



Temporary Outdoor Shelters Program Guide

CATEGORY: Commercial Construction

EFFECTIVE: February 11, 2022 [Rebecca Esau], Director

RESPONSIBLE BUREAU: Bureau of Development Services
Building Official
1900 SW 4th Avenue
Portland, OR 97201

I. Background

In April 2021, House Bill 2006 was passed by the Oregon Legislature changing requirements for homeless shelters. Effective August 1, 2021, the City of Portland declared a Housing State of Emergency due to an unmet need for safe and habitable shelter. The Bureau of Development Services recognizes that the City of Portland needs development guidance for establishing temporary outdoor shelters. This guide provides building, water, and sanitary sewer requirements while recognizing that no two temporary outdoor shelter sites are identical. Shelter providers will work with the city development bureaus to ensure that shelter facilities meet the minimum requirements for safety and sanitation based on the unique needs of each shelter site.

II. Applicability

The City of Portland, Multnomah County, or City and County approved nonprofits offer temporary outdoor shelter to people in need. Temporary outdoor shelters serve a limited number of people and are typically open for limited durations. The Bureau of Development Services (BDS), Portland Fire and Rescue (PFR), Fire Marshal's Office (FMO), Bureau of Environmental Services (BES), and the Portland Water Bureau will allow a temporary outdoor shelter when the requirements of this guide are met. When the use of a temporary outdoor shelter exceeds the limits prescribed in this guide, a full recreational park permit is required.

This guide applies to new temporary outdoor shelters and existing shelters requesting changes to a shelter site including the site layout, facilities, or adding and/or removing structures. This guide does not apply to or define requirements for permanent development.

III. Permits and Inspections

The following permits and inspections are required before establishing a new or making changes to an existing temporary outdoor shelter.

A. Fire Marshal Conditional Use Permit

1. A Conditional Use Permit is required through the FMO. This conditional use permit is not associated with a Land Use Conditional Use as described in Title 33 Planning and Zoning.
2. Pre-inspection and plan review. Before the commencement of any site work, the Fire Marshal and the Building Official, or their designees, will conduct a site inspection with the applicant to review and approve the site plan. The inspection and plan review will determine if the development area is appropriate for the proposed temporary outdoor shelter and identify what work (if necessary) needs to be completed before operation. A notification will be sent to BES, and to PWB, specifically to the following review groups: Water Available, and Water Quality Backflow (WQBF).
3. Documentation of all temporary outdoor shelter requirements, including copies of the shelter evacuation plan, must be maintained on-site and be available for review at the request of the FMO during routine inspections.
4. The FMO and BDS must review any proposed changes to an approved plan, including but not limited to the site layout or adding or removing structures. Any changes that trigger a plumbing permit must be reviewed by the PWB and BES.
5. If the temporary outdoor shelter is in operation for more than one year an annual inspection will be conducted by the FMO and Water Bureau WQBF review group to verify continued compliance with the requirements of this guide. Any deficiencies identified during this inspection must be corrected or may be grounds for termination of shelter operation.
6. The FMO may conduct additional inspections.
7. The FMO may terminate the conditional use permit at any time for failure to comply with the conditions of permit approval.

B. Commercial Building Permits and Development Review Permits

1. Commercial Building Permit (CO). Temporary and permanent structures placed on the shelter site will require a commercial building permit with the following exceptions:
 - a. Sleeping pods not exceeding 240 square feet.
 - b. Storage structures under 120 square feet.
 - c. Any structure determined by the City of Portland Building Official.
2. Development Review Permit (DR). BDS will require a DR permit if a commercial building permit is not needed, per B.1., above. The Bureau of Environmental Services will review the permit application for the sewer connection, waste, and trash storage. The Water Bureau will review the permit for water accessibility and WQBF requirements.

C. Plumbing, Water, and Public Sewer Permits

1. A plumbing permit is required for the installation of new plumbing fixtures such as flush toilets.
2. A plumbing permit is required to establish sewer and water conveyance systems on private property.
3. A BES sewer connection (UC) permit is required for public sewer and water connections in the right of way.
4. A plumbing permit may be required if on-site drainage improvements are needed. A BDS inspector will coordinate with BES to determine drainage solutions.
5. Exceptions. A plumbing permit is not required for non-flush toilets (port-a-potties) or fully contained portable hand washing stations provided the following requirements are met:
 - a. The facilities are installed and regularly maintained by a DEQ licensed sewage disposal service. Each portable toilet must display the name of the pumping service responsible for servicing.
 - b. Waste must be removed by a DEQ licensed sewage disposal service with a pumper license and taken to an authorized treatment site.
 - c. All liquid wastes must be handled in a manner that prevents a public health hazard and protects public waters.

- d. Port-a-Potties may not receive sewage from other sources.
- 6. A below-ground holding tank may only be permitted when BES determines that public sewer is not available. A below-ground holding tank requires a permit through the Septic Sanitation group in BDS.

D. Time Limit

- 1. A Conditional Use Permit is valid for up to one year from the date of shelter operation.
- 2. A one-time, one-year extension to the Conditional Use Permit may be granted.
- 3. A building code appeal through the BDS is required for a shelter to continue operating for more than two years.

IV. General Construction Standards

A. Sleeping Spaces

- 1. Sleeping spaces may include pods, tents, vehicles, and RVs.
- 2. Each sleeping space must be large enough to accommodate the designated sleeping pod(s), tent(s), vehicle(s), or RV(s).
 - a. Each designated sleeping space must be located a minimum of ten feet from any other sleeping space and building. The separation distance is measured at a right-angle to the structure or property line.
 - b. The distance between sleeping spaces may be reduced to six feet when each sleeping space is equipped with an electrical connection that provides a radiant panel heat source, smoke detector, light, light switch, and electrical outlet (plug). BDS requires an electrical permit for all electrical work.
- 3. Each designated sleeping space must be a minimum of five feet from any property line.
- 4. Sleeping spaces must be designed to minimize the obstruction of public and private roadways and walkways.
- 5. Sleeping spaces must be identified by signs or markings corresponding to the letters, numbers, or names indicated on the approved plans.
- 6. A single structure may accommodate up to three sleeping pods provided they have interconnected smoke detectors.

7. Sleeping pods with more than one bed must have a minimum of 30 inches of lateral separation between beds and a minimum of 30-inch vertical separation between tiers of beds (if applicable), or between the top tier and the ceiling.
8. A maximum of two tiers of bunks are allowed.
9. Smoking and open flames are prohibited within sleeping spaces.
10. Sleeping pods (with a maximum of three sleeping areas) may not exceed 240 square feet measured from the inside of the outside walls.
11. An individual sleeping pod may not be occupied by more than two adults or one household unit.
12. Each sleeping pod must be equipped with a combination smoke and carbon monoxide alarm within a tamper-proof cage.

B. Vehicle Access

1. Streets and drive aisles must have direct access to parking. Vehicle access may not be obstructed by grade or vertical clearance. Streets and drive aisle entrances with an impaired clearance must have warning signs.
2. The internal vehicle system including streets, drive aisles, and parking areas, must have a direct connection to a public right-of-way.
3. The vehicle system must be of adequate width to accommodate the planned parking and traffic load. Each traffic lane must have a minimum 10-foot width. Where parking is permitted adjacent to drive aisles, each drive aisle must be a minimum of 10-feet wide. Two-way streets without parking must be a minimum of 20-feet wide.
4. Streets and drive aisles must be designed for a minimum of nine-ton gross loads.
5. Streets, drive aisles and walkways must be well-drained away from sleeping pods and other structures. Drainage systems will need BDS Plumbing approval per III.C., above.
6. Streets, drive aisles, and walkway surfaces can be asphaltic concrete, Portland cement concrete, or other material that complies with the minimum requirements of Title 24, and the Stormwater Management Manual.

C. Solid Waste Containers

1. Containers must have tight-fitting lids, covers, or closable tops.
2. Containers must be durable, rust-resistant, watertight, and rodent-proof.
3. Containers must meet BES source control requirements for waste storage (per section 6.1 of the [2020 Source Control Manual](#)).

V. Water Service, Sanitary Facilities, and Gray Water

A. Water Service

1. Temporary outdoor shelter sites connected to the city's water system must have a connection to the city sewer system. Connecting to the city's sewer and water systems on a property requires permits from BDS and BES per Section III.C above.
2. All water service connections from the city public water system to shelter sites must be equipped with a Reduced Pressure Backflow Assembly (RPBA) if a high hazard condition exists per Oregon Administrative Rules (OARs). A Double Check Valve Assembly (DCVA) may be used if no high hazards exist. The Water Bureau WQBF division will determine if a hazard exists.

B. Sanitary Facilities

1. Temporary outdoor shelters must provide convenient and accessible sanitary facilities.
2. Sanitary facilities must be located within 500 feet of any sleeping space or common-use building.
3. Port-a-potties must be set back a minimum of ten feet from all property lines.
4. Flush toilet bowls intended for public use must have elongated bowls with open-front seats.
5. Any room with flush toilets must be equipped with a floor drain, per the Oregon Plumbing Specialty Code.
6. Each toilet facility must be provided with a privacy lock.
7. The location of toilets must be indicated by appropriate signage.
8. Flush toilets, showers, and the buildings containing them must be constructed in accordance with the State Building Code.

- 9. Port-a-potties and self-contained handwashing stations must meet the criteria of III.C, above.
- 10. Sanitary facilities must be provided per Table 1, below.

Table 1

| Maximum shelter occupancy | # Flush toilets and # of lavatories | # Port-a-potties and hand sanitation stations |
|----------------------------------|--|--|
| 1-15 | 1 | 2 |
| 16-30 | 2 | 3 |
| 31-60 | 3 | 4 |
| 61-100 | 4 | 5 |

* If the capacity of the shelter exceeds 100 tenants, then one additional toilet and lavatory, or one additional port-a-potty and hand sanitation station, is required for each additional 30 participants or fraction thereof.

C. Alternate Materials and Interpretations; Appeals

- 1. This guide is not intended to prevent the use of any alternate material, design, or method of construction not specifically prescribed in this guide. Modifications must be approved by the Building Official via a building code appeal.
- 2. The Building Official may grant an appeal when there are practical difficulties involved in carrying out the provisions of this guide as follows:
 - a. The Building Official determines that a unique individual reason exists, making the strict compliance with the letter of this rule impractical; and
 - b. When the modification does not lessen any fire protection requirements, any degree of structural integrity, or create health or safety hazards including but not limited to changes to stormwater, sewer, and drinking water systems.

*Note: A variance, approved by Oregon DEQ is required to modify onsite wastewater requirements. Reference OAR 340-071-0415.

VI. Other Requirements and Considerations

A. Compliance with Regional, State or Federal Regulations.

In addition to the requirements of this guide, temporary outdoor shelters must comply with all other applicable city, regional, state, and federal regulations.

B. Planning and Zoning Requirements

1. Portland Zoning Code Chapter 33.285 Short-Term, Mass and Outdoor Shelters provides zoning regulations for outdoor shelters.
2. Some temporary outdoor shelters may meet allowances in the Portland Zoning Code Chapter 33.296, Temporary Activities.
3. If a local or state emergency, or state statute is in effect it may supersede the Zoning Code standards.