

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

**ORDINANCE NO. 1323**

Amending Multnomah County's Zoning Code and Comprehensive Plan to Incorporate Amendments to the City of Portland's Title 33 City Code and Comprehensive Plan Supporting Documents Related to the City's Housing Regulatory Relief Project, Housing Needs Analysis and Buildable Land Inventory 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").
- b. 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.
- c. Ordinance No. 191547 (adopted by the Portland City Council and in full effect on 12-13-23), amends the Portland Comprehensive Plan to adopt new supporting documents related to the City's Housing Needs Analysis and Buildable Land Inventory to address future housing needs, access to affordable housing, and development capacity.
- d. ORS 197.296 requires cities with more than 10,000 residents to inventory "buildable lands" and ensure that there is enough zoned land to accommodate housing needs over the next twenty years.
- e. Oregon House Bill 2003 (2019) directed the Land Conservation and Development Commission (LCDC) to adopt a schedule for cities over 10,000 people to update their Housing Needs Analysis (HNA). The law requires cities within the Portland Metro region to update their HNA every six years. LCDC adopted a schedule on November 23, 2020, that directed the City of Portland to complete its HNA in 2023.
- f. As a supporting document to the Portland Comprehensive Plan, the purpose of the HNA is to provide information on the future housing need in Portland to 2045. This report will inform future policy decisions that can influence future housing development, opportunities to increase access to housing that is affordable for

lower-income communities and communities of color, as well as housing needs for all residents of Portland.

- g. As a supporting document to the Portland Comprehensive Plan, the Buildable Land Inventory (BLI) identified the supply of land available to provide this needed housing. The purpose of the BLI is to provide information, based on a Geographic Information System (GIS) model developed by the Bureau of Planning and Sustainability (BPS) on the City's development capacity under current City plans, zoning and market conditions.
- h. The 2045 distributed forecast of population, households and employment, adopted by Metro Council Ordinance No. 21-1457, establishes for Portland (including unincorporated areas within Portland's Urban Services Boundary) that 97,471 additional households are expected by 2045. After factoring in vacancy rates and second home replacements, Portland's needed housing is 106,571 additional units by 2045.
- i. The HNA adapts the draft Oregon Housing Needs Analysis methodology to further factor in historic underproduction and housing for houseless households to arrive at 120,560 total additional housing units by 2045.
- j. To align the City of Portland with Governor Kotek's Executive Order No. 23-04 that establishes an annual production target of 36,000 housing units for the State of Oregon, Portland should strive to produce 55,000 units by 2032.
- k. The Residential BLI estimates that Portland has the capacity for 236,977 additional housing units - which is sufficient capacity to meet the requirements under Statewide Planning Goal 10: Housing and ORS 197.296.
- l. Ordinance No. 191609 (adopted by the Portland City Council 01-31-24 and in full effect 03-01-24), amends Title 33 (Planning and Zoning) of Portland City Code to create temporary waivers and permanent changes to zoning regulations to provide regulatory relief in the building of housing projects.
- m. The Portland City Council established a Permit Improvement Task Force, whose recommendations considered both the regulatory environment and development review process times.
- n. On January 10, 2024, the City Council held a hearing on the Housing Regulatory Relief Project and invited public testimony.
- o. The City has requested that the County amend the County's Zoning Code and Comprehensive Plan to incorporate the changes implemented in City Ordinances 191547 and 191609.

- p. Pursuant to State and City notice requirements, as well as the terms of the IGA, the City provided public notice of City Ordinances 191547 and 191609. The City provided an opportunity for the public to be heard at public hearings, culminating with hearings before the City's Planning Commission and the City Council.

**Multnomah County Ordains as Follows:**

**Section 1.** Multnomah County's Comprehensive Plan is amended to incorporate the supporting document amendments in City of Portland Ordinance 191547 attached hereto as Exhibit 1. The legislative intent and findings set forth in City of Portland Ordinance 191547 are adopted as findings in support of this Ordinance.

**Section 2.** Multnomah County's Zoning Code is amended to incorporate the amendments to Title 33 in City of Portland Ordinance 191609 attached hereto as Exhibit 2. The legislative intent and findings set forth in City of Portland Ordinance 191609 are adopted as findings in support of this Ordinance.

**Section 3.** Except as provided in Directive D of City of Portland Ordinance 191609 as incorporated in Section 2 of this ordinance, and in accordance with ORS 215.427(3), the changes resulting from Sections 1 and 2 of this ordinance shall not apply to any decision on an application that is 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 4.** 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 5.** Any future amendments to the legislative matters listed in Sections 1 and 2 above are exempt from the requirements of MCC 39.1210. The Board acknowledges, authorizes and agrees that the Portland Planning 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 Commission and City Council when legislative land use matters for the Unincorporated Urban Areas come before the Board for action.

**Section 6.** 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 Ordinance 191547 described in Section 1 of this ordinance take effect

immediately and adoption of the amendments in Ordinance 191609 described in Section 2 of this ordinance will take effect on March 1, 2024.

FIRST READING AND ADOPTION: February 22, 2024



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Jessica Vega Pederson, Chair

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

By   
\_\_\_\_\_  
David N. Blankfeld, Senior Assistant County Attorney

**SUBMITTED BY:** Margi Bradway, Director, Department of Community Services.



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# 191547

Ordinance

## Adopt new supporting documents to Portland Comprehensive Plan related to the Housing Needs Analysis and Buildable Land Inventory to address future housing needs, access to affordable housing, and development capacity (amend Ordinances 185657 and 187831)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Oregon Statewide Planning Goal 10: Housing and ORS 197.296 require cities with more than 10,000 residents to inventory “buildable lands” and ensure that there is enough zoned land to accommodate housing needs over the next twenty years.
2. Portland’s Comprehensive Plan describes how the City can accommodate future growth and development. To do this well, the plan must be regularly updated, and these updates must be based on good facts and sound analysis.
3. The 2035 Comprehensive Plan was adopted by Ordinance No. 187832 and amended by Ordinance No. 188177 before it came into effect. The plan, as amended, was placed into effect by Ordinance No. 188695 and acknowledged by the Oregon Department of Land Conservation and Development (Approval Order 18-WKTSK-001897).
4. Supporting documents to the Comprehensive Plan were adopted by Ordinance Nos. 187657 and 187831.
5. Oregon House Bill 2003 (2019) directed the Land Conservation and Development Commission (LCDC) to adopt a schedule for cities over 10,000 people to update their Housing Needs Analysis (HNA). The law requires cities within the Portland Metro region to update their HNA every six years. LCDC adopted a schedule on November 23, 2020, that directed the City of Portland to complete its HNA in 2023.
6. As a supporting document to the Comprehensive Plan, the purpose of the HNA is to provide information on the future housing need in Portland to 2045. This report will inform future policy decisions that can influence future housing development, opportunities to increase access to housing that is affordable for lower-income communities and

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

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

Contact

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📞 [503-823-3527](tel:503-823-3527)

Requested Agenda Type

Time Certain

Date and Time Information

**Requested Council Date**

December 13, 2023

**Requested Start Time**

10:35 am

**Time Requested**

10 minutes

Changes City Code

communities of color, as well as housing needs for all residents of Portland.

7. As a supporting document to the Comprehensive Plan, the Buildable Land Inventory (BLI), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017, identified the supply of land available to provide this needed housing. The purpose of the BLI is to provide information, based on a Geographic Information System (GIS) model developed by the Bureau of Planning and Sustainability (BPS) on the City's development capacity under current City plans, zoning and market conditions.
8. The 2045 distributed forecast of population, households and employment, adopted by Metro Council Ordinance No. 21-1457, establishes for Portland (including unincorporated areas within Portland's Urban Services Boundary) that 97,471 additional households are expected by 2045. After factoring in vacancy rates and second home replacements, Portland's needed housing is 106,571 additional units by 2045.
9. The HNA adapts the draft Oregon Housing Needs Analysis methodology to further factor in historic underproduction and housing for houseless households to arrive at 120,560 total additional housing units by 2045.
10. To align the City of Portland with Governor Kotek's Executive Order No. 23-04 that establishes an annual production target of 36,000 housing units for the State of Oregon, Portland should strive to produce 55,000 units by 2032.
11. The Residential BLI estimates that Portland has the capacity for 236,977 additional housing units – which is sufficient capacity to meet the requirements under Statewide Planning Goal 10: Housing and ORS 197.296.
12. For the reasons stated in the findings above, and the further findings in Exhibit A, this ordinance adopts several amendments to the supporting documents of Portland's Comprehensive Plan.



NOW, THEREFORE, the Council directs:

- A. Adopt Exhibit A as additional Findings of Fact.
- B. Adopt Exhibit B, the 2045 Housing Needs Analysis, as an official Comprehensive Plan supporting document. Exhibit B supersedes and replaces the five reports that comprise the *Housing Needs Analysis*, which were adopted as official Comprehensive Plan supporting documents by Ordinance No. 185657, Exhibits B.1 to B.5.
- C. Adopt Exhibit C, the 2023 Residential Building Lands Inventory, as an official Comprehensive Plan supporting document. Exhibit C supersedes and replaces the residential portions of the *Buildable Lands Inventory and Growth Allocation Model, Revised, April 2016*, which was adopted as an official Comprehensive Plan supporting document by Ordinance No. 187831 Exhibit J.
- D. Adopt Exhibit D, the 2023 Residential Buildable Land Inventory Map, as an official Comprehensive Plan supporting document. The *Inventory of*

*All Residential Land – Revision 1 Map*, which was adopted as an official Comprehensive Plan supporting document by Ordinance No. 187831 Exhibit F, is replaced and superseded by Exhibit D.

- E. The Bureau of Planning and Sustainability shall lead a process to develop a Housing Production Strategy with other City Bureaus and the community and shall report to City Council no later than December 31, 2024, as required by ORS 197.290.
- F. The Bureau of Planning and Sustainability shall submit the 2045 Housing Needs Analysis and 2023 Residential Buildable Land Inventory to the State of Oregon’s Department of Land Conservation and Development as required by OAR 660, Division 8.

## Documents and Exhibits

 <a href="https://www.portland.gov/sites/default/files/council-documents/2023/exhibit_a_leg_findings_hna.pdf">Exhibit A (https://www.portland.gov/sites/default/files/council-documents/2023/exhibit_a_leg_findings_hna.pdf)</a>	1.07 MB
 <a href="https://www.portland.gov/sites/default/files/council-documents/2023/exhibit_b_2045-portland-hna.pdf">Exhibit B (https://www.portland.gov/sites/default/files/council-documents/2023/exhibit_b_2045-portland-hna.pdf)</a>	4.9 MB
 <a href="https://www.portland.gov/sites/default/files/council-documents/2023/exhibit_c_2023-residential-bli.pdf">Exhibit C (https://www.portland.gov/sites/default/files/council-documents/2023/exhibit_c_2023-residential-bli.pdf)</a>	1.96 MB
 <a href="https://www.portland.gov/sites/default/files/council-documents/2023/exhibit_d_2023_bli_residential_buildable_land.pdf">Exhibit D (https://www.portland.gov/sites/default/files/council-documents/2023/exhibit_d_2023_bli_residential_buildable_land.pdf)</a>	8.98 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  
December 13, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

- Oregon Statewide Planning Goal 10: Housing and ORS 197.296 require cities with more than 10,000 residents to inventory “buildable lands” and ensure that there is enough zoned land to accommodate housing needs over the next twenty years.
- Portland’s Comprehensive Plan, which was adopted in 2016, describes how the City can accommodate future growth and development. To do this well, the plan must be regularly updated, and these updates must be based on good facts and sound analysis.

- The previous Housing Needs Analysis supporting documents were adopted in 2012 and the previous Buildable Land Inventory was adopted in 2016.
- Oregon House Bill 2003 (2019) directed the Land Conservation and Development Commission (LCDC) to adopt a schedule for cities over 10,000 people to update their Housing Needs Analysis (HNA). The law requires cities within the Portland Metro region to update their HCA every six years. LCDC adopted a schedule on November 23, 2020, that directed the City of Portland to complete its HNA in 2023.
- This ordinance will fulfill that state mandate.

## Financial and Budgetary Impacts

n/a

## Community Impacts and Community Involvement

- As supporting documents to the Comprehensive Plan, the 2045 HNA and the 2023 Residential BLI provide information on the future housing need in Portland to 2045. These reports set the stage for future policy decisions that can influence future housing development, including opportunities to increase access to housing that is affordable for lower-income communities and communities of color, as well as housing needs for all residents of Portland. The challenge will be in creating 63,000 units (53%) that are affordable to lower income households and to achieving the diversity of housing types needed to accommodate families and a growing number of households with elders (65+) and people with disabilities. A varied housing stock that is affordable to households of all income levels is needed to accommodate future housing demand and to maintain the city's diversity.
- Staff attended or hosted meetings during the Discussion, Proposed and Recommended Draft phases, with the following stakeholder and interested party groups: Portland State University Homelessness Research Center, Anti Displacement PDX, Sightline, Cully Neighborhood Association, Portland Neighbors Welcome, Development Review Advisory Committee, BPS Community Involvement Committee, Portland Homebuilders' Association, Portland Building And Development Council, East Portland Action Plan Housing Committee, Central Eastside Industrial Council, Oregon Smart Growth, North Portland Land Use Group, SE Uplift, and the Southwest Land Use & Transportation Forum.
- Staff hosted Technical Advisory Committee meetings during the Discussion, Proposed and Recommended Draft phase, participation included staff from JOHS, Multnomah County, Metro, Department of Land Conservation and Development, and City of Portland.
- Staff hosted a biweekly inter-bureau Working Group meeting during the Discussion, Proposed and Recommended Draft, participation included staff from Portland Housing Bureau, Bureau of Planning and Sustainability, Bureau of Development Services, Prosper Portland, Bureau of Transportation, and Office of Management and Finance.



- Project documents have been shared on the Housing Needs Analysis and Buildable Lands Inventory project website:  
<https://www.portland.gov/bps/planning/housing-production/2045-hna-and-hps> (<https://www.portland.gov/bps/planning/housing-production/2045-hna-and-hps>).
- Public notice for all hearings was sent and the Map App was opened for testimony in advance in accordance with policy.

## 100% Renewable Goal

n/a

## Agenda Items

1015 Time Certain in [December 6, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/12/6)  
(<https://www.portland.gov/council/agenda/2023/12/6>)

Passed to second reading

Passed to second reading December 13, 2023 at 10:35 a.m. Time Certain

1027 Time Certain in [December 13, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/12/13)  
(<https://www.portland.gov/council/agenda/2023/12/13>)

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Mayor Ted Wheeler Yea



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# 191609

Ordinance

## Amend the Planning and Zoning Code to adopt temporary suspensions and permanent clarifications to development and process regulations as part of the Housing Regulatory Relief Project (amend Code Title 33)

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. On January 10, 2023, Governor Kotek signed Executive Order 23-04 acknowledging a statewide housing shortage and affordable housing crisis, establishing an annual housing target statewide of 36,000 units, and establishing a Housing Production Advisory Council to develop an action plan to meet this goal.
2. On December 13, 2023, City Council adopted the Bureau of Planning and Sustainability's Housing Needs Analysis and Buildable Land Inventory to address future housing needs. This analysis indicates that Portland should strive to produce 55,000 units by 2032 to address historic underproduction of units.
3. On February 16, 2023, the Bureau of Development Services, on behalf of Commissioner Rubio, released a Housing Production Survey online through the Bureaus website. The survey was open until March 3, 2023.
4. Participation in the survey was promoted via email to those who have applied for housing construction permits, nonprofit organizations and business associations involved in housing, subscribers to the Bureau of Development Services Plans Examiner newsletter, and employees involved in permitting functions.
5. The initial request for participation was sent to approximately 3,100 email addresses. 611 responses were received.
6. Participants were provided with a list of over 20 current requirements, many involving regulations and asked to rank the top five issues they believe should be modified to encourage new housing development.

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

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

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Requested Agenda Type

Time Certain

Date and Time Information

**Requested Council Date**

January 31, 2024

**Requested Start Time**

9:45 am

**Time Requested**

15 minutes

Changes City Code

7. The results of this survey were analyzed and formed the initial basis for the workplan for the Housing Regulatory Relief Project. Further regulatory and process items were included based on discussions with the Bureau of Development Services and Housing.
8. On September 18, 2023, notice of the Housing Regulatory Relief Project Proposed Draft and Planning Commission hearing was sent out to the Bureau of Planning and Sustainability's (BPS) legislative mailing list.
9. On September 20, 2023 the Housing Regulatory Relief Project Proposed Draft was released.
10. On September 26, 2023, BPS staff provided a briefing on the project in front of the Portland Planning Commission.
11. On October 24, 2023, the Planning Commission held a public hearing on the Housing Regulatory Relief Project Proposed Draft. 31 people testified in person and over 200 people submitted written testimony through the Map App.
12. On November 7, 2023, the Planning Commission held a work session to discuss the proposal and provide suggestions for potential amendments.
13. On November 14, 2023, the Planning Commission held a work session on the project. They voted on a set of 3 amendments and voted to forward a recommendation on the amended package.
14. On December 20, 2023, the Housing Regulatory Relief Project Recommended Draft was released for public review.
15. On December 20, 2023, notice of the January 10, 2024 City Council hearing on the Housing Regulatory Relief Project Recommended Draft was mailed to those who presented oral and written testimony at the Planning Commission public hearing.
16. On January 10, 2024, the City Council held a hearing on the Housing Regulatory Relief Project and invited public testimony.
17. 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 Amended, as additional findings.
- B. Adopt the commentary in Exhibit B, Housing Regulatory Relief Project Recommended Draft as Amended, dated January 2024, 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, Housing Regulatory Relief Project Recommended Draft, dated December 2023.
- D. Notwithstanding 33.700.080.A.2, nor 33.700.090.A, development with a residential use that has been or will be approved by a land use

review that was deemed complete prior to March 1, 2024 and has not expired, and building or development permits with a residential use submitted prior to March 1, 2024 that have not expired and have not received final inspection, may be subject to the following zoning code provisions as shown in Exhibit B:


1. 33.258.070.D.2.;
2. 33.266.200.B, Table 266-6, 33.266.210.D., and 33.266.310.C.1.;
3. 33.415.200;
4. 33.510.225.C.1., and 33.510.255.I.;
5. 33.562.270.C.;
6. 33.595.130.B.


E. Within the city, notwithstanding 33.730.130, final decisions for land use reviews that became effective between March 8, 2017 and March 1, 2020 expire on March 1, 2025, if a City permit has not been issued for approved development or the approved activity has not commenced.

Section 2. 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: Findings of Fact Report-As Amended](https://www.portland.gov/sites/default/files/council-documents/2024/exhibita_hrr_leg_findings_amended.pdf) 1.06 MB  
([https://www.portland.gov/sites/default/files/council-documents/2024/exhibita\\_hrr\\_leg\\_findings\\_amended.pdf](https://www.portland.gov/sites/default/files/council-documents/2024/exhibita_hrr_leg_findings_amended.pdf))
-  [Exhibit B: Housing Regulatory Relief Recommended Draft-As Amended](https://www.portland.gov/sites/default/files/council-documents/2024/exhibit-b_regrefsurveyproject_recommended_draft_amended_1-24.pdf) 1.69 MB  
([https://www.portland.gov/sites/default/files/council-documents/2024/exhibit-b\\_regrefsurveyproject\\_recommended\\_draft\\_amended\\_1-24.pdf](https://www.portland.gov/sites/default/files/council-documents/2024/exhibit-b_regrefsurveyproject_recommended_draft_amended_1-24.pdf))
-  [Proposed Amendments 1-3 - Commissioner Rubio](https://www.portland.gov/sites/default/files/council-documents/2024/hrr_potentialamendments_010324.pdf) 254.39 KB  
([https://www.portland.gov/sites/default/files/council-documents/2024/hrr\\_potentialamendments\\_010324.pdf](https://www.portland.gov/sites/default/files/council-documents/2024/hrr_potentialamendments_010324.pdf))

 [Proposed Amendments 4-6 - Commissioner Gonazalez](https://www.portland.gov/sites/default/files/council-documents/2024/hrr_2nd_set_potentialamendments_010924.pdf) 289.45 KB  
([https://www.portland.gov/sites/default/files/council-documents/2024/hrr\\_2nd\\_set\\_potentialamendments\\_010924.pdf](https://www.portland.gov/sites/default/files/council-documents/2024/hrr_2nd_set_potentialamendments_010924.pdf))

 [Proposed Amendment 7 - Commissioner Gonazalez](https://www.portland.gov/sites/default/files/council-documents/2024/hrr_directiveamendment_011224.pdf) 125.37 KB  
([https://www.portland.gov/sites/default/files/council-documents/2024/hrr\\_directiveamendment\\_011224.pdf](https://www.portland.gov/sites/default/files/council-documents/2024/hrr_directiveamendment_011224.pdf))

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 31, 2024

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

The Housing Regulatory Relief Project provides regulatory relief from some development standards and processes over the next 5 years for building projects, especially when those projects include housing. This relief is accomplished by temporarily suspending or reducing development and process standards and including additional permanent clarification to these standards. Many of the amendments were based on the development issues identified through the Housing Production Survey conducted by the Bureau of Development Services on behalf of Commissioner Rubio's office. The intent is to boost housing production as Portland recovers from the COVID pandemic and addresses the housing crisis identified statewide through the Governor's Executive Order.

### 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.) and therefore there are no significant long term financial or budgetary impacts to the City.

In the short term, there could be some impacts on city revenue and staff work. The temporary suspensions or reductions in the development and process standards may reduce the amount of time spent by staff in reviewing certain permits and land use reviews, as some development standards will not apply during review of the permit or land use review. It also temporarily simplifies the regulatory layers that may apply in the review of the development. This can allow for the more efficient review of a permit. However, the temporary process reduction for Design Reviews that involve housing development will mean that these projects will undergo a

lower level of land use review, generating a lower amount of land use fees that cover the review process for the Bureau of Development Services (BDS) and other bureaus. The lower fees and process could result in a lower level of cost recovery. Analysis of the fee recovery by these bureaus may result in the consideration of a fee increase for these reviews with the next fiscal year.

## Community Impacts and Community Involvement

The intent of the project is to suspend or reduce some of the regulatory and process steps that apply to projects involving housing. The source of many of the changes came from the results of the Housing Production Survey administered by the Bureau of Development Services on request of Commissioner Rubio's office. Some of the regulations such as the ground floor provisions enhance the relationship between the ground floor design of a building and the adjoining public realm. Other regulations such as the neighborhood contact provisions provide opportunities for community involvement with the developer of a project before they begin their land use or building permit application process. The temporary reduction in the Design Review process can result in a reduced area of noticing requirement and potential removal of a land use hearing for the projects that include housing, although the reduced process still includes a notification and comment process. The changes within the package can impact development in many areas of the city, although the temporary reductions may most impact development within the Central City, some plan districts and the Centers Main Street overlay zone. The reductions and suspensions would sunset on January 1, 2029, so only apply to development that submits for a permit or land use review during this time.

Community engagement activities for this project are summarized in the Recommended Draft. The project was under a fairly short time frame from analyzing the survey results to developing a code proposal. Staff provided briefings to business and neighborhood groups as well as with BDS' Development Review Advisory Committee, in conjunction with the release of the Proposed Draft. Email communication was also provided to stakeholder interests for some changes. Briefings were held with the Design Commission, the Landmarks Commission, and the Planning Commission in September. The Planning Commission hearing on October 24 was a hybrid meeting that included over 30 community members testifying at the hearing. Approximately 215 pieces of testimony were received through the Map App.

Additional outreach has occurred after the Planning Commission hearing, with staff attending meetings of several neighborhood or business groups in North, Northwest, Southwest and Southeast. Notice of the City Council hearing will be submitted to all those who testified at the Planning Commission. Email updates about the City Council hearing will be sent to a list of approximately 240 people who have requested information on the project.

## 100% Renewable Goal

The action has minimal temporary impact by potentially allowing projects to propose a set of solar panels instead of an ecoroofs for the next five years. Ecoroofs can help reduce heating/cooling requirements of buildings while solar panels can help generate renewable electricity.

## Budget Office Financial Impact Analysis

No financial impact.

## Agenda Items

### 34 Time Certain in [January 10-11, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/1/10) (<https://www.portland.gov/council/agenda/2024/1/10>)

Continued

Rubio Amendment 1 - Motion to align regulations with recent state law changes, remove out-of-date language, and change some regulations to align with Title 30 inclusionary housing processes: Moved by Rubio and seconded by Mapps. Vote not called.

Rubio Amendment 2 - Motion to clarify application of the ground floor window requirement in the Central City plan district: Moved by Rubio and seconded by Mapps. Vote not called.

Rubio Amendment 3 - Motion to further reduce Design Review procedures temporarily for affordable housing projects: Moved by Rubio and seconded by Mapps. Vote not called.

Gonzalez Amendment 4 - Motion to reinstate staff's original proposal to temporarily suspend bird-safe glazing requirement in the River overlay zone and Central City plan district when a proposal includes a residential use: Moved by Gonzalez and seconded by Ryan. Vote not called.

Gonzalez Amendment 5 - Motion to Replace Planning Commission's ecoroof recommendation with staff's original proposal to temporarily suspend the ecoroof requirement in the Central City plan district when a proposal includes a residential use: Moved by Gonzalez and seconded by Ryan. Vote not called.

Gonzalez Amendment 6 - Motion to temporarily suspend the 35 day deadline to post the neighborhood contact sign and send notification to recognized organizations when a proposal includes a residential use: Moved by Gonzalez and seconded by Ryan. Vote not called.

Gonzalez Amendment 7 - Motion to amend directive D to add 33.475.235.B, 333.510.223.B, and 33.510.243.B.: Moved by Gonzalez and seconded by

Ryan. Vote not called.

Continued to January 17, 2023 at 2:00 p.m. Time Certain

**60 Time Certain in [January 17, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/1/17)  
(<https://www.portland.gov/council/agenda/2024/1/17>)**

Continued As Amended

Continued as amended to January 24, 2024 at 3:00 p.m. Time Certain

Motion to revise Rubio 1 amendment to correct an error to use the same number, 20 percent, for both scenarios to ensure alignment with the Inclusionary Housing Calibration workgroup: Moved by Rubio and seconded by Mapps. (Y-5)

Rubio Amendment 1 - Motion to align regulations with recent state law changes, remove out-of-date language, and change some regulations to align with Title 30 inclusionary housing processes: Moved by Rubio and seconded by Mapps. (Y-5)

Rubio Amendment 2 - Motion to clarify application of the ground floor window requirement in the Central City plan district: Moved by Rubio and seconded by Mapps. (Y-5)

Rubio Amendment 3 - Motion to further reduce Design Review procedures temporarily for affordable housing projects: Moved by Rubio and seconded by Mapps. (Y-5)

Gonzalez Amendment 4 - Motion to reinstate staff's original proposal to temporarily suspend bird-safe glazing requirement in the River overlay zone and Central City plan district when a proposal includes a residential use: Moved by Gonzalez and seconded by Ryan. (Y-Ryan, Gonzalez; N-Rubio, Mapps, Wheeler). Motion failed to pass.

Gonzalez Amendment 5 - Motion to Replace Planning Commission's ecoroof recommendation with staff's original proposal to temporarily suspend the ecoroof requirement in the Central City plan district when a proposal includes a residential use: Moved by Gonzalez and seconded by Ryan. (Y-Ryan, Gonzalez; N-Rubio, Mapps, Wheeler). Motion failed to pass.

Gonzalez Amendment 6 - Motion to temporarily suspend the 35 day deadline to post the neighborhood contact sign and send notification to recognized organizations when a proposal includes a residential use: Moved by Gonzalez and seconded by Ryan. (Y-Gonzalez; N-Rubio, Ryan, Mapps, Wheeler). Motion failed to pass.

Gonzalez Amendment 7 - Motion to amend directive D to add 33.475.235.B,



33.510.223.B, and 33.510.243.B.: Moved by Gonzalez and seconded by Ryan. Motion withdrawn.

**83 Time Certain in [January 24, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/1/24)  
(<https://www.portland.gov/council/agenda/2024/1/24>)**

Passed to second reading

Passed to second reading as amended January 31, 2024 at 9:45 a.m. time certain

**90 Time Certain in [January 31, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/1/31)  
(<https://www.portland.gov/council/agenda/2024/1/31>)**

Passed As Amended

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea