

ORDINANCE No. 190000 As Amended

*Amend Title 33-Planning and Zoning, the Comprehensive Plan Map, and the Zoning Map to implement the Expanding Opportunities for Affordable Housing project. (Ordinance)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. Portland has grown by more than 75,000 households since 2000, but housing supply has not come close to meeting the demand. The resulting low vacancy rates and price increases have had severe consequences. Between 2006 and 2015 the Oregon Office of Economic Analysis estimated that the Portland housing market was under-built by approximately 23,000 units of housing - insufficient just to keep up with population growth.
2. The number of people experiencing homelessness in our community increased to over 4,000 according to the most recent 2019 Point in Time Count.
3. On October 7, 2015, the Council, declared a housing emergency for a period of one year, with Ordinance 187371. Council subsequently extended the emergency through Ordinances 187973, 188627, and 189387; through April 4, 2021.
4. Through the 2035 Comprehensive Plan the City Council established the goal to developing at least 10,000 regulated affordable housing units by 2035.
5. There are approximately 450 institutions regulated thorough the Zoning Code as “Conditional Uses” in residential zones. This includes many faith-based institutions (churches, synagogues, mosques, etc.), fraternal organizations, community services, and schools. Together these institutions occupy about 1,400 acres of land. A growing number of these institutions are exploring how they can use their available land on their properties to address the affordable housing crisis.
6. On April 4, 2018 the City Council accepted a grant from Metro in the amount of \$125,000 to partner with Ecumenical Ministries of Oregon (EMO) for outreach to faith communities, and to develop of a system to connect property-owning institutions with the developers that need access to affordable land. (Ordinance 188882).
7. With support from partner organizations, staff reached out to faith- and community-based organizations to identify the barriers to development. Besides financial barriers, the regulatory review process was identified as a major hurdle to organizations that are conditional uses.
8. A Stakeholder Advisory Committee was established in fall 2018, which worked with staff to develop recommendations for regulatory improvement, and refinement of zoning. Through outreach efforts, organizations that were interested in developing affordable housing on their properties were identified, and of those, several requested map changes to provide greater flexibility for future development.
9. The Expanding Opportunities for Affordable Housing Discussion draft was released for public review on October 28, 2019.

10. The Expanding Opportunities for Affordable Housing Proposed Draft was released for public review on January 2, 2020.
11. On January 2, 2020 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 660-18-020.
12. On January 2, 2020 notice of the proposed draft was mailed to all property owners potentially affected by proposed zoning map and code changes as required by ORS 227.186.
13. On February 11, 2020 the Planning and Sustainability Commission held a public hearing on the Proposed Draft, and voted to forward the project to City Council on March 10, 2020.
14. On April 8, 2020 a revised notice of the recommended draft was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-045.
15. On April 20, notice of the May 14, 2020 City Council public hearing was mailed to those who presented oral and written testimony at the Planning and Sustainability Commission public hearing.
16. On April 17, a revised notice of the Recommended Draft was mailed to all property owners potentially affected by proposed zoning map and code changes as required by ORS 227.186, including properties added to the proposal by the Planning and Sustainability Commission recommendation.
17. The recommended EOAH amendments allow institutions regulated through the Zoning Code as “Conditional Uses” to add regulated affordable housing without a new Conditional Use Review, if relevant conditions and standards are met. They also allow more flexibility for small increases in non-residential floor area, allow site area to be reduced, and allow removal of some parking for the development of housing, without a Conditional Use review.
18. The recommendation also includes rezoning and changing the Comprehensive Plan map designations on 19 community-based sites to further housing opportunities.
19. 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 June 1, 2020 as additional revised findings.
- b. Adopt the commentary in Exhibit B, the Expanding Opportunities for Affordable Housing report as amended by City Council, dated June 1, 2020, as legislative intent and further findings.
- c. Amend Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, the Portland Comprehensive Plan Map, and the official Zoning Map, as shown in Exhibit B, the Expanding Opportunities for Affordable Housing report, as amended by City Council, dated June 1, 2020.
- d. Direct BPS to prepare a recommendation for Council's consideration by September

2020 regarding the following sites, following appropriate notice to DLCD, property owners, and neighbors:

1. 120 and 130 NE Knott St
 2. 4515 N Mississippi Ave, and adjacent 4505 N Mississippi Ave
 3. 2800 N Vancouver Ave
 4. 6161 SE Stark St
 5. Property east of 6140 SW Boundary St
- e. Direct BPS to initiate a future mapping project that identifies, with community members, properties where a zoning change could create community benefits, centering on anti-displacement strategies, equitable wealth generation, addressing past harms, and furthering fair housing.

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 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.

Section 3. Council declares that an emergency exists because of the significance of the code changes to projects that will benefit from the streamlined regulations; therefore, this ordinance shall be in full force and effect on and after June 18, 2020.

Passed by the Council: June 17, 2020

Mayor Ted Wheeler
 Prepared by: Eric Engstrom and Nan Stark
 Date Prepared: March 30, 2020
 Revised: June 1, 2020

Mary Hull Caballero
 Auditor of the City of Portland

By *Keelan McClymont*
 Deputy

ORDINANCE NO. 190000 As Amended

Title

Amend Planning and Zoning Code, the Comprehensive Plan Map, and the Zoning Map to implement the Expanding Opportunities for Affordable Housing project (Ordinance; amend Title 33)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler</p>	<p>CLERK USE: DATE FILED <u>5/5/20</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p>
<p>Mayor—Finance & Administration - Wheeler <small>Musafa Washington</small></p>	<p><small>Digitally signed by Mustafa Washington Date: 2020.05.05 14:30:46 -07'00'</small></p>
<p>Position 1/Utilities - Fritz</p>	<p style="text-align: center;">Keelan</p>
<p>Position 2/Works - Vacant</p>	<p>By: <u>McClymont</u></p>
<p>Position 3/Affairs - Hardesty</p>	<p><small>Digitally signed by Keelan McClymont Date: 2020.05.05 19:42:44 -07'00'</small></p>
<p>Position 4/Safety - Eudaly</p>	<p style="text-align: center;">Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p>	<p>ACTION TAKEN:</p>
<p>Bureau: Planning & Sustainability Bureau Head: Andrea Durbin</p>	<p>May 14, 2020 Continued to May 21, 2020 at 2:00 p.m. Time Certain</p>
<p>Prepared by: Eric Engstrom Date Prepared: 4/8/20</p>	<p>May 21, 2020 Continued to May 27, 2020 at 2:00 p.m. Time Certain</p>
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	<p>May 27, 2020 Passed to Second Reading June 10, 2020 at 11:00 a.m. Time Certain As Amended</p>
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>June 10, 2020 Passed to Second Reading June 17, 2020 at 10:45 a.m. Time Certain As Amended</p>
<p>City Auditor Office Approval: required for Code Ordinances</p>	<p><small>Lauren A. King 2020.04.17 10:30:35 -07'00'</small></p>
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p>	<p><small>Lauren A. King 2020.04.17 10:30:35 -07'00'</small></p>
<p>Council Meeting Date 5/14/20</p>	

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/></p> <p>Start time: 2:00 PM</p> <p>Total amount of time needed: 1.5 hrs (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Vacant		
3. Hardesty	✓	
4. Eudaly	✓	
Wheeler	✓	