seraphie Allen and Zachary Kearn, Mayor Wheeler's Office
 Claire Adamsick and Cynthia Castro, Commissioner Fritz's Office
 Derek Bradley, Commissioner Hardesty's Office

Project Research

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Table of Contents

Volume 3, Other Code Amendments

8.32	Automobile Trailer Courts.....	4
15.04	Emergency Code	20
15.08	Authority During a Housing Emergency.....	22
17.13	Parks SDCs	26
17.14	Financing of, and Exemptions from, Systems Development Charges	28
17.15	PBOT SDCs.....	30
17.36	BES SDCs.....	32
21.16	Water SDCs.....	36
29.50	Illegal Residential Occupancy.....	40
30.01	Title 30 Definitions	46
30.01	Exemptions of System Development Charges	48

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Other Code Amendments

This volume presents staff proposed amendments to Titles 8, 15, 17, 21, 29 and 30 of the City Code. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

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Title 8, Health and Sanitation

Commentary

Chapter 8.32

Portland City Code Chapter 8.32 is deleted in its entirety.

Chapter 8.32 is a remnant chapter in a largely obsolete title of the Portland City Code. Title 8 was administered by the Portland Bureau of Health, but that bureau has been abolished for decades and the equivalent of most of the abolished bureau's duties are now being carried out by the Multnomah County Health Department. Chapter 8.32 has no assigned administrating bureau.

All the functions described in Chapter 8.32 are now replaced and carried out by:

- Title 33 of the Portland City Code,
- The 2019 Oregon Structural Specialty Code, and
- Oregon Administrative Rules Division 918, Chapter 650.

The Bureau of Development Services is assigned administrative authority for these current authorities.

There are current definitions for those deleted in Chapter 8.32. Oregon Revised Statutes 446.320 requires the Oregon Health Authority to issue a license for a "tourist facility," which is synonymous with what the deleted Portland City Code 8.32.100 calls a "trailer court," and with what Oregon Administrative Rules 918-650-0005 and Portland City Code 22.910 define as a "recreational vehicle park." Under state law two or more recreational vehicles on the same lot constitute a recreational vehicle park.

Deleted section 8.32.040 refers to City zones that no longer exist. Recreational vehicle parks are a use now allowed in the City's Residential Manufactured Dwelling Park Zone and all commercial, mixed use and employment zones that allow retail sales and services.

Language to be **added** is shown in underline.
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~~8.32 Automobile Trailer Courts~~

~~8.32~~

8.32.010 Definitions

The following words and phrases shall have the meanings ascribed to them in this Section:

A. “Approved” when applied to plumbing fixtures, plumbing connections, etc., means that the fixtures, connections, etc., have been approved by the chief inspector of the plumbing division. When the same term is applied to sanitary provisions or measures, it means that the same has been approved by the chief of the sanitary division of the Bureau of Health. When the same term is applied to fire prevention appliances or equipment, it means that the same has been approved by the fire marshal. When the same term is applied to building construction, it means that the same has been approved by the chief of the building division. When the same term is applied to electric wiring or appliances, it means that the same has been approved by the chief of the electrical division;

B. “Permit” means a written permit issued by the Health Officer permitting the trailer court to operate under this Chapter and regulations promulgated thereunder;

C. “Trailer court” means a lot or parcel of ground arranged or used for the parking of automobile trailer coaches. For brevity an automobile trailer court may be referred to as a “court”;

D. “Trailer coach” means any vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons;

Commentary

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Language to be **added** is shown in underline.
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E. “~~Dependent trailer coach~~” means a trailer coach which does not have a water closet and a bathtub or shower;

F. “~~Independent trailer coach~~” means a trailer coach that has a water closet and a bathtub or shower;

G. “~~Trailer coach space~~” means a plot of ground within a trailer court, designated for the accommodation of one trailer coach;

H. “~~Service building~~” means a building housing toilet facilities for men and women, with a slop water closet and laundry facilities, and with separate bath and shower accommodations.

8.32.020 License and Permits Required.

No automobile trailer court shall be established or maintained unless a license has been obtained for the court, which license shall not be issued by the Bureau of Licenses until the City Council has first approved the issuance of the same.

Permits shall be taken out for building, electrical or plumbing work, which may be performed in connection with such court.

8.32.030 Information to be Furnished by Applicant.

Every applicant for the establishment of a trailer court shall submit to the Bureau of Health an application and a plan showing the location and arrangement of the court, and shall give full information relative to the facilities that are to be supplied, showing the location and character of construction of buildings, the layout and surfacing of driveways, and the arrangements made for sanitation, lighting, fire protection, etc. Before submitting the application and plan to the Council, the Health Officer shall obtain reports from the Bureau of Development Services, the fire marshal, and the State Board of Health, and shall transmit the application, the plan, the reports, and his recommendations to the Council. If it appears to the Council that the fire protection and sanitary arrangements are adequate and that the establishment of the court will not be a detriment to the neighborhood or to the City as a whole the Council may approve the issuance of a license.

The Bureau of Development Services shall not issue a permit for building, plumbing or electrical work in connection with the court until the Council has approved the issuance of a license.

8.32.040 Location.

An automobile trailer camp shall be located only in Zones C2 and M3, under conditional use procedure, as established by the planning and zoning Code. No trailer camp shall be located in Fire District No. 1 or Fire District No. 2 as the same are designated in Building Code.

Commentary

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8.32.050 Layout of Grounds.

~~A. Every trailer court shall be enclosed by a substantial fence not less than 6 feet in height, constructed of masonry, woven wire, or other similar construction approved by the building inspector.~~

~~B. Each trailer coach space shall contain a minimum of 1,000 square feet inclusive of parking space for the propelling vehicle, shall be at least 25 feet wide, shall be plainly marked in some permanent manner, and shall abut on a driveway or the clear area with unobstructed access to a public street. Such spaces shall be clearly defined, and trailer coaches shall be parked in such spaces so that there will be a minimum of 15 feet between trailer coaches and so that no trailer coach will be less than 10 feet from the exterior boundary of the trailer court.~~

~~C. Access roads shall be provided to each trailer space. Each access road shall be continuous, shall connect with a street or highway, shall have a minimum width of 20 feet and shall be properly surfaced.~~

~~D. An occupied trailer coach shall not be parked closer than 25 feet to any public street or highway, and no part of such trailer coach shall obstruct any public roadway or walkway. An occupied trailer coach shall not be allowed to remain in a trailer court unless a trailer space is available.~~

~~E. Adequate areas shall be provided for the parking of motor vehicles of guests.~~

~~F. Outside drying space adjacent to the service building, or other clothes drying facilities, shall be provided.~~

8.32.060 Buildings.

~~A. Every court shall have an office and a sign designating it as such. Each trailer court shall be provided with one or more service buildings adequately equipped with flush type water closet fixtures. Each establishment shall have not less than one water closet for females, one water closet for males, one lavatory and shower for each sex, one urinal for males, one laundry unit (laundry tray or washing machine), and one slop sink. Dependent trailer coaches shall be parked not more than 200 feet from a service building.~~

~~B. Service buildings shall:~~

- ~~1. Be located 15 feet or more from any trailer space;~~
- ~~2. Be of permanent construction and adequately lighted;~~
- ~~3. Be provided with a floor and a base not less than 6 inches in height, the floor and the base being made of waterproof material such as concrete, tile, or other approved impervious material;~~

Commentary

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4. ~~Have sufficient toilet and laundry facilities, according to the ratio stipulated, to serve adequately both males and females;~~
5. ~~Have adequate heating facilities to maintain a temperature of 70 degrees Fahrenheit during cold weather, and to supply minimum of 3 gallons of 140 degrees Fahrenheit minimum hot water per hour per trailer coach space during time of peak demands;~~
6. ~~Have all rooms properly ventilated, with all openings effectively screened;~~
7. ~~Shall have at least one slop sink with hot and cold water, accessible to both sexes at all times;~~
8. ~~All trailer court buildings shall comply with the housing, building, electrical, plumbing and health and sanitation regulations.~~

8.32.070 Sanitation.

~~A. Water from City mains shall be provided for the court so that water either is furnished directly to each coach or is accessible for the occupants of each coach by a faucet located in accordance with the rules of the State Board of Health, but in no case shall each faucet be over 100 feet from any coach.~~

~~B. Trailer coaches provided with water closets, sinks, lavatories, or showers shall be connected to the City sewer system or to a sewer system approved by the Health Officer.~~

~~C. To serve more than 10 dependent coaches, additional fixtures shall be provided in the following ratios:~~

1. ~~Toilet facilities for males and females shall be separated, if located in the same building, by sound resistant wall;~~
2. ~~A lavatory for each sex shall be provided for every 10 dependent trailer coaches or fraction thereof. A bathtub or shower stall in a separate compartment shall be provided for each sex in the ratio of one for every 12 dependent trailer coaches or fraction thereof;~~
3. ~~There shall be provided not less than one sink for every 10 units requiring sink facilities;~~
4. ~~All rooms used by the public for toilet purposes shall be lighted at night with illumination amounting to not less than two foot candles in all portions of the room.~~

~~D. All trailer courts shall be kept free from refuse, weeds and brambles.~~

~~There shall be provided for each two units at least one approved galvanized metal garbage can of not less than 20 gallon capacity, provided with a close fitting cover, which can be set on a base at least 6 inches above the ground. Such can shall be emptied at least once every 24 hours, and the garbage disposed of in a manner approved by the Health Officer. The garbage cans shall be thoroughly cleaned before they are returned to the units.~~

Commentary

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~~No washing or cleaning of coaches or of the propelling vehicles, other than dusting or brushing out, shall be done while in the court, unless such washing or cleaning is performed over a wash rack provided with a drain conforming to the regulations of the plumbing division.~~

~~All plumbing and plumbing fixtures shall be properly installed to conform to the requirements of the plumbing division and shall be maintained in good operating condition at all times.~~

8.32.080 Fire Protection.

~~Every court shall be provided with a water main not smaller than 2 inch pipe size, connected to the City water supply and having approved outlets, valves, hose connections, etc., for a 1-1/2 inch fire hose, with the outlets so arranged that with a length of hose not exceeding 75 feet, a stream of water will reach every portion of the court. The water main shall not be less in pipe size than the size given in the following table, based on the number of 1-1/2 inch hose outlets served.~~

Number of Outlets Not to Exceed	Pipe Size In Inches
-	-
2	2
4	2-1/2
6	3
8	3-1/2
10	4

~~No rubbish or trash shall be burned in open fires. No bonfires shall be permitted. Incinerators shall be located and constructed under the direct supervision of the Fire Marshal.~~

~~All fire protection equipment shall be maintained in serviceable condition under the direction of the Fire Marshal.~~

8.32.090 Electrical Regulations and Connections for Trailer Coaches.

~~Where facilities are provided for the supply of electrical energy to trailer coaches while in court, the following requirements shall be complied with:~~

~~A. At least one weatherproof fused receptacle outlet with fuses located in locked enclosure shall be installed for each unit. This outlet shall be so located that not more than 30 feet of portable conductor will be required to connect with trailer coach wiring. The rating of fuses protecting trailer coach outlet shall not exceed three amperes, unless the trailer coach is wired in compliance with the National Electrical Code;~~

Commentary

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~~B. Overhead yard wires supplying trailer coach outlet shall have a clearance above ground of not less than 15 feet, except across spaces accessible to pedestrians only, in which case the clearance above ground shall be not less than 10 feet. Wires connecting to trailer coach outlets shall be installed in conduit or electrical metallic tubing where less than 8 feet from the ground;~~

~~C. Portable cord used for the connection of trailer coach unit shall be of a type approved for hard service and shall not be less in size than no. 16, B & S gauge. Where the trailer coach wiring is approved for use with fuses in excess of three amperes, as permitted above, the cord shall have a current carrying capacity at least equal to the fuse rating;~~

~~D. In all other respects the permanent wiring of the court shall comply with the electrical Code of the City;~~

~~E. No trailer coach shall be connected to the court electric system if the electrical division finds the wiring of any such trailer coach to be hazardous.~~

8.32.100 Registration Book.

~~Every court shall have a registration book, and the names and addresses of all the members of the trailer coach party shall be entered in the book by a member of the party, together with information relative to the make and year of manufacture and license number of the trailer coach and the propelling vehicle. The registration book shall show the date of arrival and departure of every trailer coach and the trailer coach unit occupied. This registration book shall be available for the inspection of officers or employees of the City, county, state or federal governments upon request.~~

~~The manager of a court shall report without delay to the Bureau of Health any illness of any member of a trailer coach party, whether such illness appears to be of a contagious nature or not.~~

8.32.110 Removal of Wheels.

~~The removal of the wheels or the setting of a trailer coach on posts or footings will not be considered as removing the same from the regulations affecting trailer coaches, unless such trailer coach is made to conform with housing, building and other codes regulating a dwelling.~~

8.32.120 Parking in Court Required.

~~Any trailer coach used for sleeping or living purposes shall not be parked for any period of time exceeding 3 hours except in a trailer court, and no cooking shall be done in a trailer coach outside of a trailer court; provided that self-contained camping or recreational vehicles shall, at the discretion of the Exposition Recreation Commission, be allowed to park in the parking lot of the Memorial Coliseum complex in order to provide living quarters for persons to care for animals involved in shows at the Memorial Coliseum complex, for such time as may be necessary to care for such animals. The activities of all persons occupying such vehicles during the times mentioned shall be under the supervision of the City County Bureau of Health and all such activities shall comply with applicable provisions of this Code~~

Commentary

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8.32.130 Licenses Fees.

~~License fees shall be as provided in Title 7, and every trailer court shall be subject to all the regulations provided in Title 7.~~

Commentary

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Title 15, Executive Responsibility

Commentary

Chapter 15.04, Emergency Code

Portland's housing emergency was first declared in 2015 and has been extended several times. These extensions have highlighted that the need for shelter is not an episodic emergency, with a discrete beginning and end, but is a continuing crisis. The amendments to this and other City Codes allow the City to address shelter needs continuously.

Particularly, amendments to this chapter allow the Council to declare a continuing "shelter shortage" instead of, or along with, another emergency declaration. During a recognized shelter shortage temporary shelters may remain open for the duration of the emergency and the 180-day limit for temporary shelters in 33.296.030.H would not apply.

These amendments in no way restricts the City's abilities to address shelter and housing needs arising from emergencies such as the COVID-19 pandemic or seasonal wildfires. The unamended provisions of Portland City Code, Chapter 15.04 continue to provide for these, as does Portland City Code 33.296.030.G, which provides:

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, warming or cooling shelters, and triage stations.

Language to be **added** is shown in underline.
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15.04 Emergency Code

15.04

15.04.010 – 15.04.030 [no changes]

15.04.040 Declaration of State of Emergency.

A. [no changes]

B. [no changes]

C. [no changes]

D. [no changes]

E. [no changes]

F. [no changes]

G. [no changes].

H. When circumstances create an unmet need for safe and habitable shelter, the Council may adopt a ordinance declaring a shelter shortage. This declaration will remain in effect until the Council terminates the declaration by ordinance.

Commentary

15.08 Authority During a Housing Emergency

A reference to the term "Shelter Shortage" is added to complement corresponding language in the Zoning Code Chapter 33.296. In normal circumstances there is a 180-day use limit for temporary shelters as described in 33.296.030.H. When such a declaration is in effect temporary shelters may remain open for the duration of the emergency as described in 33.296.030.G.

A reference is also added to providing notice when waiving the Zoning Code regulations, when feasible in the circumstances, because such actions could be considered land use decisions.

15.08 Executive Responsibility

15.08

15.08.010 Succession. [no changes]

15.08.020 Authority During a State of Emergency. [no changes]

15.08.025 Authority During a Housing Emergency or Shelter Shortage

A. Upon the declaration of a Housing Emergency or Shelter Shortage, the authority over all bureaus, departments, and other City offices shall remain as most recently delegated by the Mayor under Portland City Charter Section 2-302 unless the Mayor directs otherwise by written executive order.

B. Upon the declaration of a Housing Emergency or Shelter Shortage, in addition to any other powers that may be exercised by a local government, the Council may:

1. Utilize City owned resources;
2. Designate persons to coordinate the work of public, private, or nonprofit relief agencies responding to the housing emergency;
3. Provide temporary or permanent housing by purchase, lease or otherwise;
4. Order such other measures as may be necessary to protect the life, safety and health of persons, property or the environment;
5. Direct the expeditious issuance of permits necessary to address issues that arise from the emergency;
6. Enter into contracts to the extent authorized by Charter Sections 8-104 and 8-105;
7. Activate emergency plans; and
- ~~7. Waive Portland City Code regulations or administrative rules to the extent necessary to respond to the housing emergency; and~~
- ~~8. Activate emergency plans.~~
8. Waive Portland City Code regulations or administrative rules to the extent necessary to respond to the housing emergency or shelter shortage, provided that, where feasible under the circumstances, Council will give advance notice of waiver of Title 33 provisions.

[remainder of chapter is unchanged]

Commentary

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Title 17, Public Improvements

Commentary

17.13.060, Parks SDCs

This change clarifies Parks and Recreation SDC exemptions for homeless shelters to be consistent with the updated terms in Titles 29 and 33 and adds an exemption for an occupied recreational vehicle.

The text here is simplified to refer to a single list in 17.14.070.

Language to be **added** is shown in underline.
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17.13 Parks and Recreation System Development Charge

17.13

17.13.010 – 17.13.050 [no change]

17.13.060, Partial and Full Exemptions

The uses listed and described in this Section will be exempt, either partially or fully, from payment of the Parks and Recreation SDC. Any Applicant seeking an exemption under this Section must specifically request that exemption no later than the time of the City's completion of the final inspection. Where New Development consists of only part of one or more of the uses described in this section, only that/those portion(s) of the development which qualify under this section are eligible for an exemption. The balance of the New Development which does not qualify for any exemption under this section will be subject to the full SDC. Should the Applicant dispute any decision by the City regarding an exemption request, the Applicant must appeal as provided by Section 17.13.120. The Applicant has the burden of proving entitlement to any exemption so requested.

A. [no change]

B. ~~Affordable housing is~~ Certain structures and uses are exempt pursuant to the extent provided by Section 30.01.095 17.14.070 of this Code.

C. – F. [no change]

G. ~~Certain accessory Dwelling Units are exempt pursuant to Section 17.14.070.~~

H. ~~Mass shelters and short term housing as provided by Section 30.01.096 of this Code.~~

[remainder of chapter is unchanged]

Commentary

17.14, Financing of, and Exemptions from, Systems Development Charges

This change clarifies SDC exemptions for homeless shelters to be consistent with the updated terms in Titles 29 and 33 and adds an exemption for an occupied recreational vehicle.

This section contains a list of SDC exemptions and refers to additional requirements in Title 30. Other bureau-specific SDC Sections of Title 17 and 21 have been simplified and now refer to this list.

Language to be **added** is shown in underline.
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17.14 Financing of, and Exemptions from, Systems Development Charges

17.14

17.14.010 – 17.14.060 [no change]

17.14.070, System Development Charge Exemptions

A. – F. [no change]

G. Mass, outdoor and short term shelters and ~~short term housing~~ are exempt from all system development charges as provided by Portland City Code Section 30.01.096.

H. Occupied recreational vehicles as allowed by Portland City Code Sections 29.50.050.A.2 and A.5 are exempt from all system development charges.

Commentary

17.15, PBOT SDCs

This change clarifies Transportation SDC exemptions for homeless shelters to be consistent with the updated terms in Titles 29 and 33 and adds an exemption for an occupied recreational vehicle.

The text here is simplified to refer to a single list in 17.14.070.

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17.15 Transportation System Development Charge

17.15

17.15.010 – 17.15.040 [no change]

17.15.050, Exemptions and Discounts

The uses listed and described in this section shall be exempt, either partially or fully, from payment of the Transportation SDC. Any Applicant seeking an exemption or a discount under this Section shall specifically request that exemption within 180 days after building permit issuance for the New Development. Where New Development consists of only part of one or more of the uses described in this section, only that/those portion(s) of the development which qualify under this section are eligible for an exemption or discount. The balance of the New Development which does not qualify for any exemption or discount under this section shall be subject to the full SDC. Should the Applicant dispute any decision by the City regarding an exemption or discount request, the Applicant must apply for an alternative exemption calculation under Section 17.15.070. The Applicant has the burden of proving entitlement to any exemption so requested.

A. – B. [no change]

C. ~~Affordable housing is~~ Certain structures and uses are exempt to the extent established by Section ~~30.01.095~~ 17.14.070 of this Code.

D. – G. [no change]

~~H. Any newly permitted and constructed accessory dwelling unit (ADU) conforming to the Title 33 definition of an ADU will qualify for a waiver of SDC fees if a complete building permit application is submitted for the ADU from April 15, 2010 through July 31, 2018, provided that the Applicant receiving a waiver obtains an occupancy permit no later than June 30, 2019. If an occupancy permit is not obtained by June 30, 2019, an occupancy permit will not be issued until the SDC is paid at the rates in effect at the time the occupancy permit is issued.~~

I. [re-letter to H but no other change]

~~J. Mass shelters, short term housing, and certain accessory dwelling units are exempt pursuant to Section 17.14.070.~~

[remainder of the chapter is unchanged]

Commentary

17.36 BES SDCs

This change clarifies Bureau of Environmental Services SDC exemptions for homeless shelters to be consistent with the updated terms in Titles 29 and 33 and adds an exemption for an occupied recreational vehicle.

The text here is simplified to refer to a single list in 17.14.070.

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17.36 Sewer User Charges

17.36

17.36.010 – 17.36.030 [no change]

17.36.040, Sewer System Connection Charges

Connection charges are for establishing a new connection, new use or expanding existing uses of the public sewer and City stormwater facilities. A property may be subject to one or more of these charges depending on the connections made.

A. – G. [no change]

H. ~~Partial and Full Exemptions for Affordable Housing Developments. Permanent affordable housing~~ Certain structures and uses are exempt from developments may be eligible for a waiver of sanitary and stormwater SDCs to the extent provided by ~~pursuant to Section 30.01.095 17.14.070 of this Code.~~

I. ~~Exemptions for Mass Shelters, Short term Housing, and certain Accessory Dwelling Units. Mass shelters, short term housing, and accessory dwelling unit may be eligible for a waiver of sanitary and stormwater SDCs pursuant to Section 17.14.070.~~

[remainder of this chapter unchanged]

Commentary

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Title 21, Water

Commentary

21.16.170 System Development Charge.

This change clarifies Water Bureau SDC exemptions for homeless shelters to be consistent with the updated terms in Titles 29 and 33 and adds an exemption for an occupied recreational vehicle.

The text here is also simplified to refer to a single list in 17.14.070.

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 Language to be **deleted** is shown in ~~strike through~~.

21.16 Rates and Charges

21.16

21.16.010 – 21.16.160 [no change]

21.16.170 System Development Charge

Anyone applying for a new service connection or a larger existing connection must pay a System Development Charge (SDC). SDCs are listed in the Annual Rates Ordinance.

Credit from an existing service may only be applied to a new service if the existing service is removed when the new service is installed.

SDCs will be waived for ~~Services where SDC's are waived:~~

A. Fire protection services.

~~B. Affordable housing~~

~~B C. Temporary uses.~~

C. Certain structures and uses, to the extent provided by Portland City Code Section 17.14.070.

~~D. Mass shelter~~

~~E. Short term housing~~

~~F. Certain types of accessory dwelling unit~~

~~For SDC exemptions refer to City Code Section 30.01.095 (affordable housing); Portland City Code Section 21.12.090 (temporary service); and City Code Section 17.14.070 (certain types of housing).~~

[remainder of this chapter unchanged]

Commentary

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Title 29, Property Maintenance Regulations

Commentary

29.50.050 Illegal Residential Occupancy.

Portland City Code 29.50.050 is amended to provide six exceptions to the general prohibition on the residential occupancy of structures or spaces not intended for permanent residential use or occupancy

The first exception recognizes the new provisions for outdoor shelter, which do not require living accommodations to be buildings.

The second exception acknowledges existing state law that permits sleeping in vehicles in parking lots owned by religious institutions.

The third and fourth exception acknowledges existing code provisions.

The fifth exception is added to allow occupancy of one recreational vehicle on sites with a house, attached house or manufactured home (See Chapter 33.260 for corresponding Zoning regulations).

The sixth exception recognizes existing authorities that apply during emergencies.

Vehicles are not subject to building codes or other development standards that would normally apply to dwellings. Some jurisdictions that have legalized occupancy of tiny houses on wheels or recreational vehicles, such as the City of Los Angeles, have adopted references to national standards implemented by recreational vehicle manufacturers, like ANSI 119.5 and NFPA 1192. A reference to these standards was in the initial proposed draft. This was dropped from the Recommended Draft because too many existing tiny houses on wheels would not meet the standards or would be difficult to document. Other elements of Title 29 will give the City enforcement authority if the vehicle is not in a state of good repair.

The proposed standard also requires that a campground-style recreational vehicle hookup be provided, with a place to plug the vehicle's electrical system in, a place to receive water, and a place to empty sewage tanks. There is an exemption for vehicles without internal plumbing. Oregon Department of Environmental Quality requirements do not allow the City to permit storage of sewage on properties that are, or could be, connected to a public sewer. The required hookup location can usually be constructed with a plumbing and electrical permit. Because there is not a building permit, System Development Charges will not be levied.

Oregon Revised Statutes 801.100 through 801.610 and Oregon Revised Statutes 174.101 define the different types of recreational vehicles that can be titled and registered by the Oregon Department of Motor Vehicles. Tiny houses on wheels are classified as recreational vehicles. The Oregon Department of Motor Vehicle may register a tiny house on wheels as a camper, a travel trailer, or a park model RV, depending on its size and configuration.

Language to be **added** is shown in underline.
 Language to be **deleted** is shown in ~~strikethrough~~.

29.50 Other Requirements

29.50

29.50.010 – 29.50.040 [no change]

29.50.050 Illegal Residential Occupancy.

~~When a property has an illegal residential occupancy, including but not limited to occupancy of tents, campers, motor homes, recreational vehicles, or other structures or spaces not intended for permanent residential use or occupancy of spaces constructed or converted without permit, the use shall be abated or the structure brought into compliance with the present regulations for a building of the same occupancy.~~

Residential occupancy of structures or spaces not intended for permanent residential use or occupancy is unlawful, including but not limited to structures placed, constructed or converted without permit; tents, campers, motor homes, recreational vehicles, and other vehicles.

A. Exceptions:

1. Individual sleeping accommodations within outdoor shelters legally established in conformance with Portland City Code Chapters 33.285 or 33.815, or allowed as temporary occupancies under Portland City Code Chapter 33.296;
2. Vehicles on institutional property as allowed by Oregon Revised Statutes, Chapter 203, Section 082;
3. Recreational vehicles within in a manufactured dwelling park or mobile home park as provided by Oregon Revised Statutes, Chapter 197, Section 493;
4. Motor homes and recreational vehicles within a recreational vehicle park allowed as a commercial use by Portland City Code Chapters 33.130 or 33.140; and
5. One occupied recreational vehicle provided:
 - a. The recreational vehicle is on a site with a house, attached house, or manufactured home. See Portland City Code Chapter 33.260.
 - b. The recreational vehicle is a travel trailer, park model recreational vehicle, camper or motor home.
 - c. A permanent recreational vehicle utility hookup that includes an electrical outlet, a water connection, and a sanitary sewer dump is provided on the site. A water connection and sanitary sewer dump is not required if the vehicle lacks internal plumbing.

Commentary

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Language to be **added** is shown in underline.
Language to be **deleted** is shown in ~~strikethrough~~.

6. Camping under emergency circumstances as authorized by Portland City Code Sections 14A.50.020 B., 33.296.030, or by declaration by the Mayor.

B. When a property has an illegal residential occupancy, the use shall be abated or brought into compliance with the current regulations for a space of the same occupancy.

[remainder of this chapter is unchanged]

Commentary

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Title 30, Affordable Housing

Commentary

30.01.030, Definitions

The Title 30 definitions of "Mass Shelter" and "Short Term Housing" are amended to align with the amended definitions in Title 33. A new definition of "Outdoor Shelter" is added to correspond to the new definition in Title 33.

30.01 Affordable Housing Preservation and Portland Renter Protections

30.01

30.01.010 – 30.01.020 [no change]

30.01.030, Definitions

A. – M. [no change]

N. “Mass shelter.” A ~~structure~~ building that contains one or more open sleeping areas or is divided only by non-permanent partitions and is furnished with beds, cots, floor mats, or bunks. Individual ~~sleeping~~ bedrooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, ~~on a daily basis~~. Where individual bedrooms are provided, the facility is a short term shelter. See also Outdoor Shelter and Short Term Shelter.

O.- P. [no change]

Q. “Outdoor Shelter.” Individual shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. 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 sanitary facilities. See also Mass Shelter and Short Term Shelter.

[re-letter subsequent sections Q-Z to be R-AA]

Z. AA. “Short-term shelter housing.” One or more ~~structures~~ buildings that each contains one or more individual ~~sleeping~~ bedrooms and for which occupancy tenancy of all rooms may be arranged with no minimum length of stay for periods of less than one month. A short-term ~~shelter housing~~ facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency that may or may not charge a fee. Examples include transitional housing and emergency shelters in which individual rooms are provided. ~~Tenancy may be less than 30 days or more than 30 days. Where individual bedrooms are not provided, the facility is a mass shelter. See also Mass Shelter and Outdoor Shelter.~~

30.01.040 – 30.01.095 [no change]

Commentary

30.01.096 Partial and Full Exemptions of System Development Charges for Mass Shelters and Short-Term Housing.

Outdoor shelters are added to the list of shelter types eligible for the exemption, to be consistent with terminology in Title 33.

The term "Short Term Housing" was changed to "Short Term Shelter" in Title 33, and is also adjusted here for consistency.

Strikethrough / underline version**ORDINANCE No.**

*Amend City Code Health and Sanitation, Emergency Code, Public Improvements, Water, Property Maintenance Regulations and Affordable Housing to facilitate the provision of shelter and housing options for Portlanders in need (Ordinance; amend Code Titles 8, 15, 17, 21, 29, and 30)

The City of Portland ordains:

Section 1. The Council finds:

General Findings

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. The Shelter to Housing Continuum Recommended Draft was released for public review on February 17, 2021.
12. 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.
13. The Shelter to Housing Continuum Recommended Draft includes three volumes. Volume One contains an introduction to the proposal. Volume Two contains amendments to Title 33, Planning and Zoning that are being adopted by a separate ordinance. Volume Three contains amendments to other titles of Portland City Code that are being amended by this ordinance.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, Shelter to Housing Continuum Recommended Draft Volume One—As-Amended, dated ~~February~~ April 2021, and the commentary in Exhibit B, Shelter to Housing Continuum Recommended Draft Volume Three—As-Amended, dated ~~February~~ April 2021, as legislative intent and further findings.
- b. Amend Titles 8, 15, 17, 21, and 30 of the Portland City Code, as shown in Exhibit B, Shelter to Housing Continuum Recommended Draft Volume Three—As-Amended, dated ~~February~~ April 2021, but excluding the amendments to Subsection 17.14.070.H.
- c. Amend Title 29 and Subsection 17.14.070.H of the Portland City Code as shown in Exhibit B, Shelter to Housing Continuum Recommended Draft Volume Three—As-Amended, dated ~~February~~ April 2021.

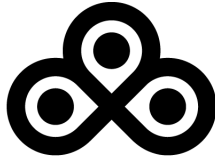
Section 2. The Council declares that an emergency exists because the city is experiencing a housing crisis and, for humanitarian reasons, immediate action is necessary; therefore, directives a and b shall be in full force and effect ~~from and after passage by Council on April 30, 2021~~. Directive c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

Passed by the Council:

Mayor Wheeler & Commissioner Rubio
Prepared by: Eric Engstrom
Date Prepared: ~~February 17~~April 20, 2021

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

DATE: March 31, 2020

TO: **City Council and Interested Parties**

FROM: Eric Engstrom, Principal Planner

CC: Joe Zehnder, Chief Planner

SUBJECT: Shelter to Housing Amendments for Consideration

Attached are packages of potential amendments to the Shelter to Housing Continuum for Council's consideration today (March 31, 2021). Strikethrough and underline is used to mark changes relative to current code. Text shading is for informational purposes to highlight where the text amendment occurs. The amendment packages includes:

Topic	Amendment	Notes
Parks, Natural Areas and Open Spaces	1.1. Prohibit temporary shelter in natural area overlays in all zones. – p. 2 1.2. Prohibit temporary outdoor shelters in the OS zone. + make technical change to list of natural area overlays – p. 3	These amendments are combined into one temporary activity standard because they all impact the same clauses in code.
	1.3. Examine surplus City property for suitability for transitional shelter accommodations and affordable housing. – p. 4	
Shelters Generally	2.1. Rewording of Outdoor shelter definition for clarity. – p. 5	Technical fix
	2.2. Allow shelters without Conditional Use up to 20 beds on institutional sites in single-dwelling zones. – p. 6	Allows all 3 shelter types
	2.3. Reduce site size standard for outdoor shelters to 3,000 sq. ft. – p. 10	
	2.4. Drop 17.44 element. – p.11	Address topic with a future Title 17 update. In the meantime 17.24 addresses this adequately.
RVs and Tiny Houses	3.1. Discuss RV/tiny houses on wheels element in future hearing. – p. 12	
Group Living	4.1. Clarify allowed building mass (FAR) for congregate structures in single dwelling zones. – p. 14	Technical fix
	4.2. Clarify outdoor area requirements for congregate structures. - p. 16	Technical fix
	4.3. Clarify parking requirements for congregate structures. – p. 18	Technical fix
	4.4. Clarify short term rental occupancy due to removal of household definition. – p. 20	Technical fix

The Bureau of Planning and Sustainability is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503-823-7700 or use City TTY 503-823-6868, or Oregon Relay Service 711.

Traducción o interpretación	Chuyển Ngữ hoặc Phiên Dịch	翻译或传译	Письменный или устный перевод	Traducere sau Interpretare
الترجمة التحريرية أو الشفهية	Письмовий або усний переклад	翻訳または通訳	Turjumida ama Fasiraadda	ການແປພາສາ ຫຼື ການອະທິບາຍ
503-823-7700 www.portland.gov/bps/translation-interpretation-and-accommodation				



1.1 and 1.2 – Open Space and Natural Areas

Commentary: Prohibit non-emergency temporary mass and outdoor shelters from natural areas in all zones. Prohibit non-emergency temporary outdoor shelters from OS zones. Temporary indoor mass shelters would still be permitted.

33.296.030 Temporary Activities Allowed

A-F. [No change]

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.

H. Mass and outdoor shelters.

1. Mass shelters. Mass shelters are allowed as a temporary activity for up to 180 days within a calendar year.

2. Outdoor shelters. Outside of OS zones, outdoor shelters are allowed as a temporary activity for up to 180 days within a calendar year when the outdoor shelter is located outside of Environmental overlay zones, the River Natural overlay zone, the River Environmental overlay zone, the Pleasant Valley Natural Resource overlay zone, and the special flood hazard area.

I. Radio Frequency Transmission Facilities. Temporary facilities for personal wireless service facilities are allowed for up to 120 days in a calendar year. Meeting this regulation must be documented through a zoning permit.

J. Commercial filming. In all zones, commercial filming is allowed as a temporary activity. For all sites, except sites in the OS zone, the time between filming events must be four times as long as the duration of the last event.



Commentary: Clarification related to permanent outdoor shelters, to make the list of excluded overlays match for both permanent and temporary shelters:

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.



1.3 Examine surplus City property for suitability for transitional shelter accommodations and affordable housing

Commentary: *This additional directive would be part of the Shelter to Housing Continuum adopting ordinance (outside of the Zoning Code), asking bureaus to identify all surplus land that could be the subject of a future planning action.*

New Directive:

- Council directs all City bureaus to inventory their land portfolio and identify candidate sites for land that could be determined excess to the needs of the bureau responsible for the land per Binding City Policy ADM 13.02, considered for re-zoning, and converted to transitional shelter accommodations and affordable housing by October 31, 2021. Bureaus will identify land that does not have a property use restriction on title that cannot be changed solely by the City, is not a developed park, does not provide a natural resource value, and does not have natural hazard risks. Candidate sites must not have been acquired through restricted funding sources such as rates, federal/state/other grants, bond measures, System Development Charges, or by donation with restrictive covenants, unless purchasing the site with General Fund dollars would resolve the restrictions. Council will consider sites identified by bureaus and provide further direction as appropriate (quasi-judicial or legislative re-zoning, ownership transfers, additional community engagement, further planning, etc.).



2.1. Rewording of Outdoor shelter definition for clarity

Commentary: This amendment revises the wording of the definition of outdoor shelter in both Title 33 and Title 30 to clarify that a vehicle used for sleeping/shelter is considered an individual shelter when part of any outdoor shelter. Also since outdoor shelters might not always include buildings, it isn't clear that alternative sanitary facilities can be included. The wording in the Recommended Draft was unclear on these provisions and could be misinterpreted. The definition has been reworded so the entire provision is shown as shaded.

Existing Recommendation:

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 nonprofit 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.

Amended Language:

Amend 33.910.030:

Outdoor Shelter. Individual shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. 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 sanitary facilities. See also Mass Shelter and Short Term Shelter.

Amend 30.01.030:

Q. "Outdoor Shelter". Individual shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. 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 sanitary facilities. See also Mass Shelter and Short Term Shelter.



2.2. Allow shelters without Conditional Use up to 20 beds on institutional sites in single-dwelling zones

Commentary: Similar to the approach adopted in 2020 for affordable housing, this change would allow religious institutions and similar institutional uses, except for Parks and Open Areas, in single dwelling zones to host small shelters without a conditional use review. Code language is amended so that these institutions could include either indoor (short term or mass) or outdoor shelters.

For reference, the current S2HC recommendation allows:

- Indoor shelters as a Type 2 Conditional Use if on the site of an Institutional Use in single dwelling zones.
- Outdoor shelters with up to 20 individual shelters are a Type 2 Conditional Use if on the site of an institutional Use in single dwelling zones.
- Outdoor shelters with more than 20 individual shelters are prohibited in the single dwelling zones.
- Shelters serving domestic violence victims are allowed by right up to 3,500 square feet, even if not part of an institution.
- Religious institutions are allowed to host a limited number of people camping in vehicles under Oregon Revised Statutes, Chapter 203, Section 08.

Amend 33.285.040.A.1

1. 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:
 - a. Allowed use. A ~~n~~New short term ~~shelterhousing~~ and alterations to ~~an~~ existing short term ~~shelterhousing~~ is allowed ~~as follows~~if it meets ~~one of the following~~:
 - (1) A short term shelter with up to 20 beds is an allowed used in the RF – R2.5 zones when provided on the site of an existing institutional use, excluding sites in a Parks and Open Areas use, and the standards of 33.285.050 are met.
 - (24) A ~~s~~Short term ~~shelterhousing~~ with ~~for~~ up to ~~30~~15 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.
 - (32) An alteration or expansion that does not increase the net building area of the short term ~~shelterhousing~~ by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.



Amend 33.285.040.B

B. Mass shelters.

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

~~a. New mass shelters. The following procedures apply to new mass shelters and alterations to mass shelters that do not meet subparagraph B.1.b. The approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R and IR Zones:~~

~~(1) If the mass shelter is provided in an existing structure or is on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.~~

~~(2) All other mass shelters are reviewed through a Type III procedure.~~

~~b. Existing mass shelters. An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.~~

12. RF-R2.5, RM1, RM2, RMP, CI1 and IR zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in RM1, RM2, RMP, CI1 and IR zones may choose to be an allowed use or a conditional use, as stated below.

a. Allowed use. A new mass shelter and alteration of an existing mass shelter is allowed if it meets one of the following:

(1) A mass shelter that meets the standards of Section 33.285.050 is an allowed use.

(2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.

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 33.285.050 do not apply to a mass shelter reviewed as a conditional use.



- (1) If the mass shelter is provided in an existing structure or is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area within the past 5 years.
- (2) All other mass shelters are reviewed through a Type III procedure.

Renumber 3-6 to 2-5.

Amend 33.285.040.C:

C. Outdoor shelters.

2. R, CI1, and IR zones. A new outdoor shelter, and an alteration or expansion of an existing outdoor shelter in R, CI1, and IR zones is subject to the following regulations:
 - a. Allowed use. A new outdoor shelter, or an alteration to an existing outdoor shelter is allowed if it meets one of the following:
 - (1) An outdoor shelter with up to 20 individual shelters is an allowed use in the RF through R2.5 zones when provided on the site of an existing institutional use, excluding sites in a Parks and Open Areas use, and the standards of 33.285.050 are met.
 - (2) 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.
 - (3) 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.
 - (4) An alteration or expansion that does not increase the net building area or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of individual shelters and if the alteration or expansion complies with all conditions of approval.
 - b. Prohibited use. Outdoor shelters with more than 20 individual shelters are prohibited in the RF through R2.5 zones.
 - 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. 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:
 - (1) If the outdoor shelter is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure.
 - (2) All other outdoor shelters are reviewed through a Type III procedure.



Amend Table 285-1 in 33.285.050.B.2:

Table 285-1 Maximum Number of Shelter Beds for Mass Shelters	
Zone of Site	Maximum Number of Shelter Beds
EX, CX, CM3, and CE	200
CM2 and CI2	75 140
CR, CM1, and CI1	25
RX, RM3, and RM4	50 60
RM1, RM2, RMP, CI1, IR, CR, CM1 {1}	15 30
RF-R2.5 [1]	20

Notes:

[1] The mass shelter must be operated on the site of an existing institutional use, excluding sites in a Parks and Open Areas use.



2.3. Reduce site size standard for outdoor shelters to 3,000 sq. ft.

Commentary: *Reduce the minimum site size for an Outdoor Shelter from 5,000 to 3,000 square feet. Note that site is defined as “ownership” within the provisions of the Zoning Code, not by area defined specific to the use. As an example, a church on a 40,000 square foot lot with an outdoor shelter on part of it is defined as having a minimum site size of 40,000 square feet.*

Amend 33.285.050.C.2:

2. Minimum and maximum site size.

a. The minimum required site size for an outdoor shelter is 3,000 square feet. Adjustments are prohibited.

b. In I zones, the maximum site size for an outdoor shelter is 2 acres. Adjustments are prohibited.



2.4. Drop 17.44 element

Commentary: *This amendment deletes the recommended amendments to Title 17.44.B because there are some remaining technical issues that PBOT has raised with this section. PBOT will be embarking on a Title 17 code overhaul and will continue to examine that section as part of it. We are confident that this will not impact the City or County's ability to continue putting portable restrooms and sanitation services in the right of way via other existing code authorities. In addition, this amendment will remove related references to the Title 17.44.B amendment from Vol. 1.*

Delete recommended amendments to 17.44.B (the recommended amendments are show below for reference only)

~~B. It is unlawful for any person to erect or cause to be erected any structure in, over or upon any dedicated street area, except that Director of the Bureau of Transportation may, based on findings of necessity, grant permission for walls, fences and steps, that otherwise comply with the Code of the City. Also, on buildings whose front is located on the property line, the Director of the Bureau of Transportation may allow decorative facings, certain types of utility meters, utility valves, and other utility appurtenances, to extend into the street area an amount that does not interfere with the public use of said street. The Director of the Bureau of Transportation, upon determining a public need for areas occupied by such walls, fences, steps, facings, or utility meter valves and other appurtenances, may revoke said permission and the property owner or utility will be required to remove them from the street area.~~

B. It is unlawful to place, or cause to be placed, any obstruction within, upon or above any dedicated street area unless the Director of the Bureau of Transportation has, based on findings of necessity, granted a revocable permit to allow:

1. Walls, fences and steps that otherwise comply with the Portland City Code,
2. Decorative facings on buildings that front on a property line,
3. Utility meters, utility valves, and other utility appurtenances that do not significantly interfere with public use of dedicated street area, or
4. Portable sanitation, health, hygiene, day storage, and kitchen facilities.

The Director of the Bureau of Transportation, upon determining a public need for a street area occupied by any of the above, may revoke a permit and the holder of the revoked permit will be required to remove all obstructions from the street area.)



3.1. Discuss RV/tiny houses on wheels element in future hearing

Commentary: *There has been a request to discuss the RV/tiny houses on wheels elements of the project in future hearing to allow more public comment. There is no amendment at this time. The existing recommendations are shown below for reference.*

29.50.050 Illegal Residential Occupancy.

~~When a property has an illegal residential occupancy, including but not limited to occupancy of tents, campers, motor homes, recreational vehicles, or other structures or spaces not intended for permanent residential use or occupancy of spaces constructed or converted without permit, the use shall be abated or the structure brought into compliance with the present regulations for a building of the same occupancy.~~

Residential occupancy of structures or spaces not intended for permanent residential use or occupancy is unlawful, including but not limited to structures placed, constructed or converted without permit; tents, campers, motor homes, recreational vehicles, and other vehicles.

A. Exceptions:

1. Individual sleeping accommodations within outdoor shelters legally established in conformance with Portland City Code Chapters 33.285 or 33.815, or allowed as temporary occupancies under Portland City Code Chapter 33.296;
2. Vehicles on institutional property as allowed by Oregon Revised Statutes, Chapter 203, Section 082;
3. Recreational vehicles within in a manufactured dwelling park or mobile home park as provided by Oregon Revised Statutes, Chapter 197, Section 493;
4. Motor homes and recreational vehicles within a recreational vehicle park allowed as a commercial use by Portland City Code Chapters 33.130 or 33.140; and
5. One occupied recreational vehicle provided:
 - a. The recreational vehicle is on a site with a house, attached house, or manufactured home. See Portland City Code Chapter 33.260.
 - b. The recreational vehicle is a travel trailer, park model recreational vehicle, camper or motor home.
 - c. A permanent recreational vehicle utility hookup that includes an electrical outlet, a water connection, and a sanitary sewer dump is provided on the site. A water connection and sanitary sewer dump is not required if the vehicle lacks internal



plumbing.

6. Camping under emergency circumstances as authorized by Portland City Code Sections 14A.50.020 B., 33.296.030, or by declaration by the Mayor.

B. When a property has an illegal residential occupancy, the use shall be abated or brought into compliance with the current regulations for a space of the same occupancy.

Title 33 elements:

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.

33.260.030 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.



4.1. Clarify allowed building mass (FAR) for congregate structures in single dwelling zones

Commentary: *The Residential Infill Project (adopted 8/12/20; effective 8/1/21) applies a maximum floor area ratio (FAR) to development in the R.25, R5 and R7 single-dwelling residential zones. The FAR limitation is graduated based on the number of dwelling units there are on a site. The Shelter to Housing Continuum project is introducing a new residential structure type to the zoning code that is not a dwelling unit—a congregate housing facility. This technical amendment clarifies which FAR limitation applies to a site with a congregate housing facility. The amendment was inadvertently left out of the Proposed Draft.*

Amend 33.110.210.B:

- B.** Maximum FAR. Maximum floor area ratios are stated in Table 110-4. The maximum FAR allowed is based on the total number of dwelling units on the site and whether a bonus option is chosen. The maximum FAR for a site with a congregate housing facility is the same as shown in Table 110-4 for a site with 1 total dwelling unit. The maximum FAR for institutional uses is stated in 33.110.270. Adjustments to the maximum FAR ratios, including bonus ratios, are prohibited.

Amend Table 110-4:

Standard	RF	R20	R10	R7	R5	R 2 . 5
Maximum FAR - 1 total dwelling unit [1] - 2 total dwelling units [12] - 3 or more total dwelling units [1] (See 33.110.210 and 33.110.265)	no limit	no limit	no limit	0.4 to 1 0.5 to 1 0.6 to 1 [23]	0.5 to 1 0.6 to 1 0.7 to 1 [23]	0.7 to 1 0.8 to 1 0.9 to 1 [23]
Maximum FAR with Bonus - 1 total dwelling unit - 2 total dwelling units [12] - 3 or more total dwelling units [1] (See 33.110.210 and 33.110.265)	NA	NA	NA	0.4 to 1 0.6 to 1 0.7 to 1	0.5 to 1 0.7 to 1 0.8 to 1	0.7 to 1 0.9 to 1 1 to 1



Maximum Height (See 33.110.215)	30 ft.	30 ft.	30 ft.	30 ft. [23]	30 ft. [23]	35 ft.
Minimum Setbacks						
- Front building setback	20 ft.	20 ft.	20 ft.	15 ft.	10 ft.	10 ft.
- Side building setback	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	0/5 ft.
- Rear building setback	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.
- Garage entrance setback (See 33.110.220)	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Maximum Building Coverage (See 33.110.225)	See Table 110-6	See Table 110-6	See Table 110-6	See Table 110-6	See Table 110-6	See Table 110-6
Required Outdoor Area						
- Minimum area	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	200 sq. ft.
- Minimum dimension (See 33.110.240 235)	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	10 ft. x 10 ft.

[1] Including any site with a congregate housing facility.

[12] Including accessory dwelling units.

[23] Additional FAR and height may be allowed. See 33.110.265.F.



4.2. Clarify outdoor area requirements for congregate structures

Commentary: *Outdoor area requirements in the multi-dwelling and commercial mixed-use zones are based on number of dwelling units. The Shelter to Housing Continuum project is introducing a new residential structure type to the zoning code that is not a dwelling unit—a congregate housing facility. This technical amendment clarifies how the outdoor area requirement applies to residential uses and how it applies to a congregate housing facility. The amendment was inadvertently left out of the Proposed Draft.*

Amend 33.120.240.B:

- B. Outdoor area and common area requirements.** In the RM1 through RM4 zones, on sites with a residential use, both outdoor and common areas are required. Required common area may count toward required outdoor area, but individual private outdoor area may not count toward required common area. The standards of this section do not apply in the RX and RMP zones.
1. [No change]
 2. Required common area.
 - a. Required common area standard. On sites that are more than 20,000 square feet in total site area, and on sites with a congregate housing facility, at least 10 percent of total site area must be provided as common area. At least 50 percent of the required common area must be outdoor area, such as outdoor courtyards or outdoor play areas. Up to 50 percent of the required common area may be indoor common area, such as indoor recreation facilities or indoor community rooms.
 - b. Exemption. The required common area standard does not apply to sites where:
 1. (1) All of the dwelling units have individual entrances that are within 20 feet of a street lot line;
 2. (2) Each entrance is connected to the street by a path that is at least 3 feet wide and hard surfaced; and
 3. (3) Each dwelling unit has at least 200 square feet of individual outdoor area with a minimum dimension of 10 feet by 10 feet.

Amend 33.130.228.B.1:

1. Amount required:
 - a. On sites that are up to 20,000 square feet in total area, at least 36 square feet of outdoor area is required for each dwelling unit on the site;
 - b. For sites that are more than 20,000 square feet in total area, at least 48 square feet of outdoor area is required for each dwelling unit on the site-;



c. For any site with a congregate housing facility, at least 10 percent total site area must be provided as common area.



4.3. Clarify parking requirements for congregate structures

Commentary: *As part of the Residential Infill Project, City Council eliminated minimum parking requirements for Household Living uses in single-dwelling zones. The Shelter to Housing Continuum project is amending the zoning code to treat Group Living uses more like Household Living uses in single-dwelling zones and as such, this technical amendment aligns the minimum parking requirements for Household and Group Living uses in the single- zones. This amendment also eliminates a remaining reference to the SRO residential structure type and updates the minimum parking requirement for Group Living (when a conditional use is required) to relate to bedrooms rather than residents. Both of these technical changes are consistent with other changes recommended as part of the Shelter to Housing Continuum project.*

Amend 33.266.110.B.2:

2. Minimum for sites located far from transit. For sites located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service the following minimum parking requirements apply:
 - a. Household Living uses.
 - (1) Single-dwelling zones. No parking is required for Household Living uses in the single-dwelling zones.
 - (2) All other zones. The minimum number of parking spaces required for Household Living uses in all other zones is stated in Table 266-1.
 - b. All other uses.
 - (1) Group Living. No parking is required for Group Living uses in single-dwelling zones that do not require a conditional use review. The minimum number of parking spaces required for all other Group Living uses is stated in Table 266-1.
 - (2) All other uses. The minimum number of parking spaces required is stated in Table 266-1.



Amend Table 266-2 (Residential Categories only):

Table 266-2 Parking Spaces by Use [2] (Refer to Table 266-1 to determine which standard applies.)			
Use Categories	Specific Uses	Standard A	Standard B
Residential Categories			
Household Living		1 per 2 units, except SROs exempt	None, except 1.35 per unit on sites that are both in a commercial/mixed use or multi-dwelling zone and close to transit (close to transit is described in 33.266.110.B.1.) Houses, attached houses and duplexes are exempt.
Group Living		1 per 4 residents <u>bedrooms</u>	None



4.4. Clarify short term rental occupancy due to removal of household definition

Commentary: *This amendment retains the limit on the number of guests allowed in a Type A accessory short-term rental (ASTR). The current code effectively limits the number of guests in Type A ASTR (i.e. renting no more than 2 bedrooms) to 5 by limiting the number of residents and guests to no more than is allowed for a household. The Shelter to Housing Continuum project is removing the definition of household, so the language for the number of guests allowed in a Type A ASTR needs to be revised to ensure that the current limit is continued. (Note original proposal eliminated this provision, and this revision keeps a portion of it to limit total number of guests.)*

Amend 33.207.040.B.5

5. Number of residents and guests. The total maximum number of residents and guests occupying a dwelling unit with a Type A accessory short-term rental may not exceed 5 the number allowed for a household. For sites with an accessory dwelling unit, the total number of residents and guests occupying both dwelling units may not exceed the number allowed for a household.



Summary of S2HC Amendments Discussed by Council

Preliminary staff-prepared language follows below. Note that in some cases more than one amendment modifies the same section. Overlapping language will be reconciled prior to the final vote. **Shaded text** indicates the amendment. ~~Strikethrough~~ and underline marks changes from current code.

Updated 3/24/21

Topic	Amendment	Notes
Parks, Natural Areas and Open Spaces	1.1. Prohibit <u>temporary</u> shelter in natural area overlays in all zones	
	1.2. Limit <u>temporary</u> shelters in the OS zone to indoor mass shelters or to outdoor shelters in paved parking lots	
	1.3. Allow permanent shelters in OS via an act of Council	A. Through a Type 3 or 4 Conditional Use OR B. Alternatively, a directive to ID sites for future rezone
Shelters Generally	2.1. Rewording of Outdoor shelter definition for clarity	Technical fix
	2.2. Allow shelters without Conditional Use up to 20 beds on institutional sites in single-dwelling zones	
	2.3. Reduce site size standard for outdoor shelters to 3,000 sq. ft.	
	2.4. Drop 17.44 element	PBOT would carry this topic with a future Title 17 update. In the meantime 17.24 addresses this adequately.
RVs and Tiny Houses	3.1. Discuss RV/tiny houses on wheels element in future hearing	
Group Living	4.1. Clarify allowed building mass (FAR) for congregate structures in single dwelling zones	Technical fix
	4.2. Clarify outdoor area requirements for congregate structures	Technical fix
	4.3. Clarify parking requirements for congregate structures	Technical fix
	4.4. Clarify short term rental occupancy due to removal of household definition	Technical fix

1.1 SHELTERS - EXCLUDE NATURAL RESOURCE OVERLAYS

Prohibit the new non-emergency related temporary mass and outdoor shelter allowance from natural areas in all zones.

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, and the Pleasant Valley Natural Resource overlay zone. The temporary shelter is allowed for up to 180 days within a calendar year.

Clarification related to permanent outdoor shelters, to make the list of excluded overlays match for both permanent and temporary shelters:

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.

1.2 PROHIBIT TEMPORARY OUTDOOR SHELTERS IN THE OPEN SPACE ZONE EXCEPT ON PAVED PARKING AREAS

Amend the Shelter to Housing Continuum Project recommended code to prohibit non-emergency related temporary outdoor shelters from OS zones except in paved parking areas. Temporary outdoor shelters will continue to be allowed in other parts of the OS zones when City Council or the Mayor declares an emergency or activates the ECC.

Amend 33.296.030.H:**H. Mass and outdoor shelters.**

1. Mass shelters. Mass shelters are allowed as a temporary activity for up to 180 days within a calendar year.
2. Outdoor shelters. Outside of OS zones, outdoor shelters are allowed as a temporary activity for up to 180 days within a calendar year on a site with an institutional use. Within OS zones, outdoor shelters are allowed as a temporary activity for up to 180 days within a calendar year when the outdoor shelter is located in an existing paved parking area.

Amend 33.296.040.B:

- B.** Temporary activities may not cause the elimination of required off-street parking, except for outdoor shelters, and Farmers Markets. Required parking may be temporarily occupied by an outdoor shelter. Required parking may be temporarily occupied by a Farmers Market, as follows:
 1. The market may occupy up to 3 required spaces or 30 percent of the required spaces, whichever is more; or
 2. If the market occurs at a time other than a peak time for the primary use on the site, the market may occupy all of the required spaces. If this option is used, the operator of the market must keep an analysis on file. The analysis must document when the peak times are for the primary use, and the hours of operation (including set-up and take-down) for the market.

1.3 ALLOW PERMINANT OUTDOOR SHELTERS IN THE OPEN SPACE ZONE THROUGH A COUNCIL ACTION

This is a staff recommended translation of the P:NW testimony, utilizing a Type 4 Conditional Use. The Council informally expressed a preference for Option B below.

Option A

Amend 33.100.100.B:

- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 100-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 100-1.

1.-3. [No change]

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, short term housingshelters and mass shelters are prohibited. Outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.

5.-7. [No change]

Amend 33.285.040.C:

C. Outdoor shelters.

1. OS zones.

a. Prohibited use. Outdoor shelters with more than 20 individual shelters are prohibited in the OS zone.

b. Conditional use. Generally, outdoor shelters with 20 or fewer individual shelters in OS zones are a conditional use reviewed through the following procedures. Certain alterations to existing outdoor shelters may be allowed if they meet Subparagraph C.1.b(2). Approval criteria are in Section 33.815.100, Uses in the Open Space Zone. The outdoor shelter must also meet the standards of 33.285.050.

(1) New outdoor shelters. New outdoor shelters and alterations of outdoor shelters that do not meet Subparagraph C.1.b(2) are reviewed through a Type IV procedure.

(2) Existing outdoor shelters. An alteration or expansion that does not increase the net building or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of individual shelters and if the alteration or expansion complies with all conditions of approval.

Option B**ID SURPLUS LAND FOR PERMINANT SHELTERS**

This is a different approach to the P:NW testimony, using a directive outside of the Zoning Code to identify all surplus land that could be the subject of a future planning action. If any OS-zoned land was identified, a re-zoning action could be initiated with appropriate public involvement. This was informally identified as the preferred option.

Examine surplus city property for suitability for transitional shelter accommodations and affordable housing.

2.1 OUTDOOR SHELTERS – CLARIFY DEFINITION OF OUTDOOR SHELTER

This amendment revises the wording of the definition of outdoor shelter in both Title 33 and Title 30 to clarify that a vehicle can also be considered an individual shelter when part of any outdoor shelter. The wording in the Recommended Draft was unclear and could be read otherwise.

Existing Recommendation:

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 nonprofit 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.

Amended Language:**Amend 33.910.030:**

Outdoor Shelter. Individual shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. 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 sanitary facilities. See also Mass Shelter and Short Term Shelter.

Amend 30.01.030:

Q. “Outdoor Shelter”. Individual shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. 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 sanitary facilities. See also Mass Shelter and Short Term Shelter.

2.2 ALLOW SHELTERS ON INSTITUTIONAL SITES IN SINGLE DWELLING ZONES

Similar to the approach adopted in 2020 for affordable housing, this change would allow religious institutions and other similar institutional uses in single dwelling zones to host small shelters without a conditional use review. The example code amendment below addresses outdoor shelters. Similar language could be developed for indoor shelters if desired.

For reference, the current S2HC recommendation allows:

- Indoor shelters as a Type 2 Conditional Use if on the site of an Institutional Use in single dwelling zones.
- Outdoor shelters with up to 20 individual shelters are a Type 2 Conditional Use if on the site of an institutional Use in single dwelling zones.
- Outdoor shelters with more than 20 individual shelters are prohibited in the single dwelling zones.
- Shelters serving domestic violence victims are allowed by right up to 3,500 square feet.
- Religious institutions are allowed to host a limited number of people camping in vehicles under Oregon Revised Statutes, Chapter 203, Section 08.

Amend 33.285.040.C:

C. Outdoor shelters.

2. R, CI1, and IR zones. A new outdoor shelter, and an alteration or expansion of an existing outdoor shelter in R, CI1, and IR zones is subject to the following regulations:

a. Allowed use. A new outdoor shelter, or an alteration to an existing outdoor shelter is allowed if it meets one of the following:

(1) An outdoor shelter with up to 20 individual shelters is an allowed use in the RF through R2.5 zones when provided on the site of an existing institutional use and the standards of 33.285.050 are met.

(2) 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.

(3) 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.

(4) An alteration or expansion that does not increase the net building area or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of individual shelters and if the alteration or expansion complies with all conditions of approval.

b. Prohibited use. Outdoor shelters with more than 20 individual shelters are prohibited in the RF through R2.5 zones.

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. 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:

- (1) If the outdoor shelter is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure.
- (2) All other outdoor shelters are reviewed through a Type III procedure.

2.4 OBSTRUCTIONS AND TEMPORARY ENCROACHMENTS IN THE ROW

This amendment deletes the recommended amendments to Title 17.44.B because there are some remaining technical issues that PBOT has raised with this section. PBOT will be embarking on a Title 17 code overhaul and will continue to examine that section as part of it. We are confident that this will not impact the City or County's ability to continue putting portable restrooms and sanitation services in the right of way via other existing code authorities.

In addition, this amendment will remove related references to the Title 17.44.B amendment from Vol. 1.

Delete recommended amendments to 17.44.B (the recommended amendments are show below for reference only)

~~(B. It is unlawful for any person to erect or cause to be erected any structure in, over or upon any dedicated street area, except that Director of the Bureau of Transportation may, based on findings of necessity, grant permission for walls, fences and steps, that otherwise comply with the Code of the City. Also, on buildings whose front is located on the property line, the Director of the Bureau of Transportation may allow decorative facings, certain types of utility meters, utility valves, and other utility appurtenances, to extend into the street area an amount that does not interfere with the public use of said street. The Director of the Bureau of Transportation, upon determining a public need for areas occupied by such walls, fences, steps, facings, or utility meter valves and other appurtenances, may revoke said permission and the property owner or utility will be required to remove them from the street area.~~

B. It is unlawful to place, or cause to be placed, any obstruction within, upon or above any dedicated street area unless the Director of the Bureau of Transportation has, based on findings of necessity, granted a revocable permit to allow:

1. Walls, fences and steps that otherwise comply with the Portland City Code,
2. Decorative facings on buildings that front on a property line,
3. Utility meters, utility valves, and other utility appurtenances that do not significantly interfere with public use of dedicated street area, or
4. Portable sanitation, health, hygiene, day storage, and kitchen facilities.

The Director of the Bureau of Transportation, upon determining a public need for a street area occupied by any of the above, may revoke a permit and the holder of the revoked permit will be required to remove all obstructions from the street area.)

2.3 MINIMUM SITE SIZE FOR OUTDOOR SHELTERS

Amend the Shelter to Housing Continuum Project recommended draft zoning code to reduce the minimum site size for an Outdoor Shelter from 5,000 to 3,000 square feet.

Amend 33.285.050.C.2:2. Minimum and maximum site size.

a. The minimum required site size for an outdoor shelter is 3,000 square feet. Institutional uses are exempt from this standard. Adjustments are prohibited.

b. In I zones, the maximum site size for an outdoor shelter is 2 acres. Adjustments are prohibited.

3.1 OCCUPIED RV OR TINY HOUSE ON WHEELS

Discuss RV/tiny houses on wheels element in future hearing to allow more public comment. The existing recommendations are shown for reference.

29.50.050 Illegal Residential Occupancy.

When a property has an illegal residential occupancy, including but not limited to occupancy of tents, campers, motor homes, recreational vehicles, or other structures or spaces not intended for permanent residential use or occupancy of spaces constructed or converted without permit, the use shall be abated or the structure brought into compliance with the present regulations for a building of the same occupancy.

Residential occupancy of structures or spaces not intended for permanent residential use or occupancy is unlawful, including but not limited to structures placed, constructed or converted without permit; tents, campers, motor homes, recreational vehicles, and other vehicles.

A. Exceptions:

1. Individual sleeping accommodations within outdoor shelters legally established in conformance with Portland City Code Chapters 33.285 or 33.815, or allowed as temporary occupancies under Portland City Code Chapter 33.296;

2. Vehicles on institutional property as allowed by Oregon Revised Statutes, Chapter 203, Section 082;

3. Recreational vehicles within in a manufactured dwelling park or mobile home park as provided by Oregon Revised Statutes, Chapter 197, Section 493;

4. Motor homes and recreational vehicles within a recreational vehicle park allowed as a commercial use by Portland City Code Chapters 33.130 or 33.140; and

5. One occupied recreational vehicle provided:

a. The recreational vehicle is on a site with a house, attached house, or manufactured home. See Portland City Code Chapter 33.260.

b. The recreational vehicle is a travel trailer, park model recreational vehicle, camper or motor home.

c. A permanent recreational vehicle utility hookup that includes an electrical outlet, a water connection, and a sanitary sewer dump is provided on the site. A water connection and sanitary sewer dump is not required if the vehicle lacks internal plumbing.

6. Camping under emergency circumstances as authorized by Portland City Code Sections 14A.50.020 B., 33.296.030, or by declaration by the Mayor.

B. When a property has an illegal residential occupancy, the use shall be abated or brought into compliance with the current regulations for a space of the same occupancy.

Title 33 elements:**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.

33.260.030 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.

4.1 GROUP LIVING – APPLY FAR TO CONGREGATE HOUSING FACILITIES IN SINGLE-DWELLING ZONES

The Residential Infill Project (adopted 8/12/20; effective 8/1/21) applies a maximum floor area ratio (FAR) to development in the R.25, R5 and R7 single-dwelling residential zones. The FAR limitation is graduated based on the number of dwelling units there are on a site. The Shelter to Housing Continuum project is introducing a new residential structure type to the zoning code that is not a dwelling unit—a congregate housing facility. This amendment clarifies which FAR limitation applies to a site with a congregate housing facility. The amendment was inadvertently left out of the Proposed Draft.

Amend 33.110.210.B:

- B. Maximum FAR. Maximum floor area ratios are stated in Table 110-4. The maximum FAR allowed is based on the total number of dwelling units on the site and whether a bonus option is chosen. The maximum FAR for a site with a congregate housing facility is the same as shown in Table 110-4 for a site with 1 total dwelling unit. The maximum FAR for institutional uses is stated in 33.110.270. Adjustments to the maximum FAR ratios, including bonus ratios, are prohibited.

Amend Table 110-4:

Table 110-4 Summary of Development Standards In Single-Dwelling Zones						
Standard	RF	R20	R10	R7	R5	R 2 · 5
Maximum FAR - 1 total dwelling unit [1] - 2 total dwelling units [42] - 3 or more total dwelling units [1] (See 33.110.210 and 33.110.265)	no limit	no limit	no limit	0.4 to 1 0.5 to 1 0.6 to 1 [23]	0.5 to 1 0.6 to 1 0.7 to 1 [23]	0.7 to 1 0.8 to 1 0.9 to 1 [23]
Maximum FAR with Bonus - 1 total dwelling unit - 2 total dwelling units [42] - 3 or more total dwelling units [1] (See 33.110.210 and 33.110.265)	NA	NA	NA	0.4 to 1 0.6 to 1 0.7 to 1	0.5 to 1 0.7 to 1 0.8 to 1	0.7 to 1 0.9 to 1 1 to 1
Maximum Height (See 33.110.215)	30 ft.	30 ft.	30 ft.	30 ft. [23]	30 ft. [23]	35 ft.

Minimum Setbacks - Front building setback - Side building setback - Rear building setback - Garage entrance setback (See 33.110.220)	20 ft. 10 ft. 10 ft. 18 ft.	20 ft. 10 ft. 10 ft. 18 ft.	20 ft. 10 ft. 10 ft. 18 ft.	15 ft. 5 ft. 5 ft. 18 ft.	10 ft. 5 ft. 5 ft. 18 ft.	10 ft. 0/5 ft. 5 ft. 18 ft.
Maximum Building Coverage (See 33.110.225)	See Table 110-6	See Table 110-6	See Table 110-6	See Table 110-6	See Table 110-6	See Table 110-6
Required Outdoor Area - Minimum area - Minimum dimension (See 33.110.240 235)	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	200 sq. ft. 10 ft. x 10 ft.

[1] Including any site with a congregate housing facility.

[2] Including accessory dwelling units.

[23] Additional FAR and height may be allowed. See 33.110.265.F.

4.2 GROUP LIVING – CLARIFY OUTDOOR AREA REQUIREMENTS FOR CONGREGATE HOUSING FACILITIES IN MULTI-DWELLING AND COMMERCIAL MIXED-USE ZONES

Outdoor area requirements in the multi-dwelling and commercial mixed-use zones are based on number of dwelling units. The Shelter to Housing Continuum project is introducing a new residential structure type to the zoning code that is not a dwelling unit—a congregate housing facility. This amendment clarifies how the outdoor area requirement applies to residential uses and how it applies to a congregate housing facility. The amendment was inadvertently left out of the Proposed Draft.

Amend 33.120.240.B:

- B. Outdoor area and common area requirements.** In the RM1 through RM4 zones, on sites with a residential use, both outdoor and common areas are required. Required common area may count toward required outdoor area, but individual private outdoor area may not count toward required common area. The standards of this section do not apply in the RX and RMP zones.
1. [No change]
 2. Required common area.
 - a. Required common area standard. On sites that are more than 20,000 square feet in total site area, and on sites with a congregate housing facility, at least 10 percent of total site area must be provided as common area. At least 50 percent of the required common area must be outdoor area, such as outdoor courtyards or outdoor play areas. Up to 50 percent of the required common area may be indoor common area, such as indoor recreation facilities or indoor community rooms.
 - b. Exemption. The required common area standard does not apply to sites where:
 - (1) All of the dwelling units have individual entrances that are within 20 feet of a street lot line;
 - (2) Each entrance is connected to the street by a path that is at least 3 feet wide and hard surfaced; and
 - (3) Each dwelling unit has at least 200 square feet of individual outdoor area with a minimum dimension of 10 feet by 10 feet.

Amend 33.130.228.B.1:

1. Amount required:
 - a. On sites that are up to 20,000 square feet in total area, at least 36 square feet of outdoor area is required for each dwelling unit on the site;
 - b. For sites that are more than 20,000 square feet in total area, at least 48 square feet of outdoor area is required for each dwelling unit on the site-;
 - c. For any site with a congregate housing facility, at least 10 percent total site area must be provided as common area.

4.3 GROUP LIVING – CLARIFY PARKING REQUIREMENTS FOR GROUP LIVING USES

As part of the Residential Infill Project, City Council eliminated minimum parking requirements for Household Living uses in single-dwelling zones. The Shelter to Housing Continuum project is amending the zoning code to treat Group Living uses more like Household Living uses in single-dwelling zones and as such, this amendment aligns the minimum parking requirements for Household and Group Living uses in the single- zones. This amendment also eliminates a remaining reference to the SRO residential structure type and updates the minimum parking requirement for Group Living (when a conditional use is required) to relate to bedrooms rather than residents. Both of these changes are consistent with other changes recommended as part of the Shelter to Housing Continuum project.

Amend 33.266.110.B.2:

2. Minimum for sites located far from transit. For sites located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service the following minimum parking requirements apply:
 - a. Household Living uses.
 - (1) Single-dwelling zones. No parking is required for Household Living uses in the single-dwelling zones.
 - (2) All other zones. The minimum number of parking spaces required for Household Living uses in all other zones is stated in Table 266-1.
 - b. All other uses.
 - (1) Group Living. No parking is required for Group Living uses in single-dwelling zones that do not require a conditional use review. The minimum number of parking spaces required for all other Group Living uses is stated in Table 266-1.
 - (2) All other uses. The minimum number of parking spaces required is stated in Table 266-1.

Amend Table 266-2 (Residential Categories only):

<p style="text-align: center;">Table 266-2 Parking Spaces by Use [2] (Refer to Table 266-1 to determine which standard applies.)</p>			
Use Categories	Specific Uses	Standard A	Standard B
Residential Categories			
Household Living		1 per 2 units, except SROs exempt	None, except 1.35 per unit on sites that are both in a commercial/mixed use or multi-dwelling zone and close to transit (close to transit is described in 33.266.110.B.1.) Houses, attached houses and duplexes are exempt.
Group Living		1 per 4 residents <u>bedrooms</u>	None

4.4 ACCESSORY SHORT-TERM RENTAL

This amendment retains the limit on the number of guests allowed in a Type A accessory short-term rental (ASTR). The current code effectively limits the number of guests in Type A ASTR (i.e. renting no more than 2 bedrooms) to 5 by limiting the number of residents and guests to no more than is allowed for a household. The Shelter to Housing Continuum project is removing the definition of household, so the language for the number of guests allowed in a Type A ASTR needs to be revised to ensure that the current limit is continued.

Amend 33.207.040.B.5

5. ~~Number of residents and guests. The total maximum number of residents and guests occupying a dwelling unit with a Type A accessory short-term rental may not exceed 5 the number allowed for a household. For sites with an accessory dwelling unit, the total number of residents and guests occupying both dwelling units may not exceed the number allowed for a household.~~



Bureau of Planning and Sustainability

Innovation. Collaboration. Practical Solutions.

MEMO

DATE: March 9, 2021
TO: Commissioner Rubio
FROM: Eric Engstrom
SUBJECT: Shelter to Housing Continuum (S2HC) - Technical Amendments

This memo contains staff-recommended technical amendments for the Shelter to Housing Continuum Title 33, Title 30, and Title 17 code amendments. These amendments are necessary to clarify or add code language to carry out the policy decisions related to the Shelter to Housing Continuum code amendments. The amended code language is highlight through shaded text. In general, these amendments are intended to resolve technical issues discovered after publication of the Recommended Draft.

The Bureau of Planning and Sustainability is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503-823-7700 or use City TTY 503-823-6868, or Oregon Relay Service 711.

Traducción o interpretación	Chuyển Ngữ hoặc Phiên Dịch	翻译或传译	Письменный или устный перевод	Traducere sau Interpretare
الترجمة التحريرية أو الشفهية	Письмовий або усний переклад	翻訳または通訳	Turjumida ama Fasiraadda	ການແປພາສາ ຫຼື ການອະທິບາຍ

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Title 33 and Title 30 Technical Amendments

Item	Topic	Amendment
1	Group Living - Apply floor area ratios (FAR) to congregate housing facilities in single-dwelling zones	33.110.210.B: This amendment will assign an FAR maximum to sites with congregate housing facilities. This amendment addresses Title 33 code adopted with the Residential Infill Project. Without this amendment it may be unclear how to apply FAR to congregate housing facilities.
2	Group Living - Clarify the outdoor area requirements for congregate housing facilities	Ensure congregate housing facilities provide outdoor area in the multi-dwelling and commercial mixed-use zones. The removal of chapter 33.239 left us with an unintended gap regarding outdoor area standards that apply to congregate housing. This amendment adapts the current policy that housing should provide outdoor areas to the new code structure.
3	Group Living - Clarify parking requirements for Group Living uses	Do not apply a minimum parking space requirement to Group Living uses that are allowed by right in the single-dwelling zone. This puts Group Living at rough parity with Household Living with regard to parking standards. The Residential Infill project had abolished off-street parking requirements for Household Living.
4	Outdoor shelters - Clarify definition of outdoor shelter	Revise the definition of outdoor shelter to clarify that a vehicle can be considered an individual shelter when part of an approved outdoor shelter. This amendment affect both Title 33 and Title 30. This is a wording clarification.
5	Accessory short-term rental - Clarify the number of guests allowed	Ensure that no more than 5 guests are allowed in a Type A short-term rental. The elimination of the "Household" definition left BDS with a question about how to enforce one aspect of the short term rental regulations.
6	Obstructions and temporary encroachments in the ROW	Delete amendments to 17.44.B. PBOT has requested this element be pulled from the package for further discussion. They are planning a larger scale review of Title 17 and would like to consider this topic as part of that work.

ITEM #1

GROUP LIVING – APPLY FAR TO CONGREGATE HOUSING FACILITIES IN SINGLE-DWELLING ZONES

The Residential Infill Project (adopted 8/12/20; effective 8/1/21) applies a maximum floor area ratio (FAR) to development in the R.25, R5 and R7 single-dwelling residential zones. The FAR limitation is graduated based on the number of dwelling units there are on a site. The Shelter to Housing Continuum project is introducing a new residential structure type to the zoning code that is not a dwelling unit—a congregate housing facility. This amendment clarifies which FAR limitation applies to a site with a congregate housing facility. The amendment was inadvertently left out of the Proposed Draft.

Amend 33.110.210.B:

- B. Maximum FAR. Maximum floor area ratios are stated in Table 110-4. The maximum FAR allowed is based on the total number of dwelling units on the site and whether a bonus option is chosen. The maximum FAR for a site with a congregate housing facility is the same as shown in Table 110-4 for a site with 1 total dwelling unit. The maximum FAR for institutional uses is stated in 33.110.270. Adjustments to the maximum FAR ratios, including bonus ratios, are prohibited.

Amend Table 110-4:

Table 110-4 Summary of Development Standards In Single-Dwelling Zones						
Standard	RF	R20	R10	R7	R5	R 2 . 5
Maximum FAR - 1 total dwelling unit [1] - 2 total dwelling units [12] - 3 or more total dwelling units [1] (See 33.110.210 and 33.110.265)	no limit	no limit	no limit	0.4 to 1 0.5 to 1 0.6 to 1 [23]	0.5 to 1 0.6 to 1 0.7 to 1 [23]	0.7 to 1 0.8 to 1 0.9 to 1 [23]
Maximum FAR with Bonus - 1 total dwelling unit - 2 total dwelling units [12] - 3 or more total dwelling units [1] (See 33.110.210 and 33.110.265)	NA	NA	NA	0.4 to 1 0.6 to 1 0.7 to 1	0.5 to 1 0.7 to 1 0.8 to 1	0.7 to 1 0.9 to 1 1 to 1
Maximum Height (See 33.110.215)	30 ft.	30 ft.	30 ft.	30 ft. [23]	30 ft. [23]	35 ft.

Minimum Setbacks - Front building setback - Side building setback - Rear building setback - Garage entrance setback (See 33.110.220)	20 ft. 10 ft. 10 ft. 18 ft.	20 ft. 10 ft. 10 ft. 18 ft.	20 ft. 10 ft. 10 ft. 18 ft.	15 ft. 5 ft. 5 ft. 18 ft.	10 ft. 5 ft. 5 ft. 18 ft.	10 ft. 0/5 ft. 5 ft. 18 ft.
Maximum Building Coverage (See 33.110.225)	See Table 110-6	See Table 110-6	See Table 110-6	See Table 110-6	See Table 110-6	See Table 110-6
Required Outdoor Area - Minimum area - Minimum dimension (See 33.110.240 235)	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	200 sq. ft. 10 ft. x 10 ft.

1 Including any site with a congregate housing facility.

2 Including accessory dwelling units.

3 Additional FAR and height may be allowed. See 33.110.265.F.

ITEM #2**GROUP LIVING – CLARIFY OUTDOOR AREA REQUIREMENTS FOR CONGREGATE HOUSING FACILITIES IN MULTI-DWELLING AND COMMERCIAL MIXED-USE ZONES**

Outdoor area requirements in the multi-dwelling and commercial mixed-use zones are based on number of dwelling units. The Shelter to Housing Continuum project is introducing a new residential structure type to the zoning code that is not a dwelling unit—a congregate housing facility. This amendment clarifies how the outdoor area requirement applies to residential uses and how it applies to a congregate housing facility. The amendment was inadvertently left out of the Proposed Draft.

Amend 33.120.240.B:

- B. Outdoor area and common area requirements.** In the RM1 through RM4 zones, on sites with a residential use, both outdoor and common areas are required. Required common area may count toward required outdoor area, but individual private outdoor area may not count toward required common area. The standards of this section do not apply in the RX and RMP zones.
1. [No change]
 2. Required common area.
 - a. Required common area standard. On sites that are more than 20,000 square feet in total site area, and on sites with a congregate housing facility, at least 10 percent of total site area must be provided as common area. At least 50 percent of the required common area must be outdoor area, such as outdoor courtyards or outdoor play areas. Up to 50 percent of the required common area may be indoor common area, such as indoor recreation facilities or indoor community rooms.
 - b. Exemption. The required common area standard does not apply to sites where:
 - (1) All of the dwelling units have individual entrances that are within 20 feet of a street lot line;
 - (2) Each entrance is connected to the street by a path that is at least 3 feet wide and hard surfaced; and
 - (3) Each dwelling unit has at least 200 square feet of individual outdoor area with a minimum dimension of 10 feet by 10 feet.

Amend 33.130.228.B.1:

1. Amount required:
 - a. On sites that are up to 20,000 square feet in total area, at least 36 square feet of outdoor area is required for each dwelling unit on the site;
 - b. For sites that are more than 20,000 square feet in total area, at least 48 square feet of outdoor area is required for each dwelling unit on the site;
 - c. For any site with a congregate housing facility, at least 10 percent total site area must be provided as common area.

ITEM #3**GROUP LIVING – CLARIFY PARKING REQUIREMENTS FOR GROUP LIVING USES**

As part of the Residential Infill Project, City Council eliminated minimum parking requirements for Household Living uses in single-dwelling zones. The Shelter to Housing Continuum project is amending the zoning code to treat Group Living uses more like Household Living uses in single-dwelling zones and as such, this amendment aligns the minimum parking requirements for Household and Group Living uses in the single- zones. This amendment also eliminates a remaining reference to the SRO residential structure type and updates the minimum parking requirement for Group Living (when a conditional use is required) to relate to bedrooms rather than residents. Both of these changes are consistent with other changes recommended as part of the Shelter to Housing Continuum project.

Amend 33.266.110.B.2:

2. Minimum for sites located far from transit. For sites located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service the following minimum parking requirements apply:
 - a. Household Living uses.
 - (1) Single-dwelling zones. No parking is required for Household Living uses in the single-dwelling zones.
 - (2) All other zones. The minimum number of parking spaces required for Household Living uses in all other zones is stated in Table 266-1.
 - b. All other uses.
 - (1) Group Living. No parking is required for Group Living uses in single-dwelling zones that do not require a conditional use review. The minimum number of parking spaces required for all other Group Living uses is stated in Table 266-1.
 - (2) All other uses. The minimum number of parking spaces required is stated in Table 266-1.

Amend Table 266-2 (Residential Categories only):

Table 266-2 Parking Spaces by Use [2] (Refer to Table 266-1 to determine which standard applies.)			
Use Categories	Specific Uses	Standard A	Standard B
Residential Categories			
Household Living		1 per 2 units, except SROs exempt	None, except 1.35 per unit on sites that are both in a commercial/mixed use or multi-dwelling zone and close to transit (close to transit is described in 33.266.110.B.1.) Houses, attached houses and duplexes are exempt.
Group Living		1 per 4 residents bedrooms	None

ITEM #4**OUTDOOR SHELTERS – CLARIFY DEFINITION OF OUTDOOR SHELTER**

This amendment revises the wording of the definition of outdoor shelter in both Title 33 and Title 30 to clarify that a vehicle can also be considered an individual shelter when part of any outdoor shelter. The wording in the Recommended Draft was unclear and could be read otherwise.

Amend 33.910.030:

Outdoor Shelter. Individual shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. 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.

Amend 30.01.030:

Q. “Outdoor Shelter”. Individual shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. 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.

ITEM #5**ACCESSORY SHORT-TERM RENTAL**

This amendment retains the limit on the number of guests allowed in a Type A accessory short-term rental (ASTR). The current code effectively limits the number of guests in Type A ASTR (i.e. renting no more than 2 bedrooms) to 5 by limiting the number of residents and guests to no more than is allowed for a household. The Shelter to Housing Continuum project is removing the definition of household, so the language for the number of guests allowed in a Type A ASTR needs to be revised to ensure that the current limit is continued.

Amend 33.207.040.B.5

5. ~~Number of residents and guests. The total maximum number of residents and guests occupying a dwelling unit with a Type A accessory short-term rental may not exceed 5 the number allowed for a household. For sites with an accessory dwelling unit, the total number of residents and guests occupying both dwelling units may not exceed the number allowed for a household.~~

ITEM #6**OBSTRUCTIONS AND TEMPORARY ENCROACHMENTS IN THE ROW**

This amendment deletes the recommended amendments to Title 17.44.B because there are some remaining technical issues that PBOT has raised with this section. PBOT will be embarking on a Title 17 code overhaul and will continue to examine that section as part of it. We are confident this will not impact the City or County's ability to continue putting portable restrooms and sanitation services in the right of way via other existing code authorities. Currently, PBOT permitting authority lies in PCC 17.24, which already allows for permitting facilities/structures that the 17.44 amendments were proposing. PBOT has and will continue to permit portable sanitation and hygiene stations, day storage units, and other structures/facilities.

Delete recommended amendments to 17.44.B (the recommended amendments are shown below for reference only)

~~(B. It is unlawful for any person to erect or cause to be erected any structure in, over or upon any dedicated street area, except that Director of the Bureau of Transportation may, based on findings of necessity, grant permission for walls, fences and steps, that otherwise comply with the Code of the City. Also, on buildings whose front is located on the property line, the Director of the Bureau of Transportation may allow decorative facings, certain types of utility meters, utility valves, and other utility appurtenances, to extend into the street area an amount that does not interfere with the public use of said street. The Director of the Bureau of Transportation, upon determining a public need for areas occupied by such walls, fences, steps, facings, or utility meter valves and other appurtenances, may revoke said permission and the property owner or utility will be required to remove them from the street area.~~

B. It is unlawful to place, or cause to be placed, any obstruction within, upon or above any dedicated street area unless the Director of the Bureau of Transportation has, based on findings of necessity, granted a revocable permit to allow:

1. Walls, fences and steps that otherwise comply with the Portland City Code,
2. Decorative facings on buildings that front on a property line,
3. Utility meters, utility valves, and other utility appurtenances that do not significantly interfere with public use of dedicated street area, or
4. Portable sanitation, health, hygiene, day storage, and kitchen facilities.

The Director of the Bureau of Transportation, upon determining a public need for a street area occupied by any of the above, may revoke a permit

and the holder of the revoked permit will be required to remove all obstructions from the street area.)

Language to be **added** is shown in underline.
 Language to be **deleted** is shown in ~~strikethrough~~.

30.01.096 Partial and Full Exemptions of System Development Charges for Mass Shelters, Outdoor Shelters and Short-Term Shelters Housing.

A. The purpose of this Section is to reduce the costs of developing permanent ~~transitional housing in the form of~~ mass shelters, outdoor shelters and short-term shelters housing by exempting system development charges for qualified developments. This section advances a Council-recognized public policy goal of providing a continuum of safe and affordable housing opportunities including transitional shelters housing, emergency shelters, and campgrounds/rest areas to meet the needs of Portland residents.

B. The City will exempt qualified mass shelter, outdoor shelter and short-term shelter housing developments from paying all or part of system development charges required by Code. The applicant must apply for exemptions under this Section prior to the date the City issues the permit on the new development. Where new development consists of only part of one or more of the uses described in this Section, only that portion of the development that qualifies under this Section is eligible for an exemption. The balance of the new development that does not qualify for any exemption under this Section is subject to system development charges to the full extent authorized by Code or general ordinance. The applicant has the burden to prove entitlement to exemptions so requested.

C. The City shall calculate exemptions in the manner authorized for calculating system development charges. Exemptions are applicable to the portions of mass shelter, outdoor shelter and short-term shelter housing projects that are directly used in providing shelter and services for their residents such as on-site manager facilities and shared space including but not limited to restrooms, kitchens, community rooms, social service facilities, and laundry facilities.

D. To obtain the exemption, the applicant must present to the City, at the time of application, documentation from the Joint Office of Homeless Services, or other designated agency, that the development qualifies for the exemption pursuant to this Chapter.

E. The applicant must provide permit drawings that clearly note the exemption, if granted, in order to ensure compliance. Alternatively, the drawings must provide remedies for failure to comply that are acceptable to the City. Permit drawings must state the following, “This project received SDC exemptions for mass shelters, outdoor shelter or short-term shelter housing. The exemptions only apply to the mass shelter, outdoor shelter or short-term shelter housing development and associated facilities including social services. If a future tenant improvement or change of occupancy creates a use that is not a mass shelter, outdoor shelter or short-term shelter housing or associated service, system development charges will be assessed for the new use. It is the permittee’s responsibility to maintain proper documentation of the continued mass shelter, outdoor shelter or short-term shelter housing use.”

[remainder of this chapter is unchanged]