



Shelter ▶ to Housing Continuum

Amendments to the City Code

Volume One, Introduction

Recommended Draft
February 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.

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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 Eric Engstrom at Eric.Engstrom@portlandoregon.gov

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Project Research

Research for this project was funded by a technical assistance grant from the Oregon Department of Land Conservation and Development. Best practices research was provided by Angelo Planning.

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Volume One, Introduction

Summary

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

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

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

Purpose

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

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

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

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

Authorization

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

Contributors

The Portland Bureau of Planning and Sustainability (BPS), Bureau of Development Services (BDS), Portland Housing Bureau (PHB) and the Multnomah County/City of Portland Joint Office of Homelessness Services (Joint Office) are the principal contributors to this report. The bureaus of Transportation (PBOT), Environmental Services, Parks and Recreation, and Water also provided technical assistance.

Partners

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



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

Context

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

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

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

Despite this progress, 4,015 people were counted as experiencing homelessness on a single night during the winter of 2019. The economic downturn caused by the COVID-19 pandemic has placed many more households at risk. Portland’s homelessness crisis is far from over. The pandemic has postponed the 2021 count.

The S2HC project is informed by this larger context.

A Brief Overview of How the City Code Works

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

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

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

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

Overview of Code Changes

The four most significant code changes are:

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

Volumes Two and Three of the S2HCP Project each contain a table of contents citing the report page numbers for each chapter of amended codes. A title is the largest division of the City code; a chapter is a more detailed division of a title. The amended City Code Titles include 8, 15, 17, 21, 29, 30 and 33.

Other changes include:

- Amending Title 15 Housing Emergency authorities to better align with revised sections of Title 33.
- Clarifying how Group Living accommodations that are not complete dwelling units (these are often called “micro apartments” or “single room occupancy units”) are regulated.
- Eliminating the Group Living conditional use requirement for alternative and post incarceration facilities.
- Allowing transportable day storage locker, and bathroom and shower modules in the street to serve people experiencing homelessness and being served by shelters.
- Providing alternative methods for siting temporary outdoor and mass shelters.
- Exempting outdoor shelters from design review and pedestrian circulation standards.
- Employing more careful terminology to distinguish shelter from housing, consistent with the principle that there is a tenant to landlord relationship established with housing but not with shelter.
- Amending Titles 17, 21 and 30 to waive System Development Charges (SDCs) for Outdoor Shelters and utility hookups for RV/Tiny House on Wheels.

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

Shelter Flexibility

Temporary Shelters

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

Existing Language for Mass & Short Term Shelters

The amendments increase the situations where a mass or short-term shelter can be sited, and in some zones, increases the allowed number of mass or short-term shelter beds. These changes provide greater siting flexibility, as well as correct an oversight made when the then new commercial mixed-use zones were but in place with the Comprehensive Plan Update, effective 2018. The changes to the numbers of allowed shelter beds are made in Chapter 33.285.



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

Day Facilities and Services

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

Meal Programs

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

Shelter and Housing Terminology

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



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

Outdoor Shelters

The current zoning code offers no clear path for approving long-term siting of outdoor shelters, such as the Kenton Woman’s Village, Dignity Village, Right 2 Dream Two or other situations where shelters such as tents or cabins have been set up by public and non-profit agencies. Some existing shelters have been given temporary lawful status through an emergency declaration, or through other project-specific Council actions. Code amendments provide for quick approval temporary shelters and allow longer term occupancy of smaller shelters in certain zones. Clearer and more certain paths for retention and longer-term approval of outdoor shelters are in amended Titles 15 and 33 of the City Code. The new outdoor shelter use would join mass shelters and short term shelters (renamed from short term housing) in the Community Service use category. Definitions in Title 30 are amended to align with the revised shelter terminology in Title 33.

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

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



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

Summary of Shelter Changes

The allowance of outdoor shelters within some commercial/mixed use and higher density residential zones, along with a similar expansion of the areas where mass shelters and short term shelters may locate by right within these zones means that these shelters will have additional opportunities to locate within many mixed use or higher density residential zones without requiring a conditional use review. In general, the commercial/mixed use zones and higher density residential zones are located in areas that are closer to transit and facilities, which provide the opportunities for clients to access places to find goods and services and to use alternative means of transportation. These zones are spread throughout the city, so that enables shelters to potentially be spread throughout the area and not concentrated in only a few areas. The Joint Office of Homeless Services (JOHS) has an interest in funding and managing shelters throughout the city to provide this service to those in the area that are in need.

The tables below provide an overview of the three shelter types and the range of base zones where they may be allowed, either by right or through a conditional use review, in comparison to the current regulations.

Table One
Outdoor Shelter Allowances by Zone

	Current Code	New Code
Open Space	NA	Prohibited.
Single dwelling	NA	Up to 20 individual shelters on site are a Conditional Use; otherwise Prohibited.
Multi dwelling	NA	Up to 30 or 60 (depending on zone) individual shelters are allowed on the site; otherwise Conditional Use.
Commercial	NA	Up to 60 individual shelters are allowed on the site; otherwise Conditional Use.
Institutional	NA	In CI1, up to 30 individual shelters are allowed on the site; otherwise Conditional Use. In IR, up to 30 accommodations is allowed on the site; otherwise Conditional Use. In CI2, up to 60 accommodations is allowed on the site; otherwise, Conditional Use.
Employment	NA	In EX, up to 60 individual shelters are allowed; otherwise Conditional Use. In EG1 and EG2 is a Conditional Use.
Industrial	NA	Conditional Use if under 2 acres, publicly owned, and not on certain kinds of industrial land; otherwise prohibited.

Table Two
Mass Shelter Allowances by Zone

	Current Code	Amended Code
Open Space	Prohibited.	Prohibited
Single dwelling	Conditional Use.	Conditional Use.
Multi dwelling	Allowed up to 50 beds in RM3, RM4 and RX. In RM1, RM2, and RMP up to 15 beds allowed if on the site of an institutional use; otherwise a Conditional Use.	Allowed up to 60 beds in RM3, RM4 and RX. In RM1, RM2, and RMP up to 30 beds allowed; otherwise a Conditional Use
Commercial	Allowed up to 200 beds in CX, CM3, and CE; up to 75 beds in CM2; and up to 25 beds in CM1 and CR; otherwise a Conditional Use.	Allowed up to 200 beds in CX, CM3, and CE; up to 140 beds in CM2; up to 30 in CR and CM1; otherwise a Conditional Use
Institutional	Allowed up to 15 beds in IR on site of institution; up to 25 beds in CI1; and up to 75 beds in CI2; otherwise a Conditional Use.	Allowed up to 30 beds in IR and CI1; allowed up to 140 beds in CI2; otherwise a Conditional Use
Employment	Allowed up to 200 beds in EX; otherwise Conditional Use. EG1 and EG2 Zones. Conditional Use.	Allowed up to 200 beds in EX; otherwise Conditional Use. EG1 and EG2 Zones. Conditional Use.
Industrial	Prohibited	Prohibited

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

	Current Code	Amended Code
Open Space	Prohibited	Prohibited
Single dwelling	Conditional Use	Conditional Use
Multi dwelling	Up to 15 beds allowed if on the site of an institutional use; otherwise a Conditional Use	Up to 30 beds allowed; otherwise a Conditional Use
Commercial	Allowed	Allowed
Institutional	Allowed in CI2, allowed up to 15 beds in CI1* and IR; otherwise Conditional Use	In CI1 & IR, allowed up to 30 beds allowed; otherwise Conditional Use In CI2, allowed;
Employment	Allowed	Allowed
Industrial	Prohibited	Prohibited

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

Housing Flexibility

Household and Group Living

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

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

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

Where and How Group Living Would be Allowed

It should be easy to site a residential use in a residential zone. The current code requires that a Group Living use obtain a conditional use approval to locate in single dwelling zones. Allowing some Group Living uses without a conditional use would promote fair housing and enable a wider variety of solutions to meet present and future housing needs identified in Portland’s *2035 Comprehensive Plan*. The code changes would allow Group Living in more base zones as an allowed-by-right use or as a limited use and would achieve greater parity between Group Living and Household Living. In single dwelling zones the amount of Group Living allowed on oversized lots would be limited regulated to a square footage cap that would apply in addition to other base zone limitations. Group Living in larger structures would continue to require a conditional use approval. In multi-dwelling zones, Group Living would be allowed under the same floor area ratio, height, and lot coverage limitations that apply to Household Living. These changes are accomplished by amending the use regulations of the base zones, (Chapters 33.110, 120, 130), and by changing definitions (Chapter 33.910) and use category descriptions (33.920).

“Household” no Longer a Basis for Regulation

Because the Household and Group Living use categories would be distinguished by structure type or the number of bedrooms contained therein, the amended code eliminates the definition “household.”

There are three reasons for elimination:

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

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

Micro-Apartments and Single Room Occupancies

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



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

Inclusionary Housing

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

Post-Incarceration Facilities

An “alternative or post incarceration facility” is a Group Living use where the residents are on probation or parole, but not subject to on-site supervision by sworn officers. To remove unnecessary stigma, the conditional use requirement for these facilities is being eliminated. These facilities will be treated like any other residential use. A facility in a dwelling unit with eight or fewer bedrooms will be classified as a Household Living use and a facility in a congregate living facility or a dwelling unit with nine or more bedrooms will be classified as a Group Living use. Situations where people are under judicial detainment and the direct supervision of sworn officers still fall under the Detention Facilities use category and are not Group Living. Detention facilities are either prohibited or require a conditional use approval depending on the zone.

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

Table
Shelter and Housing Type Comparisons

	In a Building	Has Bedroom(s)	Minimum Stay	Use Category	Occupants Are
Outdoor Shelter	No	No	None	Community Service	Clients or Guests
Mass Shelter	Yes	No	None	Community Service	Clients or Guests
Short Term Shelter	Yes	Yes	None	Community Service	Clients or Guests
Dwelling Unit Household Living	Yes	Yes, 8 or less	30 Days	Residential	Owners or Tenants
Dwelling Unit Group Living	Yes	Yes, 9 or more	30 Days	Residential	Owners or Tenants
Other Structures Group Living	Yes	Not required	30 Days	Residential	Owners or Tenants

Recreational Vehicles and Tiny Houses on Wheels

In response to public comments and continued discussion with stakeholders and the PSC, the code amendments include changes to Title 29 and Title 33 to allow the residential occupancy of tiny houses on wheels and other similar recreational vehicles on residential property. This is currently prohibited by Title 29, the City's property maintenance code. The approach is to allow one recreational vehicle for more permanent occupancy on the site of a house, attached house or manufactured home. Title 29 is amended to remove the current prohibition, and a new Chapter, 33,260, is added to T33 to clarify how these will be regulated within the Zoning Code. The intent is to acknowledge the need for a wider continuum of housing types, to accommodate more people.

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

There is no official definition of a tiny house or a tiny house on wheels (THOW) in City Code. It is generally thought of as a small house, typically sized under 600 square feet. While tiny homes can be built on foundations, many tiny homes are built on trailers. Some California Cities have added references to "movable tiny houses" in their zoning codes. In nearly all cases, a tiny house on wheels shares the same attributes as other travel trailers and recreational vehicles, so they are classified under the zoning definition for recreational vehicle.

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

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

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



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

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

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

1. An exception is added to Title 29.
2. A new Chapter is created to address zoning standards for occupancy of a recreational vehicle on the site of a house, attached house, or manufactured home (33.260)
3. The Definition of RVs in the Zoning Code is modified to better align with current DMV terminology (including ORS 801.100-610 and 174.101).

Policy Basis

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

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

The referenced policy states.

Policy 5.46 Housing continuum.

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

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

Goal 2.B: Social justice and equity

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

GOAL 3.A: A city designed for people

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

Policy 3.3.b.

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

Goal 5.A: Housing diversity

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

Goal 5.B: Equitable access to housing.

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

Goal 7.D: Environmental equity.

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

Policy 9.25 Transit equity.

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

Community Engagement

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

The CIC, BPS, and partner agencies are acutely aware that the persons most likely to benefit from this project may also be the persons least able to influence it. It is therefore of utmost importance that involvement be carried out in a manner designed to ameliorate this inverse relationship. Involvement also must be adjusted to observe health advisories for the COVID-19 pandemic.

Project Activities to Leading to the Discussion Draft

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

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

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

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

- May 28, 2020, The Build Small Coalition, advisory to Metro.
- June 25, 2020, Portland Forum on Alternative Shelters & Villages, sponsored by the Northeast Coalition of Neighborhoods and the Interfaith Alliance on Poverty.
- July 15, 2020, Portland Neighbors Welcome; Monthly Meeting.
- July 20, 2020, Southeast Uplift, Land Use Committee Meeting.
- September 8, Central Eastside Industrial Council, Land Use Committee Meeting.
- September 17, 2020, the Development Review Advisory Committee, advisory to the Portland Bureau of Development Services.

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

Project Activities between the Discussion Draft and Proposed Draft

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

- October 13, 2020, Bureau of Planning and Sustainability hosted Community Forum moderated by A Home for Everyone.
- October 14, 2020, Portland Forum on Alternative Shelters & Villages, sponsored by the Northeast Coalition of Neighborhoods and the Interfaith Alliance on Poverty.
- October 22, 2020, Bureau of Planning and Sustainability hosted Community Forum.
- October 27, 2020, Bureau of Planning and Sustainability hosted Community Forum.
- November 10, 2020, Planning and Sustainability Commission Briefing.
- November 17, 2020, Southwest Neighbors Incorporated, Land Use Committee Meeting.

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

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

Response to Discussion Draft Comments

As a result of comments received in writing and during the outreach, the Proposed Draft amended some of the shelter regulations to increase the number of beds/individual shelters allowed without a conditional use review, and also adjusted some of the Conditional Use approval criteria. A new provision was added to allow an occupied recreational vehicle on the site of a house, attached house or manufactured home.

Proposed Draft and Planning and Sustainability Commission (PSC) Hearing

In response to concerns about the speed of the proposal and comment period, staff set up two Planning and Sustainability Hearings in December to provide additional opportunities for formal review and comments. The two hearings were on December 8 and December 15, 2020. This provided more opportunity for video testimony signups as well as allocated some additional time for written testimony to be submitted through the Map App. The deadline for written testimony was extended to December 21, 2020.

A total of 28 people spoke in person at the two hearings (12 on 12/8 and 16 on 12/15). In addition, there were 178 pieces of individual written testimony submitted through the Map App between November 30 and December 21, although a few pieces of testimony were duplicates and some testifiers submitted more than one piece of testimony.

The testimony, both verbal and written illuminated several common themes. On one hand, there was interest in expanding the places where various shelters could locate as well as an interest in allowing a greater number of beds or individual tents/shelters within each location by right, reducing the situations where a shelter would require a conditional use review. On the other hand, there was considerable testimony expressing concern about potential considerations to allow permanent shelters within parks and open space areas. In addition, several testifiers were concerned with the current state of enforcement as it relates to the informal, unsanctioned campsites established in public spaces and the lack of solutions to enable existing enforcement of city regulations. Many commenters were concerned about potential geographic allocations of the new regulations which could create geographic concentrations of shelters in one area versus another. Some testifiers focused on the specific amendments that addressed the occupancy of recreational vehicles or tiny houses on wheels.

This testimony helped inform Planning and Sustainability Commission's (PSC) discussion in work sessions held on January 12 and 26, 2021. During these work sessions, the PSC discussed the following:

- Number of shelter beds or individual tents/shelter allowed. The PSC amended the Proposed Draft to increase these numbers.
- Operational requirements for outdoor shelters. No changes were made by the PSC.
- A consideration to allow permanent shelters within Open Space (OS) zones. The PSC did not recommend this, so permanent shelters would continue to be prohibited in OS zones.

- Provisions for temporary shelters. PSC considered potential limitations but did not make any changes.
- Group Living use triggers. PSC discussed and recommended to increase the threshold distinguishing Household Living from Group Living from 6 up to 8 bedrooms in a dwelling unit.
- Tiny Houses or Recreational Vehicles on a lot. PSC considered several ideas but maintained one occupied recreational vehicle on a lot. City staff also made some changes to Title 29 as a result of the testimony and PSC discussion (see below).
- Visitability Standards. At the request of BDS (Bureau of Development Services), PSC added standards addressing visitability that were initially proposed with the Residential Infill Project. These standards replace references to the building code that were expected to be difficult to implement.

The PSC has formal authority to make recommendations related to Title 33 only, and not other other amendments. The standing inter-agency Housing Continuum Committee also met in January and February to consider testimony and make revisions to elements of the project involving other part of the City Code (Titles 8, 15, 17, 21, 29 and 30). As a result of the testimony the Committee recommended several changes, which have been incorporated into Volume 3.

- Scaled-back changes to Title 15 to leave the housing emergency authorization intact.
- Additional changes in Title 17 and 21 to implement System Development Charge (SDC) exemptions for outdoor shelters and for the recreational vehicle utility hookups.
- Changes to Title 29 to simplify the number of requirements applicable to occupied recreational vehicles.
- Changes to Title 30 to align shelter definitions and implement SDC exemptions.

Continuing Engagement

Staff is continuing to engage with the public and provide information as the PSC Recommendation is developed. The *Recommended Draft* is published in advance of the City Council hearing, scheduled for March 17, 2021. Public notice is released on February 17, and the project webpage and Map App page for public comments has been updated.