

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 1315

Amending Multnomah County's Comprehensive Plan, Zoning Map, and Zoning Code, to Incorporate Amendments to the City of Portland's Comprehensive Plan, Comprehensive Plan Map and Zoning Map, and Zoning and Development Code to Adopt Title 11 (Trees) Amendments, Adopt Amendments to Title 33 to clarify the rules for shelters to facilitate more shelter options, Adopt Amendments to Title 33 to Adopt the Electric Vehicle Ready Code, Adopt Amendments to Title 33 to create the Planning Commission and dissolve the Planning and Sustainability Commission, Adopt the West Portland Town Center Plan, and Adopt South Portland Historic District Design Guidelines and Declaring an Emergency.

The Multnomah County Board of Commissioners Finds:

- a. Pursuant to an intergovernmental agreement executed in 2002 (the "IGA"), the City of Portland, Oregon ("City"), provides, with certain exceptions, land use planning services for those areas of unincorporated Multnomah County located within the City's Urban Services Boundary (the "Unincorporated Urban Areas").

Because the County retains legislative authority over the Unincorporated Urban Areas, the County assumed an obligation in the IGA to amend County land use policies and regulations as they relate to the Unincorporated Urban Areas to incorporate applicable City land use policies and regulations, and all subsequent amendments thereto.

- b. Through Ordinance No. 191030 (adopted by the Portland City Council 10-12-22), the Portland City Council amended Title 11-Trees to improve clarity, efficiency, and outcomes of tree regulations. City Ordinance No. 191030 took effect on November 11, 2022. The tree ordinance applies in unincorporated areas covered by the city/county IGA.
- c. Through Ordinance No. 191171 (adopted by the Portland City Council 2-15-23), the Portland City Council amended Title 33-Planning and Zoning code to clarify the rules for shelters to facilitate more shelter options for Portlanders in need. City

Ordinance No.191171 took effect on March 31, 2023. The ordinance applies in unincorporated areas covered by the city/county IGA.

- d. Through Ordinance No. 191164 (adopted by the Portland City Council 2-8-23), the Portland City Council amended Title 33-Planning and Zoning code to create regulations and standards for electric vehicle infrastructure. City Ordinance No.191164 took effect on March 31, 2023. The ordinance applies in unincorporated areas covered by the city/county IGA.
- e. Through Ordinance No. 191150 (adopted by the Portland City Council 1-25-23), the Portland City Council amended the City Comprehensive Plan and Title 33-Planning and Zoning code to create the Planning Commission and dissolve the Planning and Sustainability Commission. City Ordinance No.191150 took effect on March 1, 2023.
- f. Through Ordinance No. 191079 (adopted by the Portland City Council 12-1-22), the Portland City Council amended the City Comprehensive Plan, Comprehensive Plan Map, Zoning Map and Title 33-Planning and Zoning code to Adopt the West Portland Town Center Plan Goals and Policies, Visions, Action Charts, Land Use Concept and Circulation Growth Concept Diagrams, and Coordinated Growth Strategy for Zoning and Infrastructure and Citywide Design Guidelines. City Ordinance No. 191079 took effect on March 31, 2023. The ordinance does not apply within unincorporated areas covered by the city/county IGA.
- g. Through Ordinance No. 191063 (adopted by the Portland City Council 11-9-22), the Portland City Council amended the approval criteria for Historic Resource Review in the South Portland Historic District by adopting the South Portland Historic District Design Guidelines as district-specific historic resource review approval criteria. Ordinance No. 191063 further repealed the former Lair Hill Historic Conservation District Design Guidelines. City Ordinance No. 191063 took effect on January 1, 2023. The ordinance does not apply within unincorporated areas covered by the city/county IGA.
- h. The City has requested that the County amend the County's Comprehensive Plan, Zoning Map, and Zoning Code to incorporate the changes implemented in City Ordinance numbers 191030, 191171, 191164, 191150, 191079, and 191063.

- i. Pursuant to State and City notice requirements, as well as the terms of the IGA, the City provided public notice of City Ordinance numbers 191030, 191171, 191164, 191150, 191079, and 191063. The City provided an opportunity for the public to be heard at public hearings, culminating with hearings before the City's Planning and Sustainability Commission and the City Council.

Multnomah County Ordains as Follows:

Section 1. The County's Comprehensive Plan, Zoning Map and Zoning Code are amended to incorporate the following:

Exhibit No.	Description	County Effective Date
1	Amend Trees Code to improve clarity, efficiency, and outcomes of tree regulations (Portland City Ordinance 191030)	Upon signature of County ordinance
2	Amend the Planning and Zoning Code to clarify the rules for shelters to facilitate more shelter options for Portlanders in need (Portland City Ordinance 191171)	Upon signature of County ordinance
3	Amend Planning and Zoning Code in accordance with the Electric Vehicle Ready Code Project Recommended Draft to create regulations and standards for electric vehicle infrastructure (Portland City Ordinance 191164)	Upon signature of County ordinance
4	Amend the Comprehensive Plan and the Planning and Zoning Code to create the Planning Commission and dissolve the Planning and Sustainability Commission (Portland City Ordinance 191150)	Upon signature of County ordinance
5	Adopt the West Portland Town Center Plan Goals and Policies, Visions, Action Charts, Land Use Concept and Circulation Growth Concept Diagrams, and Coordinated Growth Strategy for Zoning and Infrastructure; amend the Comprehensive Plan, Comprehensive Plan Map, Zoning Map, Title	Upon signature of County ordinance

Page 3 of 5 - Amending Multnomah County's Comprehensive Plan, Zoning Map, and Zoning Code, to Incorporate Amendments to the City of Portland's Comprehensive Plan, Comprehensive Plan Map and Zoning Map, and Zoning and Development Code to Adopt Title 11 (Trees) Amendments, Adopt Amendments to Title 33 to clarify the rules for shelters to facilitate more shelter options, Adopt Amendments to Title 33 to Adopt the Electric Vehicle Ready Code, Adopt Amendments to Title 33 to create the Planning Commission and dissolve the Planning and Sustainability Commission, Adopt the West Portland Town Center Plan, and Adopt South Portland Historic District Design Guidelines and Declaring an Emergency.

	33, and Citywide Design Guidelines (Portland City Ordinance 191079)	
6	Adopt South Portland Historic District Design Guidelines as district-specific historic resource review approval criteria and repeal the Lair Hill Historic Conservation District Design Guidelines (Portland City Ordinance 191063)	Upon signature of County ordinance

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application submitted before the applicable effective dates of this ordinance and that is made complete prior to the applicable effective dates of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective dates of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above are exempt from the requirements of MCC 39.1210. The Board acknowledges, authorizes and agrees that the Portland Planning and Sustainability Commission will act instead of the Multnomah County Planning Commission for the Unincorporated Urban Areas by employing the City's own legislative procedures, including providing notice to, and facilitating participation from, property owners within Unincorporated Urban Areas. The Board will consider the recommendations of the Portland Planning and Sustainability Commission and City Council when legislative land use matters for the Unincorporated Urban Areas come before the Board for action.

Section 5. This ordinance being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and adoption of the amendments in City Ordinance Numbers 191030, 191171, 191164, 191150, 191079, and 191063, will take effect immediately upon being signed pursuant to Section 5.50 of the Multnomah County Home Rule Charter.

FIRST READING AND ADOPTION:

May 18, 2023



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jessica Vega Pederson

Jessica Vega Pederson, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *David N. Blankfeld*

David N. Blankfeld, Senior Assistant County Attorney

SUBMITTED BY: Lee Girard, Interim Director, Department of Community
Services.

Page 5 of 5 - Amending Multnomah County's Comprehensive Plan, Zoning Map, and Zoning Code, to Incorporate Amendments to the City of Portland's Comprehensive Plan, Comprehensive Plan Map and Zoning Map, and Zoning and Development Code to Adopt Title 11 (Trees) Amendments, Adopt Amendments to Title 33 to clarify the rules for shelters to facilitate more shelter options, Adopt Amendments to Title 33 to Adopt the Electric Vehicle Ready Code, Adopt Amendments to Title 33 to create the Planning Commission and dissolve the Planning and Sustainability Commission, Adopt the West Portland Town Center Plan, and Adopt South Portland Historic District Design Guidelines and Declaring an Emergency.



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191164

Ordinance

Amend Planning and Zoning Code in accordance with the Electric Vehicle Ready Code Project Recommended Draft to create regulations and standards for electric vehicle infrastructure (Amend Code Title 33)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland 1990 Energy Policy (Ordinance No. 162975), 1993 Carbon Dioxide Reduction Strategy (Resolution No. 35207), 2001 Local Action Plan on Global Warming (Resolution No. 35995), 2009 Climate Action Plan (Resolution No. 36748), 2015 Climate Action Plan (Resolution No. 37135), 2017 Electric Vehicle Strategy (Resolution No. 37255), 2020 Climate Emergency Declaration (Resolution No. 37494), and the 2022-2025 Climate Emergency Workplan (Resolution 37585) established goals to reduce carbon emissions.
2. These plans and declarations acknowledge that climate change poses a significant threat to Oregon's natural resources, air and water quality, and that this human-made climate emergency requires immediate mobilization and new approaches to restore a safe climate. These reports indicate that lowering carbon emissions from transportation sources, are a key component to meeting our climate emergency goals. Electric vehicles (EVs) provide for the use of lower carbon fuel sources.
3. The City has established a goal to meet 100 percent of community-wide energy needs, including transportation fuels, with renewable energy by 2050 (Resolution No. 37289).
4. The development of the EV – Ready Code Project involved a year of engagement with bureaus, community-based organizations, utilities, environmental justice organizations, environmental advocacy organizations, and individual community members.
5. The Climate Emergency Declaration established new, more aggressive carbon emissions reductions targets to align with the Paris Climate Agreement to which Council affirmed Portland's responsibility to reduce carbon emissions fifty percent or more by 2030 and net zero carbon emissions before 2050.

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Planning and Sustainability \(BPS\)](#)

Contact

Ingrid Fish

Planning and Sustainability

✉ Ingrid.Fish@portlandoregon.gov

📞 [503-823-4326](tel:503-823-4326)

Phil Nameny

Planning and Sustainability

✉ Phil.Nameny@portlandoregon.gov

📞 [503-823-7709](tel:503-823-7709)

Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

February 8, 2023

Requested Start Time

10:05 am

Time Requested

15 minutes

Changes City Code

6. The United Nations Intergovernmental Panel on Climate Change (IPCC) concluded that humanity must make immediate and deep carbon emissions reductions to limit global warming to 1.5 degrees Celsius to avert the direst consequences of climate change (Summary for Policymakers of the IPCC Working Group III Report, *Climate Change 2022: Mitigation of Climate Change*).
7. It is the responsibility of government to recognize the climate impacts that result from the use of nonrenewable transportation fuels and proactively reduce citizens' reliance.
8. Electrifying the transportation system reduces carbon emissions that result from the use of fossil fuels and also improves air quality and public health.
9. The EV – Ready Code Project code amendments are grounded in a community of practice among cities that have net zero carbon goals, like the Carbon Neutral Cities Alliance and C40.
10. The EV – Ready Code Project centers the needs of residents living in multi-dwelling buildings who cannot easily install EV charging infrastructure at their home for reliable, affordable and convenient access to electric vehicle charging.
11. In 2021, the State Legislature passed House Bill 2180 (HB 2180) which directed the Director of Consumer and Business Services to adopt amendments to the state building code to require newly constructed buildings to include provisions for electrical service capacity for charging electric vehicles to 20 percent of the vehicle parking spaces. HB 2180 applied to multi-dwelling and mixed-use buildings with at least 5 dwelling units and to privately owned commercial buildings.
12. HB 2180 included a provision allowing local jurisdictions to exceed the percentage of vehicle parking spaces with electrical service capacity for charging electric vehicles through a process involving land use, such as amendments to a zoning code.
13. On July 1, 2022, amendments to the state building code were implemented requiring the electrical service capacity for newly constructed buildings required by HB 2180.
14. On July 21, 2022, the Land Conservation and Development Commission (LCDC) approved the permanent adoption of the Climate Friendly and Equitable Communities rulemaking proposed by the Department of Land Conservation and Development (DLCD).
15. The Climate Friendly and Equitable Communities (CFEC) rules created a statewide land use requirement for cities in urban areas to adopt a higher threshold for newly constructed multi-dwelling and mixed-use buildings consisting of at least 5 dwelling units. The threshold requires jurisdictions to provide electrical service capacity for charging electric vehicles to 40 percent of the vehicle parking spaces. These rules are listed in OAR 660-012-0410.
16. The CFEC rules state that cities must implement the rules in OAR 660-012-0410 no later than March 31, 2023.
17. The EV – Ready Code Project meets and augments the rules adopted by the LCDC and stated in OAR 660-012-0410 while meeting the City goals and policies stated above.

18. On August 9, 2022, the EV – Ready Code Project Proposed Draft was released for public review.
19. On August 9, 2022, notice of the proposed draft was filed online with the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
20. On August 9, 2022, notice of the proposed draft was mailed to members of the public who have requested public notice as well as to those who had expressed interest in the EV – Ready Code Project.
21. On September, 13, 2022, the Planning and Sustainability Commission held a public hearing on the proposed draft. The Commission held a follow up work session on October 11 before voting to forward the EV – Ready Code Project to City Council on October 25, 2022.
22. The EV – Ready Code Project Recommended Draft was released for public review on January 4, 2023.
23. On January 5, 2023, notice of the January 25, 2023 City Council public hearing was mailed to those who presented oral and written testimony at the Planning and Sustainability Commission public hearing. In addition, the city emailed notice of the hearing to the project email list.
24. The EV – Ready Code Project amendments include the requirements for providing EV infrastructure to parking spaces that are provided for multi-dwelling and mixed-use projects with at least 5 dwelling units. The amendments also provide the development standards for locating the EV chargers and accessory equipment.
25. The Findings of Fact Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland 2035 Comprehensive Plan.

NOW, THEREFORE, the Council directs:

- A. Adopt Exhibit A, dated December 2022 as additional findings.
- B. Adopt the commentary in Exhibit B, EV – Ready Code Project Recommended Draft and Appendix, dated December 2022 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, EV – Ready Code Project Recommended Draft and Appendix, dated December 2022.

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 if 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

 [Exhibit A: Legislative Findings](#) 934.02 KB

 [Exhibit B, Volume 1: EV – Ready Code Project Recommended Draft and Appendix](#) 2.32 MB

 [Exhibit B, Volume 2: Appendix and Economic Analysis Report](#) 460.21 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 by Council
February 8, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

This ordinance amends the Portland Zoning Code to require Electrical Vehicle (EV)-Ready infrastructure with some new development and to add development standards for locating EV chargers and equipment.

Proposed Zoning Code changes

1. Require developments with five or more new dwelling units, when including parking spaces, to provide electric vehicle-ready infrastructure as follows:
 - 100% of parking spaces when six or fewer spaces are provided; or
 - 50% (or 6 whichever is greater) of parking spaces when more than six spaces are provided.
2. Add development standards (e.g. placement) for EV-ready installations in new development and within existing parking areas.

Purpose

- This report contains amendments to the Portland City Zoning Code (Title 33) to bring relevant zoning code regulations into compliance with state law and additionally tailor the regulations to the local context.
- These amendments will clarify land use requirements and standards for the installation of EV-ready infrastructure in new buildings. These development standards will also provide guidance for voluntary EV installations within existing parking areas.
- The proposed amendments do not create any new minimum parking requirements. Projects that are currently exempt from parking requirements will continue to be exempt. The amendments only dictate the number of EV-ready spaces required in situations where new parking spaces are created.

Background

- In 2022, the State implemented an EV-Ready statewide baseline requiring 20% of new commercial development parking spaces to include EV-Ready infrastructure and 40% of new multi-dwelling and mixed-use development parking spaces to include EV-Ready infrastructure. The State rule allows local jurisdictions to go above and beyond the baseline parking space percentages required to be EV-Ready, which the City of Portland is doing with this code update.
- The City's EV Ready Code Project brings Portland's Zoning Code into alignment with these new state regulations, while adopting higher local ratios based on years of study and outreach begun by the City through the following actions: Council directed Climate Emergency Work Plan – Resolution No. 37585 adopted on August 24, 2022; Climate Emergency Declaration Resolution No. 37494 on June 30, 2020; and 2017 Portland Electric Vehicle Strategy – Resolution No. 37255 on December 14, 2016.

Financial and Budgetary Impacts

BDS currently reviews permits to align with State EV-Ready requirements. While this increases the percentage of parking spaces to be reviewed by BDS staff, it will be incorporated with nominal impact and staff changes are not anticipated at this time.

Community Impacts and Community Involvement

This code update is critical to meeting the City of Portland's climate and renewable energy goal and is included in the City's 2022-2025 Climate Emergency Workplan, which lists the City's priority actions over the next three years. This code update makes it easier to install electric vehicle chargers in new buildings now and in the future. Convenient access to EV chargers is necessary to support the transition from fossil fueled vehicles to electric vehicles. Transitioning from internal combustion engines to electric vehicles is a key strategy to reducing carbon emissions within the transportation sector. Additionally, transitioning to EVs improves air quality, which disproportionately impacts low-income and communities of color.

Rental housing tenants often lack the ability to access or install a charger where they park at home due to an inability to afford the expense of charger installation or a property owner's unwillingness to install a charger. Renters also represent a greater portion of low- and moderate-income (LMI) and Black, Indigenous, and People of Color (BIPOC) households. [Joint Center for Housing Studies of Harvard University. (2017). Renter Households. Retrieved from:

https://www.jchs.harvard.edu/sites/default/files/02_harvard_jchs_americas_rental_housing_2017.pdf

To date, these households have largely been unable to benefit from the lower fuel and maintenance costs of electric vehicles.

There was a robust outreach and engagement process that informed the EV-Ready Code Update. In 2020, BPS received an Urban Sustainability Directors Network grant to convene stakeholders, including representatives from

Verde, Hacienda CDC, Portland Tenants United and Imagine Black, to discuss how to increase renter access to EV Charging. BPS staff hosted 4 meetings and supported discussions with the stakeholder group in January through April of 2020. During this initial outreach process, staff received general information that supported moving forward with the EV-Ready Code Project. Participants were re-convened from that same group to hold 5 Technical Planning Series public meetings from January through June 2021. These discussions were specific to this code project and the group helped staff draft code concepts which have become the submitted code changes.

Staff held interviews with BIPOC multi-dwelling residents who are EV owners. BPS commissioned a consultant, Johnson Economics, who held interviews with local commercial and large-scale residential real estate developers. Staff attended 15 meetings during the concept and Discussion Draft phases, hosted by state and local government agencies, trade unions, electric vehicle industry, development industry, community-based and advocacy groups.

The EV – Ready Code Project Proposed Draft of amendments was released on August 9, 2022. Also on August 9, public notice of the September 13, 2022, Planning and Sustainability Commission (PSC) hearing was sent out. Notice of PSC hearing was also mailed to over 350 individuals who had either commented on the Discussion Draft or were part of the legislative list of individuals that had requested to be notified of all BPS legislative projects. In addition, an email with notice of the draft release and PSC hearing was sent to approximately 150 contacts who had expressed interest in the project or who had served on any of the stakeholder or technical committees. The Map App was open to receive written testimony in advance of the hearing. Information on the release and upcoming hearing was also posted to the project website and on Planning and Sustainability blog releases.

The PSC received 9 pieces of written testimony through the Map App. At the hearing, three people testified in person or virtually. As a result of the testimony, the PSC held a work session to discuss potential amendments, including providing greater flexibility for locating chargers in perimeter landscaping and a consideration for any new provisions specific to electric bike charging. At the conclusion of their discussions, the PSC made the decision to forward their recommendation of staff's proposal with an amendment to allow EV chargers and their equipment to be partially located 2-feet into the required parking lot perimeter landscaping strip.

The EV – Ready Code Project Recommended Draft of amendments is being released in early January along with a notice of City Council Hearing. The Council hearing is scheduled for January 25, 2023. The Map App will be reopened to accept written testimony.

100% Renewable Goal

This action does not change the City's total energy use. It does facilitate the transition from fossil fuel powered vehicles to vehicles fueled by renewable energy sourced electricity, by making it easier to install EV chargers in new construction buildings. Oregon's energy grid includes renewable sources such

as hydroelectric, solar and wind power, and policies are in place to shift to 100% renewables by 2040. This action supports the City's 100% renewable energy goal.

Budget Office Financial Impact Analysis

No anticipated financial impact. Amending the code may nominally increase BDS workload as they review permit applications.

Agenda Items

87 Time Certain in [January 25, 2023 Council Agenda](#)

Passed to second reading

Passed to second reading February 8, 2023 at 10:05 a.m. Time Certain.

Oral and written record closed on January 25, 2023.

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

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea

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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

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191063

Ordinance

Adopt South Portland Historic District Design Guidelines as district-specific historic resource review approval criteria and repeal the Lair Hill Historic Conservation District Design Guidelines

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. On September 8, 1977, the City Council through ordinance 144325 established the Lair Hill Conservation District to encourage the conservation and maintenance of the historical and architectural integrity of the district.
2. In October 1980, the Portland Historic Landmarks Commission adopted the Lair Hill Historic Conservation District Guidelines to support development and preservation within the district.
3. On July 1, 1998, a National Register of Historic Places nomination was approved by the National Park Service, expanding the boundaries of the Lair Hill Conservation District and automatically establishing the South Portland Historic District.
4. The South Portland Historic District is historically significant as a former gateway for ethnic groups arriving to the city of Portland, representing, in particular, Jewish and Italian immigrants.
5. The South Portland Historic District is also historically significant for exemplifying the characteristics of house, plex, mixed-use, and institutional buildings dating to the 1876-1926 period.
6. The 1980 Lair Hill Historic Conservation District Guidelines apply only to the smaller, original Lair Hill Conservation District geography, do not represent modern best practice for City of Portland design guidelines, and lack context and criteria related to the district's multi-ethnic cultural significance.
7. In July 2018, the Bureau of Planning and Sustainability received funding from a Metro 2040 Planning and Development Grant to update the design guidelines for the South Portland Historic District.

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Planning and Sustainability](#)

Contact

Brandon Spencer-Hartle

✉ historic.resources@portlandoregon.📞 [503-823-4641](tel:503-823-4641)

Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

November 9, 2022

Requested Start Time

10:15 am

Time Requested

10 minutes

Portland Policy Document

8. The South Portland Historic District Design Guidelines Project was initiated by the Bureau of Planning and Sustainability in March 2019 to create a new set of district-specific historic resource review approval criteria that build upon both the 1980 guidelines and 1998 historic district nomination to provide greater historic resource protection and development opportunity in the South Portland Historic District prior to possible new transit investments being built in or near the historic district.
9. On July 9, 2019, the Bureau of Planning and Sustainability appointed a nine-member Community Advisory Group comprised of area residents, business interests, students, and historic preservation professionals to guide the development of the design guidelines.
10. On June 6, 2022, the South Portland Historic District Design Guidelines Proposed Draft was released for public review. Bureau of Planning and Sustainability staff attended the regular meeting of the South Portland Neighborhood Association and provided emailed and mailed notice to interested persons to solicit feedback on the draft Guidelines.
11. The Historic Landmarks Commission held a public hearing on the proposed South Portland Historic District Design Guidelines on July 11, 2022.
12. The Historic Landmarks Commission conducted a work session on July 25, 2022, before voting to forward an amended version of the South Portland Historic District Design Guidelines to City Council on August 8, 2022.
13. On September 30, 2022, Bureau of Planning and Sustainability staff released the South Portland Historic District Design Guidelines Recommended Draft for public review.
14. On October 7, 2022, notice of the November 2, 2022, City Council public hearing was provided to those who presented oral and written testimony to the Historic Landmarks Commission.
15. The City Council held a hearing on the South Portland Historic District Design Guidelines Recommended Draft on November 2, 2022.
16. The Findings of Fact Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland 2035 Comprehensive Plan.

NOW, THEREFORE, the Council directs:

- A. Adopt Exhibit A, Findings of Fact Report, dated October 2022, as additional findings;
- B. Adopt Exhibit B, Historic Landmarks Commission Transmittal Letter, dated August 2022, as additional findings;
- C. Adopt the design guidelines in Exhibit C, South Portland Historic District Design Guidelines Recommended Draft, dated September

2022, as approval criteria for historic resource review within the South Portland Historic District;

- D. Adopt the background content included in Exhibit C, South Portland Historic District Design Guidelines Recommended Draft, dated September 2022, as legislative intent and further findings;
- E. Repeal the Lair Hill Historic Conservation District Design Guidelines; and
- F. This Ordinance and Exhibit C are binding City policy.

Section 2. This ordinance shall be in full force and effect on January 1, 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

 [Exhibit A](#) (1.09 Mb)

 [Exhibit B](#) (227.87 Kb)

 [Exhibit C](#) (13.57 Mb)

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 by Council
November 9, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

The South Portland Historic District Design Guidelines Project (SPHDDG) updates the historic resource review approval criteria that apply to alterations, additions, and new construction in the South Portland Historic District. The proposed change is the adoption of new design guidelines specific to the South Portland Historic District and the repeal of the 1980 Lair Hill Historic Conservation District Design Guidelines, which currently serve as approval criteria for historic resource review in a portion of the South Portland Historic District.

In 1977, the Portland City Council established the Lair Hill Conservation District to “encourage the conservation and maintenance of the historical and architectural integrity of the district.” In 1998, a National Register of Historic Places nomination was approved by the National Park Service, expanding the boundaries of the Lair Hill Conservation District and automatically establishing the South Portland Historic District. According to the Historic District nomination, South Portland is “locally significant under [National Register of Historic Places] Criterion A as a former gateway for ethnic groups arriving in the city of Portland, representing, in particular, Jewish and Italian immigrants. The area also meets [National Register of Historic Places] Criterion C as a neighborhood that exemplifies the characteristics of modest Victorian style architecture.” The 49-acre Historic District has around 175 historic contributing buildings dating to the 1876-1926 period of significance.

The Portland Historic Landmarks Commission adopted design guidelines for the Lair Hill Conservation District in 1980. While these guidelines are still used as historic resource review approval criteria, they only apply to the geography of the former (and smaller) Conservation District, do not represent modern best practice for City of Portland design guidelines, and lack context and criteria related to the district’s multi-ethnic cultural significance. The SPHDDG builds upon the 1980 guidelines and 1998 historic district nomination to provide greater historic resource protection and development clarity in the South Portland Historic District prior to possible new transit investments built in or near the Historic District.

Financial and Budgetary Impacts

Adoption of the South Portland Historic District Design Guidelines will result in no short-term and no long-term financial impacts to the City. Because the South Portland Historic District Design Guidelines do not change the list of development activities subject to historic resource review, do not change the Historic District boundary, and do not amend the zoning in the district, adoption of the new guidelines will have no budgetary impact on the application of historic resource review in the South Portland Historic District. Finally, because the South Portland Historic District Design Guidelines replace the existing Lair Hill Historic Conservation District Design Guidelines—approval criteria that do not meet today’s land use best practice—the new guidelines will provide greater clarity for Bureau of Development Services implementation of historic resource review in this Historic District.

Community Impacts and Community Involvement

The South Portland Historic District Design Guidelines Project amends the historic resource review approval criteria that apply to new development and alterations to structures in the South Portland Historic District. The SPHDDG Project does not change the boundaries of the South Portland Historic District.

The SPHDDG Project was initiated in March 2019 following repeated requests from the South Portland Neighborhood Association in the years following the 1998 establishment of the South Portland Historic District. The initiation of project also followed requests from the Historic Landmarks Commission and Bureau of Development Services staff who routinely encounter implementation

challenges when applying the 1980 Lair Hill Historic Conservation District Design Guidelines. Specifically in response to written comments articulating the need for new design guidelines that were submitted to the Bureau of Planning and Sustainability and Portland City Council in 2017 and 2018, respectively, the Bureau of Planning and Sustainability applied for and received Metro grant funding for the project in July 2018.

On July 9, 2019, the Bureau of Planning and Sustainability appointed a nine-member Community Advisory Group comprised of area residents, business interests, students, and historic preservation professionals to guide the development of the design guidelines. The Community Advisory Group met eight times during the 2019-2022 period, assisting Bureau of Planning and Sustainability staff in developing design guidelines that responded to the unique architectural, social, cultural, and natural history of South Portland. Although non-voting in nature, in March 2022 the Community Advisory Group indicated their support for publication of a Proposed Draft of the design guidelines for public review and Historic Landmarks Commission consideration. The nine members of the group were as follows: Hillary Adam, Martin Houston, Valeria Tapia, Emily Kemper, Paul Falsetto, Abdul Amin, Stephen Leflar, Sandy Doss, and Annie Mahoney.

Project staff released the Proposed Draft South Portland Historic District Design Guidelines in June 2022. Mailed notice of the Proposed Draft was provided to 285 property owners and a list of parties who request official notice of land use changes. Emailed notice was provided to all individuals who had previously requested updates on the project. Following the notice, project staff provided a briefing to the South Portland Neighborhood Association and fielded six phone calls from interested parties. During the open comment period, two individuals provided verbal testimony to the Historic Landmarks Commission (HLC) and a total of three pieces of written testimony were submitted for HLC consideration. On August 8, 2022, the HLC voted to recommend City Council adopt an amended version of the South Portland Historic District Design Guidelines.

Testimony to City Council on the South Portland Historic District Design Guidelines is expected to largely support the project, with the possibility of individual testifiers requesting refinements to specific design guideline approval criteria.

100% Renewable Goal

The South Portland Historic District Design Guidelines Project does not change the City's policies on its own energy use. The project encourages the continued use of historic resources, including adaptive reuse of existing buildings.

Budget Office Financial Impact Analysis

No financial impact.

Agenda Items

926 Time Certain in [November 2-3, 2022 Council Agenda](#)

Passed to second reading

Passed to second reading November 9, 2022 at 10:15 a.m. Time Certain
Oral and written record are closed.

939 Time Certain in [November 9, 2022 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Absent

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191030

Ordinance

Amend Trees Code to improve clarity, efficiency, and outcomes of tree regulations (amend Code Title 11)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Portland's urban forest is a unique community asset, providing a broad array of valuable ecological, social, public health, and economic benefits, including cleaner air and water, cooler summer temperatures, reduced stormwater runoff, reduced landslide and flood impacts, carbon sequestration, neighborhood beauty and walkable streets, and public health outcomes.
2. The City Forester, together with the Bureau of Development Services (BDS) Director, administers Portland City Code (PCC) Title 11, Trees.
3. Title 11 was adopted on April 13, 2011 (Ordinance No. 184522) and was amended by Ordinance Nos. 185448, 185654, and 186053 before it was effective. Title 11 was effective January 1, 2015.
4. On January 8, 2020, through Resolution 37473, the Portland City Council directed Portland Parks & Recreation (PP&R) and the Bureau of Development Services (BDS), together with the Bureau of Planning and Sustainability (BPS), to develop a scope of work to strengthen Title 11.
5. In fulfillment of the directive in Resolution 37473, in May 2021 PP&R, in coordination with BDS and BPS, presented a multi-phase project to update Title 11 and the Urban Forest Management Plan. The first phase of the project proposed technical and minor policy changes to Title 11 to be completed in 2022.
6. In July 2021, staff briefed the Urban Forestry Commission (UFC) and the Planning & Sustainability Commission (PSC) on the amendment project. Both Commissions provided feedback and expressed

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Parks & Recreation](#)

Contact

Brian Landoe

✉ Brian.Landoe@portlandoregon.gov

Nik Desai

Urban Forestry Botanic
Specialist II

✉ Nik.Desai@portlandoregon.gov

📞 [503-823-4441](tel:503-823-4441)

Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

October 12, 2022

Changes City Code







preferences for their participation in the process.

7. On March 17, 2022, staff briefed the Urban Forestry Commission on the proposed amendments. On the same date, staff also briefed the Development Review Advisory Committee (DRAC). All subsequent electronic notices of project updates were sent to DRAC members.
8. On March 22, 2022, staff briefed the Planning and Sustainability Commission on the proposed amendments.
9. On April 16, 2022, notices of public hearings of the Urban Forestry Commission and the Planning and Sustainability Commission were published in the *Oregonian* and the *Business Tribune*. Notices were posted online and submitted to additional interested parties as required by Title 11.
10. On April 19, 2022, the proposed amendments were published on the PP&R website and distributed electronically through various channels with a comment period through May 19, 2022.
11. On May 19, 2022, the UFC held a public hearing on the proposed amendments and voted to support the amendments.
12. On May 24, 2022, the PSC held a public hearing on the proposed amendments and voted to support certain amendments and requested that staff make revisions to others.
13. On June 14, 2022, the PSC reviewed the revised amendments and voted to approve the full package of amendments.
14. There are multiple proposed changes to Title 11 impacting multiple chapters. The proposed changes are presented in Exhibit A. Exhibits B and C provide additional information on the proposed changes.
15. In accordance with the notification requirements of Title 11, on June 20, 2022 a notice of the City Council hearing was mailed to those who testified at the Planning and Sustainability Commission and Urban Forestry Commission hearing, either in person or in writing, and those who requested such notice. On the same date, notice of the City Council hearing was published in the *Oregonian* and the *Business Tribune* in accordance with the notification requirements of Title 11.

NOW, THEREFORE, the Council directs:

- A. Amend Title 11, Trees, as shown in Exhibit A.

Documents and Exhibits

-  [Exhibit A - Title 11 Amendments](#) (1.24 Mb)
-  [Exhibit B - Description of Amendments](#) (210.89 Kb)
-  [Exhibit C - Title 11 Amendments Annotated](#) (1.43 Mb)
-  [Planning and Sustainability Commission Transmittal Letter](#) (342.36 Kb)
-  [Urban Forestry Commission Transmittal Letter](#) (295.92 Kb)
-  [Urban Forestry Response to Follow Up Questions from Council Meeting October 5, 2022](#) (197.43 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 by Council
October 12, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

On January 8, 2020, through Resolution 37473, the Portland City Council directed the Bureaus of Development Services (BDS), Planning and Sustainability (BPS), and Parks & Recreation (PP&R) to return to City Council with a scope of work to proposed updates to Title 11 Trees. In March 2021, PP&R presented to Council a multi-phase approach to making needed Title 11 improvements and update the Urban Forest Management Plan.

- Phase 1: Technical and minor policy amendments to clarify existing code, resolve conflicts with other city codes, formalize current code interpretations, and improve code implementation.
- Phase 2: Update the Urban Forest Management Plan. The 16-year-old UFMP predates implementation of Title 11 and currently includes outdated canopy targets and inadequate consideration of critical issues such as climate change and environmental justice, particularly in relation to low-income, BIPOC, immigrant, and refugee communities.
- Phase 3: Propose additional substantive Title 11 amendments informed by the updated UFMP.

This ordinance fulfills Phase 1 by submitting a package of technical and minor policy amendments for City Council's consideration.

Financial and Budgetary Impacts

The amendments in this package were primarily selected to improve the clarity and efficiency of Title 11. Attention was taken to minimize the resources necessary for implementation. In many cases, the amendments will reduce workload by improving clarity and process efficiency. As such, staff do not anticipate any financial or budgetary impacts for the PP&R operating budget.

Community Impacts and Community Involvement

Project staff established a project website with up-to-date information on project status and opportunity for involvement. Staff also provided briefings and updates at each stage of the process to the Urban Forestry Commission, the Planning & Sustainability Commission, and the Development Review Advisory Committee.

On May 19, the Urban Forestry Commission held a public hearing on the proposed amendments. The majority of the public comments received supported the package. Some comments urged the City to go beyond the proposed amendments to improve protections for trees in both development and non-development situations. Additionally, some comments expressed disappointment that a proposed amendment to reduce permit requirements for pruning in the Environmental Overlay Zone and Wildfire Risk Hazard Zones were removed from the final draft.

The Planning and Sustainability Commission held a public hearing on May 24, 2022. Written testimony was generally supportive of the proposed amendments. The PSC voted to support most of the amendments with the condition that staff make revisions to the amendments impacting stop work orders and the definition of a dangerous tree. Staff revisions were reviewed and accepted by the PSC.

The proposed amendments are expected to have positive community impacts by improving clarity, addressing known deficiencies, and improving the overall implementation of Title 11.

100% Renewable Goal

N/A

Budget Office Financial Impact Analysis

No anticipated fiscal impact.

Agenda Items

836 Regular Agenda in [October 5-6, 2022 Council Agenda](#)

Passed to second reading

Passed to second reading October 12, 2022 at 9:30 a.m.

854 Regular Agenda in [October 12, 2022 Council Agenda](#)

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Nay

Mayor Ted Wheeler Yea



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191150

Ordinance

Amend the Comprehensive Plan and the Planning and Zoning Code to create the Planning Commission and dissolve the Planning and Sustainability Commission (amend Code Title 33)

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. In 2010, the Portland City Council adopted Ordinance No. 184046 establishing the Planning and Sustainability Commission (PSC). At that time, both the Planning Commission and the Portland/Multnomah County Sustainable Development Commission were dissolved.
2. In the intervening years, the oversight responsibilities related to both land use planning, sustainability and climate action in Portland have become more than one commission can undertake effectively.
3. In addition, issues related to sustainability and climate change have become more prominent and urgent.
4. To ensure both areas of policy and decision making can be addressed with the focus, time, and attention each is warranted, the City plans to create two separate public bodies. This ordinance creates the Planning Commission. A future ordinance will create a separate commission focused on sustainability and climate citywide.
5. The Planning Commission will focus on land use planning while continuing to advance the goals and policies contained in the Portland Comprehensive Plan.
6. The proposed amendments affect the Comprehensive Plan and Title 33, Planning and Zoning. Additionally, the name of the commission will change in several places in the Portland City Code under the authority of Code Section 1.01.035.C.
7. Staff worked with a subgroup of current PSC members to draft the proposed amendments. The work group met five times between September and November 2022.

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Planning and Sustainability](#)

Contact

Sandra Wood

Principal Planner

✉ sandra.wood@portlandoregon.gov

Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

January 25, 2023

Requested Start Time

9:45 am

Time Requested

15 minutes

Changes City Code

8. On October 7, 2022, notice of the November 8, 2022, public hearing on the proposed amendments was mailed in accordance with Code Section 33.740.020.B, Public notice for the hearing.
9. On October 27, 2022, the *Planning Commission Code Amendments—Proposed Draft* was released for public review.
10. On November 8, 2022, the Planning and Sustainability Commission held a public hearing on the proposed amendments.
11. On November 22, 2022, the Planning and Sustainability Commission voted to forward the amendments to City Council.
12. On December 22, 2022, *The Planning Commission Code Amendments—Recommended Draft* was released for public review.
13. On January 3, 2023, notice of the January 18, 2023, public hearing on the *Planning Commission Code Amendments—Recommended Draft* was mailed in accordance with Code Section 33.740.030.B, Notice.
14. On January 18, 2023, the Portland City Council held a public hearing on the amendments.
15. Council considered all the statewide planning goals, Metro urban growth management functional plan titles, and Portland Comprehensive Plan guiding principles, goals, and policies, and finds that only the following are applicable.

Findings on Statewide Planning Goals

16. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the Statewide Planning Goals. Only the state goals addressed below apply.
17. **Goal 1. Citizen Involvement.** To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process. Portland adopted a Community Involvement Program on June 15, 2016. The Community Involvement Program serves as a framework to carry out policies from Chapter 2 — Community Involvement, of the 2035 Comprehensive Plan, and applies to legislative land use and transportation projects initiated by the City. Among the commitments that the City is asked to make in the Comprehensive Plan are the following:
 - Provide a wide range of opportunities for involvement in planning and investment decisions.
 - Achieve greater equity in land use actions through setting priorities and making decisions with meaningful involvement of under-served and under-represented communities.
 - Meaningfully involve, in decision making, those who potentially will be adversely affected by the results of those decisions.
 - Provide this meaningful involvement throughout the phases of planning and investment projects - issue identification and project design through implementation, monitoring, evaluation, and enforcement.
 - Provide well-designed, relevant, responsive, and culturally responsive public involvement.

- Build community capacity for meaningful participation and leadership in planning and investment decisions.

The City has an acknowledged Goal 1 program. Community involvement efforts for the Planning Commission Code Amendment project have been conducted in accordance with that program. Therefore, the project is in compliance with Goal 1. More specific findings related to the city's community involvement efforts are found in response to the policies in Chapter 2 of the Comprehensive Plan and are incorporated here. Therefore, the requirements of Goal 1 are met.

18. **Goal 2. Land Use Planning.** To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. Goal 2 requires the City to follow its established procedures for legislative amendments. The amendments comply with this goal because development of the recommendations followed established city procedures for legislative actions. Government agencies received notice of the recommendations from the 35-day DLCD notice and the City's legislative notice. The City did not receive any requests from other government agencies to modify the recommended amendments.

The City Council's decision is based on the findings in this document, and the findings are based on the evidence presented to the Planning and Sustainability Commission and City Council that are incorporated in the record that provides the adequate factual basis for this decision. The Council legislative record specifically incorporates all materials linked on the project website, the reports, memos and presentations provided to the Planning and Sustainability Commission and City Council, the testimony submitted to the Planning and Sustainability Commission and City Council (including testimony submitted via the Map App), and notices sent to the public, and Planning Commission Code Amendments electronic box available at [Efiles - Planning Commissions Code Amendments](#) that contains reports, documents, and information related to the project. On the Bureau of Planning and Sustainability's website, the following link [<https://www.portland.gov/bps/planning/pc-amendments>] provides access to a portion of the legislative record. This link was available to the public and City Council during the public hearing process. The City Council's decision is based on the findings in this document, and the findings are based on the evidence presented to the Planning and Sustainability Commission and City Council that are incorporated in the record that provides the adequate factual basis for this decision.

Findings on Metro Growth Management Functional Plan

19. Under ORS 268.380 and its Charter, Metro has the authority to adopt regional plans and require city and county comprehensive plans to comply with the regional plan. Metro adopted its Urban Growth Management Functional Plan under this authority. Only the title addressed below applies.

20. **Title 8. Compliance Procedures.** Title 8 addresses compliance procedures and establishes a process for ensuring city or county compliance with requirements of the Urban Growth Management Functional Plan and for evaluating and informing the region about the effectiveness of those requirements. An amendment to a city or county comprehensive plan or land use regulation shall be deemed to comply with the functional plan upon the expiration of the appropriate appeal period specified in ORS 197.830 or 197.650 or, if an appeal is made, upon the final decision on appeal. Once the amendment is deemed to comply, the functional plan requirement shall no longer apply to land use decisions made in conformance with the amendment. A city or county proposing an amendment to a comprehensive plan or land use regulation shall submit the proposed amendment to Metro at least 35 days prior to the first evidentiary hearing on the amendment.

Required notice was provided to Metro on October 7, 2022. Title 8 also requires the City to provide findings of compliance with the *Urban Growth Management Functional Plan*. Council considered all the metro urban growth management functional plan titles and finds that only Title 8 is applicable. These findings meet this requirement. All applicable requirements of Title 8 have been met.

Findings on Portland's Comprehensive Plan

21. **Policy 1.10. Compliance with the Comprehensive Plan.** Ensure that amendments to the Comprehensive Plan's elements, supporting documents, and implementation tools comply with the Comprehensive Plan. "Comply" means that amendments must be evaluated against the Comprehensive Plan's applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan than the existing language or designation.

The Planning Commission Code Amendments project dissolves the Planning and Sustainability Commission (PSC) and creates the Planning Commission. In the years since the Planning Commission and the Multnomah County/ Multnomah County/Portland Sustainable Development Commission were merged to create the PSC, the oversight responsibilities related to both land use planning and sustainability in Portland have become more than one commission can undertake effectively. In addition, issues related to sustainability and climate change have become more prominent and urgent. To ensure that both areas of policy and decision making can be addressed with the focus, time, and attention each is warranted, the City will create two separate public bodies. This ordinance creates the new Planning Commission, which will focus on land use planning while continuing to advance the policies in Portland's Comprehensive Plan, including those related to sustainability. A future ordinance will amend City code to create a separate body focused on sustainability and climate.

City Council has considered all the Comprehensive Plan goals and policies and has found that the following goals and policies apply to the Planning Commission Code Amendments:

- Policy 1.10, Compliance with the Comprehensive Plan
- Policy 1.16, Planning and Sustainability Commission review
- Goals 2.A – 2.G, Community involvement
- Policy 2.19, Community Involvement Committee
- Policy 2.20, Review bodies
- Policy 2.8, Channels of Communication
- Policy 4.71, Ecodistricts
- Policy 6.26, Business opportunities in urban innovations
- Policy 6.72c, Community economic development
- Policy 9.44, Airport investments
- Policy 9.66, Project and program selection criteria
- Policy 10.4, Amending the zoning code

Policies 1.10, 1.16, Goals 2.A through 2.G, and policies 2.19, 2.20, and 2.8 are applicable because they pertain to steps in a legislative process or specific actions that involve the PSC. Policy 10.4 is applicable because it pertains to amendments to the zoning code. Policies 4.71, 6.26, 6.72c, 9.44 and 9.66 are included because they mention the word “sustainability”. However, the policies themselves are not affected by the change from the PSC to the Planning Commission. In addition, the guiding principles and the remainder of the goals and policies of the Comprehensive Plan are not applicable because they are not directly affected by the change from the PSC to the Planning Commission.

City Council finds that the Planning Commission Code Amendments are equally or more supportive of the applicable Comprehensive Plan goals and policies as discussed below.

22. Policy 1.16. Planning and Sustainability Commission review.

Ensure the Planning and Sustainability Commission (PSC) reviews and makes recommendations to the City Council on all proposed legislative amendments to Comprehensive Plan elements, supporting documents, and implementation tools. The PSC advises City Council on the City's long-range goals, policies, and programs for land use, planning, and sustainability. The membership and powers and duties of the PSC are described in the Zoning Code.

The PSC reviewed the Planning Commission Code Amendments on:

November 8, 2022 — public hearing; and
November 22, 2022 — PSC work session and vote

The PSC fulfilled its responsibilities as outlined in this policy. In addition, the Planning Commission Code amendments do not affect compliance with this policy. The powers and duties of the new

Planning Commission will continue to include making recommendations to the City Council on all proposed legislative amendments to the Comprehensive Plan elements, supporting documents, and implementation tools. Therefore, the policy is met.

23. **Goals 2.A through 2.G: Community involvement.** The City Council interprets the Chapter 2 goals as calling for a broad range of meaningful community engagement approaches that complement the legally required public notices and meetings. The public engagement process provided opportunities for all interested parties to comment on and influence the development of the amendments:

Engagement context

The Planning Commission Code Amendments address the purpose, powers, and duties of the Planning and Sustainability Commission (PSC). The PSC was created in 2010 when the City of Portland merged the Planning Commission with the Multnomah County/Portland Sustainable Development Commission. At the time, the Office of Sustainable Development had recently been merged with the Bureau of Planning to create the Bureau of Planning and Sustainability. The powers and duties of the new Planning and Sustainability Commission were expanded to include oversight of the Climate Action Plan in addition to the Comprehensive Plan, and the commission membership was expanded to eleven from nine. In the intervening years, the oversight responsibilities related to both land use planning and sustainability in Portland have become more than one commission can undertake effectively. In addition, issues related to sustainability and climate change have become more prominent and urgent. In late 2021, Commissioner Carmen Rubio hired a consultant, Insight Organizational Development, to gather different perspectives about how the PSC has been working. The consultant conducted 30 interviews with nearly 40 City staff and Commissioners, including past PSC Commissioners. Among the findings were the need to reset the scope and purview of the Commission and the perspective that the “massive breadth of the Commission’s scope” is a threat to its efficacy. Because these amendments affect the PSC and its functions, one of the primary groups affected by the amendments is the PSC itself. A significant amount of engagement work has therefore been focused on the PSC. Other community members were engaged through a project website, a monthly BPS Planning Project update sent to recognized organizations and others who request it, and a monthly BPS E-News mailing.

Planning and Sustainability work group

In August 2022, the PSC formed a work group of five members to discuss the roles and responsibilities of the future Planning Commission. Five members do not constitute a quorum. The work group met five times between September 7, 2022, and November 1, 2022. The work group discussed membership and the length of

terms, powers and duties, and community engagement. BPS staff attended all the work group meetings and the discussions among staff and the work group helped to inform the proposed amendments.

Planning Commission Code Amendments Proposed Draft

The proposed draft of the Planning Commission Code Amendments was released for public review on October 27, 2022. Notice of the proposed draft and the PSC hearing on November 8, 2022, was provided to DLCD on October 3, 2022, as required, and mailed on October 7, 2022 to all those required to be notified in 33.740.020.B.1. Four pieces of written testimony were provided on the amendments and 1 person testified verbally at the public hearing on November 8, 2022. The PSC held a work session on November 22, 2022, to discuss amendments to the proposed draft and voted to recommend the amendments to City Council at the end of the meeting.

Planning Commission Code Amendments Recommended draft and City Council hearing

The Recommended Draft of the Planning Commission Code Amendments was released for public review on December 22, 2022. Notice of the recommended draft and the City Council hearing, scheduled for January 18, 2023, was mailed on January 3, 2023, to all persons who individually responded to the matter in writing, testified at the previous hearing, or requested such notice. City Council held a public hearing and considered public testimony on the PCCA project on January 18, 2023.

24. **Policy 2.19. Community Involvement Committee.** The Community Involvement Committee (CIC), an independent advisory body, will evaluate and provide feedback to City staff on community involvement processes for individual planning and associated investment projects, before, during, and at the conclusion of these processes.

The proposal was discussed at the BPS Community Involvement Committee on October 11, 2022. This CIC discussed the legislative project timeline and notice requirements and raised questions regarding whether it leaves enough time for meaningful public engagement. The CIC also discussed how the Planning Commission hearings could be more accessible. The CIC fulfilled its responsibilities as outlined in this policy. Therefore, this policy is met.

25. **Policy 2.20. Review bodies.** Maintain review bodies, such as the Planning and Sustainability Commission (PSC), Design Commission, Historic Landmarks Commission, and Adjustment Committee, to provide an opportunity for community involvement and provide leadership and expertise for specialized topic areas.

The Planning Commission Code Amendments project dissolves the Planning and Sustainability Commission (PSC) and creates the Planning Commission. The new Planning Commission will focus on land use planning while continuing to advance the policies in Portland's Comprehensive Plan, including those related to sustainability, and will continue to provide opportunities for community involvement and leadership related to long-range land use planning. Therefore, this policy is met.

26. **Policy 2.8 Channels of communication.** Maintain two-way channels of communication among City Council, the Planning and Sustainability Commission (PSC), project advisory committees, City staff, and community members. The City Council interprets this policy to create the opportunity for the community and advisory committees to have opportunities to communicate their issues and concerns to the PSC and City Council outside of the formal legislative process.

The Planning Commission Code Amendments project dissolves the Planning and Sustainability Commission (PSC) and creates the Planning Commission in its place. The power and duties of the new Planning Commission will continue include opportunity for the community and advisory committees to communicate issues and concerns outside of the formal legislative process. Therefore, this policy is met.

27. **Policy 4.71. Ecodistricts.** Encourage ecodistricts, where multiple partners work together to achieve sustainability and resource efficiency goals at a district scale.

This policy is not directly affected by the change from the PSC to the Planning Commission. To the extent the policy is applicable it is because it includes reference to "sustainability." The new Planning Commission will continue to make recommendations to the City Council on all proposed legislative amendments to Comprehensive Plan elements, supporting documents, and implementation tools, and advise City Council on the City's long-range goals, policies, and programs for land use and planning and the Comprehensive Plan, including all comprehensive plan goals and policies related to sustainability. Therefore, this policy is met.

28. **Policy 6.26. Business opportunities in urban innovation.** Strive to have Portland's built environment, businesses, and infrastructure systems showcase examples of best practices of innovation and sustainability.

This policy is not directly affected by the change from the PSC to the Planning Commission. To the extent the policy is applicable it is because it includes reference to "sustainability." The new Planning Commission will continue to make recommendations to the City

Council on all proposed legislative amendments to Comprehensive Plan elements, supporting documents, and implementation tools, and advise City Council on the City's long-range goals, policies, and programs for land use and planning and the Comprehensive Plan, including all comprehensive plan goals and policies related to sustainability. Therefore, this policy is met.

29. **Policy 6.72c.** Encourage cooperative efforts by area businesses, Business Associations, and Neighborhood Associations to work together on commercial revitalization efforts, sustainability initiatives, and transportation demand management.

This policy is not directly affected by the change from the PSC to the Planning Commission. To the extent the policy is applicable it is because it includes reference to "sustainability." The new Planning Commission will continue to make recommendations to the City Council on all proposed legislative amendments to Comprehensive Plan elements, supporting documents, and implementation tools, and advise City Council on the City's long-range goals, policies, and programs for land use and planning and the Comprehensive Plan, including all comprehensive plan goals and policies related to sustainability. Therefore, this policy is met.

30. **Policy 9.44. Airport investments.** Ensure that new development and redevelopment of airport facilities supports the City's and the Port's sustainability goals and policies, and is in accordance with Figure 9-3 — Portland International Airport. Allow the Port flexibility in configuring airport facilities to preserve future development options, minimize environmental impacts, use land resources efficiently, maximize operational efficiency, ensure development can be effectively phased, and address Federal Aviation Administration's airport design criteria.

This policy is not directly affected by the change from the PSC to the Planning Commission. To the extent the policy is applicable it is because it includes reference to "sustainability." The new Planning Commission will continue to make recommendations to the City Council on all proposed legislative amendments to Comprehensive Plan elements, supporting documents, and implementation tools, and advise City Council on the City's long-range goals, policies, and programs for land use and planning and the Comprehensive Plan, including all comprehensive plan goals and policies related to sustainability. Therefore, this policy is met.

31. **Policy 9.66. Project and program selection criteria.** Establish transportation project and program selection criteria consistent with goals 9A through 9I, to cost-effectively achieve access, placemaking, sustainability, equity, health, prosperity, and safety goals.

his policy is not directly affected by the change from the PSC to the

Planning Commission. To the extent the policy is applicable it is because it includes reference to “sustainability.” The new Planning Commission will continue to make recommendations to the City Council on all proposed legislative amendments to Comprehensive Plan elements, supporting documents, and implementation tools, and advise City Council on the City’s long-range goals, policies, and programs for land use and planning and the Comprehensive Plan, including all comprehensive plan goals and policies related to sustainability. Therefore, this policy is met.

32. **Policy 10.4. Amending the Zoning Code.** Amendments to the zoning regulations must be done legislatively and should be clear, concise, and applicable to a broad range of development situations faced by a growing city. Amendments should:

10.4.a. Promote good planning:

- Effectively and efficiently implement the Comprehensive Plan.
- Address existing and potential land use problems.
- Balance the benefits of regulations against the costs of implementation and compliance.
- Maintain Portland’s competitiveness with other jurisdictions as a location in which to live, invest, and do business.

10.4.b. Ensure good administration of land use regulations:

- Keep regulations as simple as possible.
- Use clear and objective standards wherever possible.
- Maintain consistent procedures and limit their number.
- Establish specific approval criteria for land use reviews.
- Establish application requirements that are as reasonable as possible, and ensure they are directly tied to approval criteria.
- Emphasize administrative procedures for land use reviews.
- Avoid overlapping reviews.

10.4.c. Strive to improve the code document:

- Use clear language.
- Maintain a clear and logical organization.
- Use a format and layout that enables use of the document by lay people as well as professionals.
- Use tables and drawings to clarify and shorten the document.
- Identify and act on regulatory improvement suggestions.

The Planning Commission Code Amendments amend zoning code Chapter 33.710, Review Bodies, to update the name of the Planning Commission and to modify the scope of the Planning Commission to focus on long-range land use planning. The amendments promote good planning by ensuring that the scope of the Planning Commission is not so broad as to undermine the efficacy of the commission. The amendments do not affect any development standards or approval criteria, but the amendments

have been written to be as clear and objective as possible. The amendments work within the current structure and organization of the zoning code and are formatted in the same manner as the rest of the zoning code. Therefore, this policy is met.

33. **Area-specific plans.** Council finds that the amendments do not affect any area-specific plan.

34. **33.835.040.A, Amendments to the zoning code.** Text amendments to the zoning code must be found to be consistent with the Comprehensive Plan, Urban Growth Management Functional Plan, and the Statewide Planning Goals. In addition, the amendments must be consistent with the intent or purpose statement for the base zone, overlay zone, plan district, use and development, or land division regulation where the amendment is proposed, and any plan associated with the regulations. The creation of a new plan district is subject to the approval criteria stated in 33.500.050.

The Planning Commission Code Amendments amend zoning code Chapter 33.710, Review Bodies, to update the name of the Planning Commission and to modify the scope of the Planning Commission to focus on long-range land use planning. As demonstrated by the findings in this ordinance, the amendments are consistent with relevant Comprehensive Plan, Urban Growth Management Functional Plan and the Statewide Planning Goals. The amendments do not affect the purpose statement for any base zone, overlay zone, plan district, use, development or land division regulation. The amendments also do not create a new plan district. Therefore, this criterion is met.

35. **33.835.040.B, Amendments to the goals and policies of the Comprehensive Plan.** Text amendments to the goals and policies of the Comprehensive Plan must be found to be consistent with the Comprehensive Plan, the Urban Growth Management Functional Plan, and with the Statewide Planning Goals.

The Planning Commission Code Amendments amend policies of the Comprehensive Plan to update the name of the Planning Commission and to modify the scope of the Planning Commission to focus on long-range land use planning. As demonstrated by the findings in this ordinance, the amendments are consistent with relevant Comprehensive Plan, Urban Growth Management Functional Plan and the Statewide Planning Goals. Therefore, this criterion is met.

NOW, THEREFORE, the Council directs:

A. Amend the Comprehensive Plan as shown in Exhibit A, *Planning Commission Code Amendments — Recommended Draft (as amended)*, dated December 22, 2022.

- B. Amend Title 33, Planning and Zoning as shown in Exhibit A, *Planning Commission Code Amendments — Recommended Draft (as amended)*, dated December 22, 2022.
- C. Adopt the commentary in Exhibit A, *Planning Commission Code Amendments — Recommended Draft (as amended)*, dated December 22, 2022, as further legislative intent and further findings.
- D. Disband and dissolve the Planning and Sustainability Commission.
- E. To the extent not addressed by A. through D. above, in accordance with City Code 1.01.035.C, the Auditor may substitute the commission's new name of Planning Commission (PC) in place of the current title Planning and Sustainability Commission (PSC) wherever the commission is referred to in the City Code.
- F. The Bureau of Planning and Sustainability is directed to bring a proposal to create a Sustainability or Climate Commission to City Council by no later than December 2023.
- G. To ensure continuity, Council may accept a report to make appointments to the new Planning Commission prior to the effective date of March 1, 2023. However, the appointments will not take effect until March 1, 2023, when the code takes effect.

Section 2. This ordinance shall be in full force and effect on March 1, 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 if 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 Amendment to Exhibit A](#) 95.92 KB

 [Exhibit A - as amended](#) 623.21 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
January 25, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

In 2010, the City of Portland combined the Planning Commission and the Multnomah County/Portland Sustainable Development Commission to create the Planning and Sustainability Commission (PSC). In the intervening years, the oversight responsibilities related to both land use planning and sustainability in Portland have become more than one commission can undertake effectively. In addition, issues related to sustainability and climate change have become more prominent and urgent. To ensure that both areas of policy and decision making can be addressed with the focus, time, and attention each is warranted, the City plans to create two separate public bodies.

The Planning Commission Code Amendments dissolve the PSC and create the Planning Commission. The new Planning Commission will focus on land use planning while continuing to advance the policies in Portland's Comprehensive Plan, including those related to sustainability. A future project will amend City code to create a separate body focused on sustainability and climate.

Financial and Budgetary Impacts

Adoption of the Planning Commission Code Amendments will not result in any short-term or long-term financial or budgetary impacts to the City, nor will it affect staffing levels or financial agreements. The amendments change the name of the Planning and Sustainability Commission and modify its purpose, powers, and duties.

Community Impacts and Community Involvement

Adoption of the Planning Commission Code Amendments will not result in any impacts to particular communities, geographic areas or neighborhoods, or businesses. The amendments change the name of the Planning and Sustainability Commission and modify its purpose, powers, and duties to more clearly focus on land use planning. In terms of city livability, the newly renamed Planning Commission will continue to be charged with making recommendations to City Council on adoption, amendment and update of the Comprehensive Plan and certain implementing measures such as the Portland Zoning Code. The Comprehensive Plan contains guiding principles, goals and policies related to livability.

There were no significant objections or concerns raised in testimony at the Planning and Sustainability Commission. It is unclear who or how many individuals or groups will testify at City Council.

100% Renewable Goal

N/A. This action does not increase or decrease the City's total energy use and does not increase or decrease the City's renewable energy use.

Budget Office Financial Impact Analysis

No financial impact. This ordinance highlights that the Planning and Sustainability Commission's workload is too great for one body, so it is creating two commissions: the Planning Commission and the Sustainability Commission.

Agenda Items

64 Time Certain in January 18-19, 2023 Council Agenda

Passed to second reading as amended

Motion to amend Exhibit A in paragraph 2 of the commission's list of the powers and duties to not delete "the City Council" and to add "As amended" to ordinance Directives A, B, and C: Moved by Rubio and seconded by Ryan. (Y-4)

Passed to second reading January 25, 2023 at 9:45 a.m. Time Certain as amended.

The oral and written record are closed.

71 Time Certain in January 25, 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

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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