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191171

Ordinance

Amend the Planning and Zoning Code to clarify the rules for shelters to facilitate more shelter options for Portlanders in need (amend Code Title 33)

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. On October 7, 2015, the Council, through Ordinance 187371, declared a housing emergency for a period of one year.
2. On September 7, 2016, the Council, through Ordinance 187973, extended the housing emergency declared by Ordinance 187371 for an additional one-year period.
3. On October 4, 2017, the Council, through Ordinance 188627, further extended the housing emergency for another eighteen-month duration.
4. On February 19, 2019, the Council, through Ordinance 189387, continued the housing emergency initially declared by Ordinance 187371 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. On March 31, 2021, the Council, through Ordinance 190342, extended the housing emergency for a twelve month duration.
7. On March 30, 2022, the Council, through Ordinance 190756, extended the housing emergency through March 22, 2025.
8. 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

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Planning and Sustainability](#)
(BPS)

Contact

JP McNeil

✉ jason.mcneil@portlandoregon.gov

📞 [503-823-6046](tel:503-823-6046)

Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

February 15, 2023

Requested Start Time

9:45 am

Time Requested

15 minutes

Changes City Code

development, and to provide service locations to people experiencing homelessness.

9. The population experiencing homelessness are amongst the most vulnerable residents of Portland. On a single night during the winter of 2022, a point-in-time (PIT) count recorded 5,228 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.
10. 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.
11. 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 the first Shelter to Housing Continuum Project to retool Portland City Codes to better address the emergency housing needs of people experiencing homelessness or at risk of homelessness or displacement.
12. On April 28, 2021, the Council, through Ordinance 190380, adopted the Shelter to Housing Continuum Project. The Shelter to Housing Continuum Project was intended to further fair housing goals by expanding shelter and housing options throughout the city.
13. On June 30, 2021, the Council, through Ordinance 190478, directed the construction of six Safe Rest Village outdoor shelters.
14. As the City launched the Safe Rest Villages Initiative and the Joint City-County Office of Homeless Services sought to open other shelter facilities using the newly codified shelter provisions found in the Shelter to Housing Continuum package of zoning amendments, several additional zoning code barriers and unanticipated technical issues were identified by Bureau of Development Services staff.
15. In June of 2022, Bureau of Planning and Sustainability staff began work on the Shelter to Housing Continuum – Part 2 Project, a refinement package that proposes several Zoning Code amendments to address the issues identified by Bureau of Development Services staff.
16. The Shelter to Housing Continuum – Part 2 Proposed Draft was released for public review on September 2, 2022.
17. On September 1, 2022, notice of the Proposed Draft was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-0020.
18. On October 11, 2022 the Portland Planning and Sustainability Commission (PSC) held a public hearing on the Shelter to Housing Continuum – Part 2 – Proposed Draft. The PSC voted to forward the

Shelter to Housing Continuum – Part 2 Project to City Council on November 8, 2022.

19. The Shelter to Housing Continuum – Part 2 – Recommended Draft was released for public review on January 19, 2022.
20. The Shelter to Housing Continuum – Part 2 – Recommended Draft includes a staff report and the PSC-recommended amendments to Title 33, Planning and Zoning.
21. On January 19, 2022, notice of the February, 8 2022 City Council public hearing on the Shelter to Housing Continuum – Part 2 – Recommended Draft was mailed to the those who presented oral and written testimony at the Planning and Sustainability Commission public hearings and those who requested such notice.
22. The Shelter to Housing Continuum – Part 2 – Recommended Draft, as amended by Council in the adopted Shelter to Housing Continuum – Part 2 – As-Amended Draft, includes changes to Portland City Code to remove barriers to the siting of shelters by clarifying the shelter rules that were adopted with the original Shelter to Housing Continuum package. These changes support a continuum of shelter and housing alternatives for people experiencing homelessness including those currently camping on streets and in open spaces.
23. The Findings of Fact As-Amended Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland 2035 *Comprehensive Plan*.

NOW, THEREFORE, the Council directs:

- A. Adopt Exhibit A, Findings of Fact Report As-Amended as additional findings.
- B. Adopt Exhibit B, Shelter to Housing Continuum – Part 2 – As-Amended Draft, dated February 2023, as legislative intent and further findings.
- C. Amend Title 33, Planning and Zoning, of the Municipal Code of the City of Portland as shown in Exhibit B, Shelter to Housing Continuum – Part 2 – As-Amended Draft, dated February 2023.

Section 2. This ordinance shall be in full force and effect on March 31, 2023.

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

Documents and Exhibits

 [Approved Amendments Memo](#) 484.35 KB

 [Amended Ordinance - Strikethrough / Underline Version](#) 31.65 KB

 [Exhibit A - As Amended](#) 1008.27 KB

 [Exhibit B - As Amended](#) 449.69 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed as amended by Council
February 15, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

In 2021, City Council adopted the Shelter to Housing Continuum (S2HC) project to help address the crisis of houseless Portlanders. These code amendments were aimed at making it easier to site homeless shelters. The S2HC project also created a new community service use in the code called “outdoor shelters,” which allows outdoor shelters outright without first needing City Council approval.

As the City launched the Safe Rest Villages initiative and the Joint City-County Office of Homeless Services continued to operate existing facilities and open others, several implementation issues related to the permitting of outdoor shelters arose. The Shelter to Housing Continuum — Part 2 (S2HC2) addresses these issues with zoning code amendments that address the code barriers and unanticipated technical issues.

The S2HC2 project has three primary elements:

1. Outdoor Shelter Standards: These amendments clarify the development standards that outdoor shelters must meet and where they can be located. They also clear up a technical issue regarding the size of industrially zoned sites that can be used for outdoor shelters.
2. Temporary Activities Rules: For shelters allowed using the Temporary Activities chapter of the Zoning Code, these amendments clarify that new permanent structures or alterations are not allowed with a temporary activity, and outdoor shelters can temporarily occupy a parking area on a site.

3. Conditional Uses: The amendments clarify when a conditional use land use review is triggered for changes on sites with an existing conditional use.

Financial and Budgetary Impacts

This project does not amend the budget, change staffing levels, reclassify staff, or authorize new spending or other financial obligations (IGAs, contracts, etc.).

In the long term, the project could have indirect impacts on City revenue and expenses:

- The Shelter to Housing Continuum – Part 2 project clarifies the regulations for shelters that were adopted with the first Shelter to Housing Continuum project in April of 2021. The clarifications will simplify the permitting process to open and operate shelters. By making it easier to open managed facilities, the project aims to reduce the number of people camping in unsanctioned locations in the public right of way and other public spaces. City agencies (PBOT, Parks, BES, etc.) are experiencing increased costs related to addressing the impact of unsanctioned homeless camping. Increasing the number of sanctioned managed facilities run by the public, and nonprofit partners, will help to reduce expenses related to unsanctioned camping.
- As a whole, the package reduces the level of regulation that applies to some types of shelters. The proposal does not create new regulations that would require any new BDS or Housing Bureau programs.

Community Impacts and Community Involvement

The project scope is narrowly focused on technical changes and minor zoning code clarifications that make it easier for shelter operators to open new facilities. The people most impacted by the project will be houseless people, and people seeking alternative forms of shelter. American Indian, Alaska Native, Native Hawaiian, Pacific Islander, and Black and African American populations are over-represented in the homeless populations. The Non-Hispanic White population is under-represented.

Community engagement activities for this project are summarized in the Recommend Draft report. Considering the narrow scope of the project, the expectation for minimal community impacts, and the broad community engagement conducted for the first Shelter to Housing Continuum Project, community engagement for S2HC2 was limited. The Housing Continuum Workgroup, originally set up to advise staff on the first S2HC project and comprised of representatives of public agencies that operate homeless shelters and organizations serving the houseless community, was the

primary venue for outreach. Outreach was also conducted to District Coalitions and Neighborhood Associations, of which resulted in several meetings.

A total of three testifiers submitted written testimony to the PSC on the matter. The PSC held a public hearing on the project in October of 2022 and voted in November of 2022 to recommend that Council adopt the proposal. The PSC's Title 33 recommendation was incorporated into a Recommended Draft published in January 2023. A notice of the Council's hearing was mailed to those who testified on the matter on January 20, 2021.

100% Renewable Goal

n/a

This action has no direct impact on the City's renewable energy goals.

Budget Office Financial Impact Analysis

No fiscal impact.

Agenda Items

125 Time Certain in [February 8, 2023 Council Agenda](#)

Passed to second reading as amended

Motion to amend the Ordinance, Exhibit A, and Exhibit B: Moved by Rubio and seconded by Ryan. (Y-5)

Passed to second reading February 15, 2023 at 9:45 a.m. Time Certain As Amended

Oral and written record closed on February 8, 2023.

131 Time Certain in [February 15, 2023 Council Agenda](#)

Passed As Amended

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea