



OFFICE OF THE COUNTY ADMINISTRATOR  
PUBLIC SERVICES BUILDING  
2051 KAEN ROAD | OREGON CITY, OR 97045

March 17, 2020

Ms. Kate Nelson  
16521 Se Hearthwood Drive  
Clackamas, OR 970915

Dear Ms. Nelson,

Thank you for your letter of February 2020 inquiring about the safe overnight shelter (SOS) program.

County Planning and Zoning staff has recently commenced work on a Housing Strategies project that is the Board's highest priority for long range land use planning in the current biennium. As part of that project, a variety of strategies will be evaluated to address the housing crisis. Attached is the Policy Session document presented to the Board on February 11, 2020, summarizing the key components. Phase I is underway and includes, among other elements, consideration of permanent zoning code provisions to allow Transitional Shelter Communities such as our Veteran's Village.

The Housing Strategies project provides an excellent opportunity for concerned community members, including members of faith-based communities such as yours, to advocate for your policy priorities in terms of increasing the diversity of housing types and the affordability and overall supply of housing through amendments to our zoning standards. If you would like to be on the interested parties list for this project, please reach out to project manager Martha Fritzie at [mfritzie@clackamas.us](mailto:mfritzie@clackamas.us) to have your contact information added.

The SOS program, as proposed by King of Kings, is not included in the Housing Strategies project. Due to the urgent need for this type of temporary emergency housing, a determination was made that SOS proposals are best handled through the current emergency declaration approved by the Board to address the housing crisis. Vahid Brown with Health, Housing and Human Service is the County's contact for those types of proposals.

Lastly, the State is working on some potentially far-reaching legislation to address emergency shelters. HB 4001-3 is the most current version (attached) that had bipartisan support before the adjournment of the short legislative session, although because of the adjournment, it did not become law. Similar legislation may be taken up in a special session, but we are still awaiting further information.

We encourage anyone interested in starting a SOS program to contact Vahid at 503-742-5345 or [vbrown@clackamas.us](mailto:vbrown@clackamas.us).

Thank you.

Sincerely,

Jim Bernard, Chair  
On Behalf of the Clackamas County Board of Commissioners

enc: February 11, 2020 Housing Strategies policy session materials  
HB 4001-3

DRAFT

BOARD OF COMMISSIONERS

Kate Nelson

16521 SE Heathwood Dr.

Clackamas Ore, 97015

FEB 03 2020

BCC, GS, Andrew  
Vaden

Greetings Chair Bernard, Commissioners Fischer, Schrader, Savas, and Humberston,

I am writing as a member of the Clackamas United Church of Christ who is concerned about the houselessness crisis in our county.

Several members of our church and the MACG Clackamas Housing Team's leadership and friends were present in your public business meeting on Wednesday, November 27<sup>th</sup>. I understand that you join us in our feelings of frustration and urgency to find immediate and creative solutions to address the need for safe overnight shelter in our county. Thank you for your leadership on this issue, and your continued concern for our unhoused neighbors.

Through our congregation's collective experience witnessing the Land Use Hearings process that King of King's Lutheran undertook, I have come to form two conclusions:

- 1) Land use processes are inherently slow, and time- and resource-intensive. Additionally, land use processes are susceptible to fear-based reactions based in a lack of understanding from neighbors that result in tense neighborhood conflicts and uninvited publicity that compromises the safety and privacy of eventual shelter guests. Thus, the land use process has not proven to be logistically accessible for faith communities and non-profits to step forward and provide shelter, and the land use process has not been responsive enough to address this issue with the urgency demanded by our housing crisis.
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I personally feel hopeful to bear witness to the work the County, MACG, King of Kings, and many others are steadfastly undertaking. I urge you to continue in this important work, and to utilize the potential energy that lies before you in the MACG Clackamas Housing Team and their network.

Thank you for your time and consideration,

*Kate R Nelson*

Kate R. Nelson

From: Sharon C. Dobbs  
14193 SE 139<sup>th</sup> Ave  
Clackamas, OR 97015

Greetings Chair Bernard, Commissioners Fischer, Schrader, Savas, and Humberston,

I am writing as a member of the Clackamas United Church of Christ who is concerned about the houselessness crisis in our county.


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Sharon C. Dobbs

*Joyce Strick*

*7820 GE Seabergon St.*

*MILWAUKIE OH 97207*

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*Joyce Strick*

DAVID PALANUK

17012 STANKELMA DR

GLADSTONE OR 97027

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DAVID PALANUK

Jerry McCalib

16514 SE Gordon St.

Milw, OR 97267

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Jerry McCalib

Richard + Sharayah Dickerson

16211 SE 79th Ave

Portland, OR 97217

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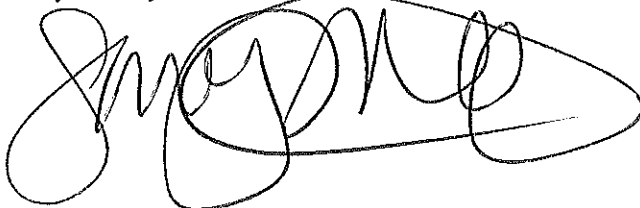
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Sharayah Dickerson



Dave & Rhonda Frick - Wright

6818 SE Clackamas Rd

McWamie, OR 97267

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*Rhonda Frick - Wright*  
*Dave Frick - Wright*

Lynne Radcliffe  
7758 SE Thiessen Rd.  
Portland, OR 97267

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Lynne Radcliffe

LARRY KIRK  
15577 SE Pebble LN  
DAMASCUS OR 97089

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Larry Kirk

Abby Kempf  
3750 SW River Plwy  
#306  
Portland, OR 97239

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Thank you for your time and consideration,

A Kempf  
Abigail Kempf

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Policy Session Worksheet

**Presentation Date:** February 11, 2020 **Approx. Start Time:** 1:30 pm **Approx. Length:** 60 mins.

**Presentation Title:** DTD Housing Strategies Project – Issue Paper and Work Program

**Department:** Transportation & Development (DTD)

**Presenters:** Martha Fritzie, Senior Planner; Karen Buehrig, Long Range Planning Manager

**Other Invitees:** Jennifer Hughes, Planning Director; Dan Johnson, Director of DTD; Cheryl Bell, Assistant Director of Development DTD; Joy Fields, Senior Planner Long-Range Planning, DTD

### WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Staff is requesting two actions from the Board:

1. Acceptance of DTD Housing Strategies Issues Paper (**Attachment A**); and
2. Input into the proposed work plan for DTD Housing Strategies project, including phasing and timing of elements included in the project.

### EXECUTIVE SUMMARY

Taking actions to address the housing affordability crisis is a top priority for the Board of Commissioners. Over the past year, there have been both recommendations and requirements related to how the County's Comprehensive Plan and Zoning and Development Ordinance (ZDO) should be updated to allow for more housing units to be constructed and to address affordability of those units.

The Housing Strategies project (Planning File Number ZDO-277) was developed in response to these recommendations and requirements and is designed to look, in a comprehensive and coordinated manner, at:

- The requirements from the state legislature (Senate Bill 1051 [2017] and House Bills 2001 and 2003 [2019]);
- Ways to begin to address the need for the urban, unincorporated area to provide for up to 5,000 additional dwelling units at varying levels of affordability, as identified in the Clackamas County 2019 Housing Needs Analysis (HNA);
- Ways to achieve new housing targets in the Board's Performance Clackamas strategic plan, which identifies a 5-year goal for DTD to provide zoning/places for 700 new dwelling units affordable to households between 60% and 110% of the area's median income (AMI).
- The recommendations from the Housing Affordability and Homelessness Task Force; and
- Housing-related elements included in the Long-Range Planning Work Program 2019-2021, specifically *Project H-1: Update Comprehensive Plan Chapter 6: Housing*, which includes:
  - H-1A: Low-Density Residential Zoning Policies
  - H-1B: Housing Strategies
  - H-1C: Protect Neighborhood Character and R-10 Zoning
  - H-1D: Temporary Dwellings for Care

At a policy session on December 10, 2019, Staff presented the strategies being considered for inclusion in the Housing Strategies project, and the Board directed Staff to continue moving forward with assessing these items in an Issue Paper.

### Housing Strategies Issues Paper

In order to understand in more detail the items that should move forward as part of the Housing Strategies project, as well as to provide input into developing a work plan for the project, staff has drafted the attached *Long-Range Planning Issue Paper #2020-1: Housing Strategies Related to Comprehensive Plan and Zoning and Development Ordinance Updates*. (**Attachment A**).

Staff analyzed each potential housing strategy to determine if the strategy should:

- move forward immediately (Phase I);
- wait for a later phase of this project (Phase II or Phase III); or
- not move forward for consideration within this project at all.

As part of the overall analysis, staff considered the regulatory framework, the amount of staff time and community outreach time that would be required by the strategy, and the appropriate level of public outreach needed for the strategy.

To implement any of the strategies identified in this project, meaningful engagement opportunities should be provided to the community so that their voices can shape new development regulations. Meaningful engagement requires time to build relationships and to interface with the diverse communities that the project will impact

The analysis also included a rapid equity assessment (Appendix B of the Issues Paper) of whether the strategy would:

- Increase places for new housing units
- Improve access to housing (including whether the housing was available at affordable rates and close to transit or employment centers)
- Increase long-term stability of current residents (individual housing units that remained in their original location and at their original affordability)
- Reduce displacement pressures (that cause residents to move out of their current neighborhood due to increase in cost, redevelopment or closure of site, with an area wide implication)

This high-level analysis will need to be fine-tuned as the strategies move through the review and code amendment process.

Finally, consideration was given to the fact that, in addition to the DTD Housing Strategies project, the Planning & Zoning Division is working on two grant-funded projects -- the Park Avenue Community Project and the 82<sup>nd</sup> Avenue Corridor Project -- that allow existing staff to work with consultants to delve into development or redevelopment issues in these targeted locations. These projects have the potential to serve as pilot programs to determine if certain housing strategies may be suitable to meet housing needs in other areas of the county.

The analysis of each proposed strategy is detailed in the attached Issue Paper. Based on this analysis, staff recommends the following order for review and action related to the DTD Housing Strategies.

Recommended Order of Review and Action for DTD Housing Strategies		
Phase I	O-3	Consider permanent regulations to allow transitional shelter communities
	O-4 (a)	Consider providing a tiered density bonus for inclusion of affordable housing
	O-5	Consider increasing or removing maximum density requirements for multifamily developments in commercial zoning districts
	O-6	Consider creating a hierarchy of parking standards based on proximity to transit and/or dwelling unit affordability
Phase II	R-1	Modify the zoning code to have clear and objective criteria for all housing (per SB 1051[2017])
	O-9	Clarify Comprehensive Plan policies for rezoning in low density residential districts
	R-2	Allow duplexes, triplexes, quadplexes, cluster cottages, and townhouses in urban single-family zones (per HB 2001[2019])
Phase III	O-2	Review potential to add housing to schools, places of worship and church owned property
	O-4 (b)	Consider creating a transferrable development rights bonus system
	O-7	Consider rezoning land to preserve manufactured dwelling parks
	O-8	Explore opportunities for permitting additional housing types, such as micro-units, co-housing, live/work units, and mixed use development
Do not include	O-1	Identify appropriate areas and processes to allow "shelter off the streets"
	O-10	Restrict Temporary Dwellings for Care

### Work Plan Approach

The following summarizes the proposed approach and timing of the proposed phases for the Housing Strategies project to move forward and best utilize the limited, existing resources that are available.

- 1) Lead with an equity lens, as recommended by the Housing Affordability and Homelessness Task Force, by providing for meaningful opportunities for engagement and involvement of historically marginalized communities. Various methods of engagement will be used during the project, and a full public engagement plan will be developed as the project gets underway. It will be important to receive input and guidance from the diverse communities in the county to understand the effects of land use regulations related to equity. In addition, equity metrics developed through engagement with historically marginalized communities can measure project success. As the final recommendations are developed, they should be reviewed through the lens of housing access, housing stability and potential displacement of historically marginalized communities.
- 2) Begin the DTD Housing Strategies project by updating the Comprehensive Plan housing goals to reflect the findings of the HNA and state requirements. During the course of the project, the housing chapter will be updated to reflect new data and address current and future housing

needs through 2039. The HNA will be used as the foundation for updates to the sections on issues, conclusions and goals. In addition, it will be essential to develop recommended changes to the ZDO to ensure housing developments have a clear and objective regulatory pathway.

	Winter/Spring 2020	Summer/Fall 2020	Winter /Spring 2021	Summer/Fall 2021
Public Engagement				
Phase I – DTD Strategy review and recommendation				
Phase II – DTD Strategy review and Recommendation				
Phase III – Reassess approach for Phase III DTD Strategies				

Planning Commission Input

On January 27, 2020, the Planning Commission discussed the draft Issue Paper and the proposed work program approach. At their meeting, they had the opportunity to ask questions about the individual strategies and the work plan approach. They supported the staff recommendation for phasing and work plan for the Housing Strategies project.

**FINANCIAL IMPLICATIONS (current year and ongoing):**

Is this item in your current budget? Yes  
 What is the cost? N/A                                      What is the funding source?

The development and implementation of the Housing Strategies project (Planning File Number ZDO-277) is part of the Planning & Zoning Division’s current budget, funded primarily by the General Fund.

**STRATEGIC PLAN ALIGNMENT:**

- **How does this item align with your Department’s Strategic Business Plan goals?**

The project aligns with the Long-Range Planning program’s purpose of providing land use and transportation plan development, analysis, coordination and public engagement services to residents; businesses; local, regional and state partners; and County decision-makers so they can plan and invest based on a coordinated set of goals and policies that guide future development.

- **How does this item align with the County’s Performance Clackamas goals?**

The project aligns with the goal to “ensure safe, healthy, and secure communities” by providing a comprehensive look at strategies that can be implemented through the development code to provide for more housing opportunities in the county in locations that will be appropriate, safe and affordable for the wide variety of households in the county.



**LEGAL/POLICY REQUIREMENTS:**

A general overview of legal and policy requirements of the DTD Housing Strategies project is provided in the Issue Paper. As the project moves forward, legal and policy requirements of each strategy will be assessed in more detail.

**PUBLIC/GOVERNMENTAL PARTICIPATION**

A public/community outreach program will be developed and implemented throughout the life of the project; the program will endeavor to provide meaningful engagement opportunities to the public, to build new relationships, and to interface with the diverse communities that will be impacted by new housing regulations.

In addition, public notice will be provided, as required by law, for any proposed amendments to the Comprehensive Plan or the ZDO that come before the Board for consideration at a public hearing.

**OPTIONS**

- (1) Accept the DTD Housing Strategies Issue Paper, including the proposed work program for phasing of each of the strategies, as described in **Attachment A**.
- (2) Accept the DTD Housing Strategies Issue Paper, but with specific, identified changes to content or phasing of the proposed work program, as described in **Attachment A**.
- (3) Do not accept the DTD Housing Strategies Issue Paper and direct Staff to revise the Issue Paper to consider different strategies for inclusion in the Housing Strategies project.
- (4) Do not accept the DTD Housing Strategies Issue Paper and direct Staff to discontinue the project.

**RECOMMENDATION**

Staff recommends Option (1): Accept the DTD Housing Strategies Issue Paper, including the proposed work program for phasing of each of the strategies, as described in **Attachment A**.

**ATTACHMENTS**

A: *Long-Range Planning Issue Paper #2020-1: Housing Strategies Related to Comprehensive Plan and Zoning and Development Ordinance Updates* (February 3, 2020)

B: Staff PowerPoint presentation for February 11, 2020 policy session

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval \_\_\_\_\_

County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Karen Buehrig @ 503-742-4683

## *Housing Strategies Related to Comprehensive Plan and Zoning & Development Ordinance Updates*

### ISSUE

Housing in Clackamas County is becoming less affordable. According to the Clackamas County 2019 Housing Needs Analysis (HNA), between 2002 and 2016 the inflation-adjusted median home value in Clackamas County increased from \$278,982 to \$319,100, while income decreased from \$74,419 to \$68,915, resulting in approximately 36% of homeowners and 47% of renters in urban unincorporated Clackamas County facing affordability problems. Exacerbating this problem is a deficit in buildable residential land in the urban unincorporated area of the County. Based on estimates in the HNA, unincorporated Clackamas County lacks residentially-zoned land for as many as 5,000 housing units needed in the next 20 years, over half of which would be multifamily units.

The HNA identifies a need for additional housing types to provide housing for people at a range of income levels and to respond to the preferences of the Baby Boomers and Millennials that make up a growing portion of the population (Figure 1). The challenge is that the county has a need for a wide range of housing solutions to serve the needs of households at varying income levels and, similar to the rest of the country, there is a tendency for low density residential development to dominate the new construction market.

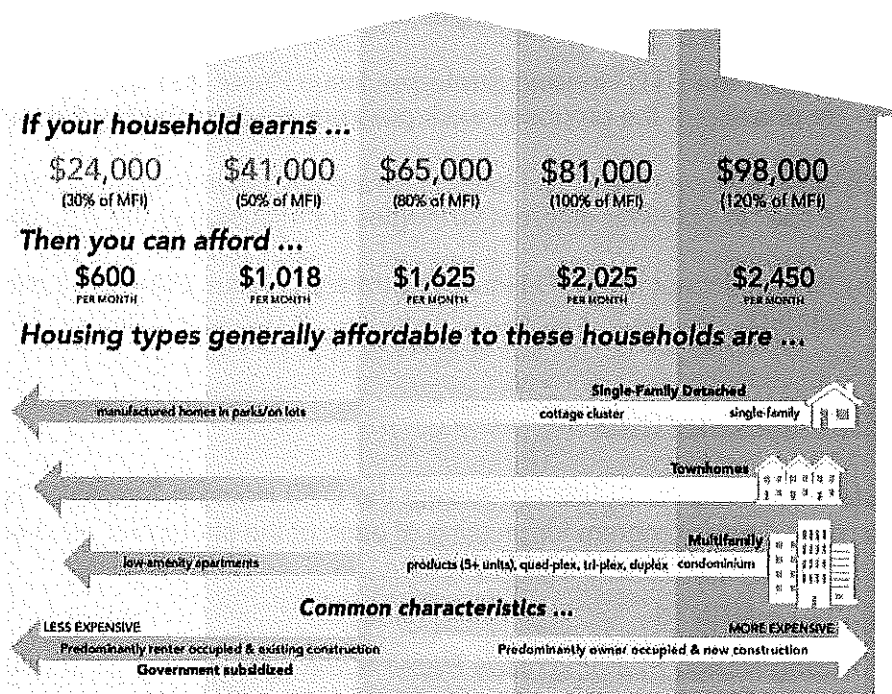


Figure 1: Types of Financially Attainable Housing. Source: Exhibit 63. HNA 2019

To meet the range of needs identified in the HNA, several strategies need to be deployed, both through the implementation of programs administered by the County's Department of Health, Housing and Human Services (H3S) and other non-profits, as well as changes to the land use regulations implemented by the Department of Transportation and Development (DTD). This Housing Strategies Issue Paper (Issue Paper) is designed to introduce the strategies that would require updates to the county's Comprehensive Plan (Plan) and Zoning and Development Ordinance (ZDO). These will be referred to as the "housing strategies".

## STRATEGY IDENTIFICATION

An urgent need for long-range planning action on affordable housing has come from several sources in recent years.

**State Legislation:** In 2017, the Oregon legislature passed **Senate Bill 1051**, which requires jurisdictions to provide clear and objective standards for housing development, and to allow accessory dwelling units (ADUs) in areas zoned for detached housing inside urban growth boundaries. In 2019, the legislature passed **House Bill 2001** that applies to larger cities throughout the state, as well as jurisdictions with a population over 1,000 in the Portland Metro urban growth boundary, including unincorporated areas of Clackamas County. In accordance with House Bill 2001, Clackamas County has until June 2022 to modify its zoning code to provide for “middle housing” by allowing a duplex on any urban lot zoned for a single-family home, and allowing triplexes, quadplexes, cottage clusters and townhouses in urban “areas” zoned for a single-family home<sup>1,2</sup>.

**County Task Force:** The Clackamas County **Housing Affordability and Homelessness Task Force** was appointed by the Board of County Commissioners in 2018 to research, recommend and support new policies and strategies to address housing affordability and homelessness in the county. Task force members represented business, health care, building industry, and nonprofit and community interests. Using a racial equity lens to evaluate topics based on potential disproportionate impact to communities of color and other historically marginalized communities, the task force identified recommendations including many related to land use regulations. The recommendations were classified as Tier One if they were likely to effect change in the shortest period, and Tier Two if they were less likely to result in a significant number of affordable housing units or were likely to be addressed by state legislation.

**Long-Range Planning Work Program:** During fall 2018, the Planning & Zoning Division received suggestions on projects and priorities to include in the Planning & Zoning Division's 2019-21 Long-Range Planning Work Program from the public, staff, other county departments, the Board of Commissioners, the Planning Commission and community groups. Some of those suggestions related to housing affordability, density and related topics. Staff compiled the comments and suggestions, which were prioritized, recommended by the Planning Commission, and ultimately approved by the Board of Commissioners to be included in the 2019-21 work program.

In response, the County Department of Transportation & Development (DTD) has initiated the DTD Housing Strategies project. The requirements and recommendations from the state legislature and the County's Housing Affordability and Homelessness Task Force and specific items that emerged from the Long-Range Planning Work Program 2019-2021 outreach effort were compiled in a housing spreadsheet that was presented to the Board of Commissioners at a policy session on Dec. 12, 2019 (Appendix A).

<sup>1</sup> Oregon House Bill 2001. <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001/Enrolled>

<sup>2</sup> Oregon Department of Land Conservation and Development  
[https://www.oregon.gov/lcd/NN/Documents/MiddleHousing\\_HB2001\\_FactSheet\\_Aug2019.pdf](https://www.oregon.gov/lcd/NN/Documents/MiddleHousing_HB2001_FactSheet_Aug2019.pdf)

This Issue Paper identifies the specific requirements and recommendations that emerged from these sources and provides a high-level review of the background, the regulatory context and an initial assessment of the elements to include as the DTD Housing Strategies project moves forward. Below is the list of housing strategies that are addressed in this Issue Paper (Table 1).

More detailed information about each strategy is found in the "Analysis" section and Appendix B. A recommendation for the project approach and work plan follows.

<i>Items listed with an "R" are required by state legislation, while items listed with an "O" are optional.</i>	
R-1	Modify the zoning code to have clear and objective criteria for all housing (per SB 1051[2017])
R-2	Allow duplexes, triplexes, quadplexes, cluster cottages and townhouses in urban single-family zones (per HB 2001[2019])
O-1	Identify appropriate areas and processes to allow "shelter off the streets"
O-2	Review potential to add housing to schools, places of worship and church-owned property
O-3	Consider permanent regulations to allow transitional shelter communities
O-4	(a) Consider providing a tiered density bonus for inclusion of affordable housing, and (b) Consider creating a transferrable development rights bonus system
O-5	Consider increasing or removing maximum density requirements for multifamily developments in commercial zoning districts
O-6	Consider creating a hierarchy of minimum parking standards based on proximity to transit and/or dwelling unit affordability
O-7	Consider rezoning land to preserve manufactured dwelling parks
O-8	Explore opportunities for permitting additional housing types, such as micro-units, co-housing, live/work units, and mixed use development
O-9	Clarify Comprehensive Plan policies for rezoning in low density residential districts
O-10	Restrict Temporary Dwellings for Care

**BACKGROUND**

Over the last several years, the cost of living has outpaced wage growth<sup>3</sup> across the nation (Figure 2). In addition, new construction of single-family and multifamily housing dropped in response to the housing stock made available from the boom of the early 2000's and left unbuilt in response to the

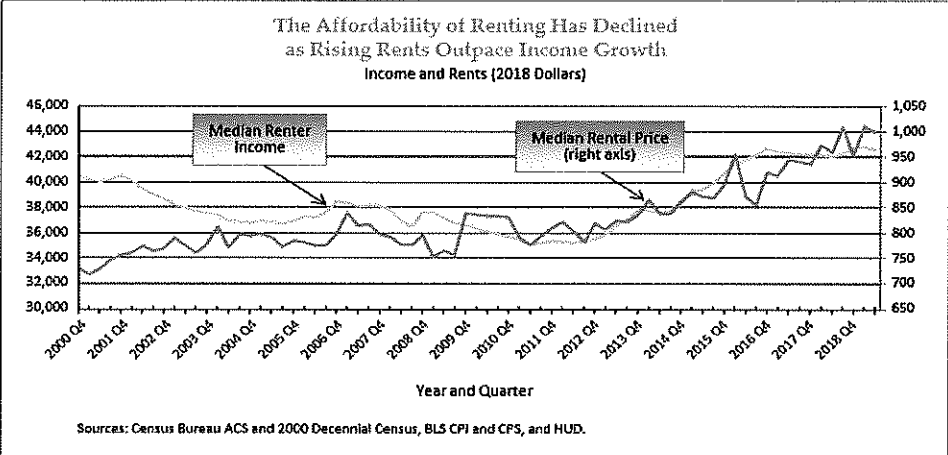


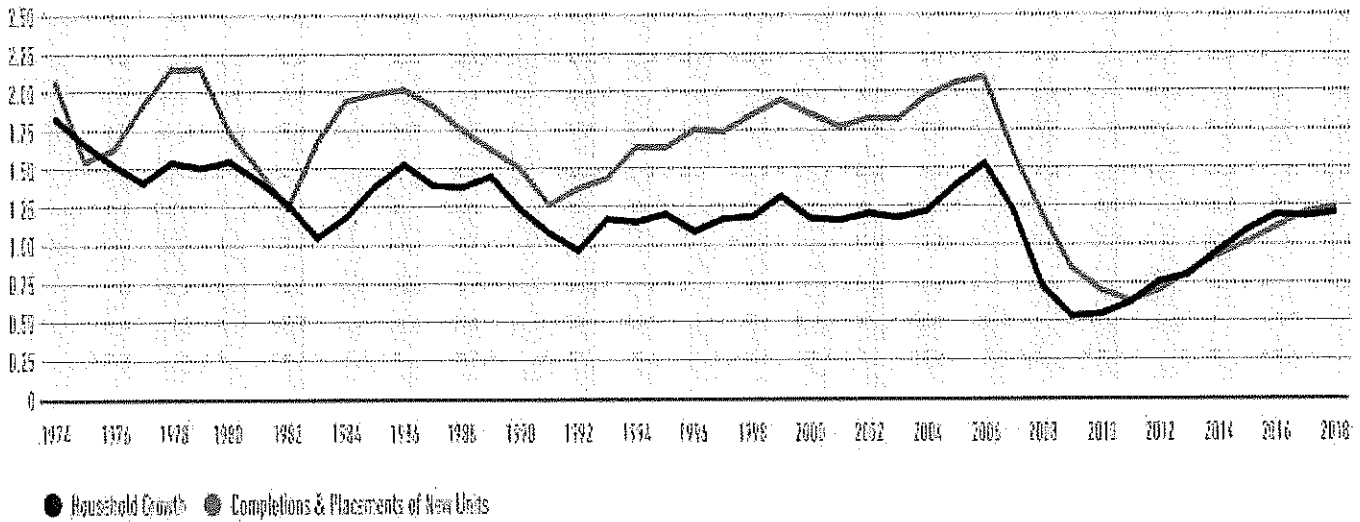
Figure 2: Rising Rents Outpace Income Growth. HUD PD&R National Housing Market Summary 2nd Quarter 2019.

<sup>3</sup> HUD's New Rental Affordability Index. <https://www.huduser.gov/portal/pdredge/pdr-edge-trending-110716.html>.

recession of 2008<sup>4</sup> (Figure 3). The national vacancy rate for both owner-occupied and rental units fell in 2018, to 4.4 percent, its lowest point since 1994<sup>5</sup>. This lag in wage growth compared to median rental price, compounded by a reduced supply of new housing, has left a gap in the supply of affordable housing (Figure 4).

### Housing Construction Has Barely Kept Pace with Household Growth for an Unprecedented Eight Years

Units (Millions)



Notes: Household growth estimates are based on three-year trailing averages. Placements refer to newly built rental units placed for residential use.  
 Source: ACS tabulations of US Census Bureau, Housing Vacancy Surveys and New Residential Construction data.

Figure 3: The State of the Nation's Housing 2019. Joint Center for Housing Studies at Harvard University.

The US Department of Housing and Urban Development (HUD) defines affordable housing as housing that costs less than 30% of a household's income with utilities included. Keeping housing costs below 30% of a household's income allows the household to pay for other nondiscretionary costs such as groceries, healthcare, transportation and childcare. Oregon Senate Bill 1051 defines "Affordable Housing" as "housing that is affordable to households with incomes equal to or less than 60% of the median family income for the county in which the development is built or for the state, whichever is greater."<sup>6</sup> The 2018 annual median household income (AMI) for Clackamas County is \$76,597<sup>7</sup>. Therefore, housing costs would have to be less than \$13,787 a year, or \$1,148 a month, to make housing affordable for a household that makes \$45,958 a year (60% AMI). Great disparities exist between household AMI for different races. For example, AMI for Black or African American households (\$36,213) in Clackamas County is less than 50% of AMI for White households (\$76,986)<sup>8</sup>.

<sup>4</sup> Defining Housing Affordability. <https://www.huduser.gov/portal/pdredge/pdr-edge-featd-article-081417.html>

<sup>5</sup> Joint Center for Housing Studies of Harvard University. The State of the Nation's Housing 2019.

[https://www.jchs.harvard.edu/sites/default/files/Harvard\\_JCHS\\_State\\_of\\_the\\_Nations\\_Housing\\_2019.pdf](https://www.jchs.harvard.edu/sites/default/files/Harvard_JCHS_State_of_the_Nations_Housing_2019.pdf)

<sup>6</sup> Oregon Senate Bill 1051. <https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/SB1051/Enrolled>

<sup>7</sup> U.S. Census 2018: ACS 5-Year Estimate Subject Table: Median Income in the Past 12 Months (in 2018 Inflation-Adjusted Dollars)

<sup>8</sup> U.S. Census 2018: ACS 5-Year Estimate Subject Table: Median Income in the Past 12 Months (in 2018 Inflation-Adjusted Dollars)

As rent and homeownership become less affordable, the risk of becoming houseless increases. To collect data on the number of houseless individuals, the region conducts a Point-In-Time count on one day in January every two years. In Clackamas County, the 2019 Point-In-Time count identified 1,166 houseless individuals, which was a 9% increase from 2017. People of color are disproportionately represented among the houseless, with the Black or African American population making up 4% of the count, despite only making up 1.2% of county population.

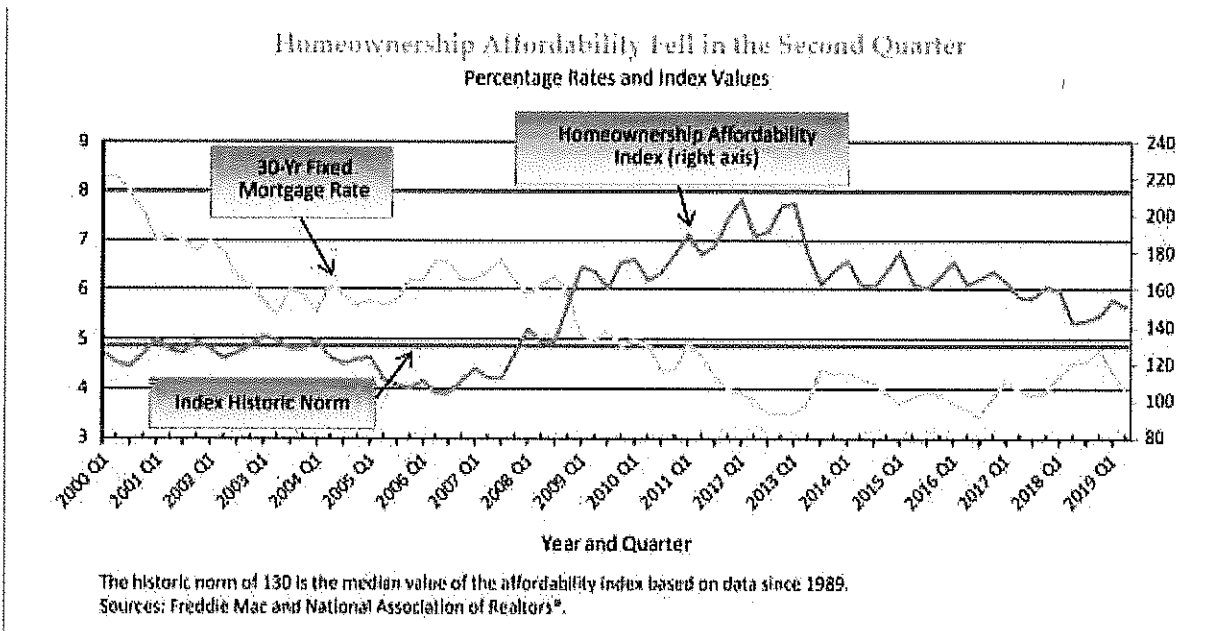


Figure 4: Homeownership Affordability. Source: HUD PD&R National Housing Market Summary 2nd Quarter 2019.

Regional voters approved the \$658 million Metro Affordable Housing Bond in 2018. The Housing Authority of Clackamas County will receive \$116 million to purchase land on which to build affordable housing, construct new homes and purchase or renovate existing housing to ensure long-term affordability. Figure 5 outlines the specific goals for the expenditure of the Metro Affordable housing Bond within Clackamas County.

### Clackamas County Affordable Housing Bond Goals

- Create housing for over **2,500** county residents.
- Develop approximately **812** new affordable housing units.
- Meet the needs of families by making at least **406** units two bedroom or larger.
- Develop at least **40%** of new affordable units to extremely low-income families earning 30% or less of AMI.
- Create affordable homes for low-income families earning between **61-80%** of AMI by using up to 10% of the funding.

Figure 5: Clackamas County Goals for Implementing the 2018 Housing Bond.

In 2018, Clackamas County, in collaboration with its cities, produced a countywide Housing Needs Analysis (HNA). Since 2000, approximately 24,050 dwelling units have been built in the county. Considering the current housing stock and projected population growth, the HNA suggests that an additional 8,175 dwelling units will need to be built over the next 20 years in urban unincorporated Clackamas County, which has a land capacity to accommodate only about 3,178 dwelling units if developed with current zoning limits and historic densities<sup>9</sup> (Figure 6). Therefore, employment of a variety of strategies is essential to increase the future supply of housing.

Plan Designation	Tax Lots Smaller than 0.38 acre			Tax Lots < 0.38 and > 1.0 acre			Tax Lots larger than 1.0 acre			Total, combined	
	Buildable Acres	Density Assumption	Capacity (Dwelling Units)	Buildable Acres	Density Assumption	Capacity (Dwelling Units)	Buildable Acres	Density Assumption	Capacity (Dwelling Units)	Buildable Acres	Capacity (Dwelling Units)
		(DU/gross acre)	(DU/gross acre)		(DU/gross acre)	(DU/gross acre)		(DU/gross acre)			
Low Density	107	5.1	545	171	4.6	768	337	4.2	1,414	615	2,747
Medium Density	3	12.1	34	2	10.9	24	3	9.9	30	8	88
Medium-High Density	1	19.3	18	2	17.3	40	10	15.7	150	13	208
High Density	1	30.6	28	1	27.4	24	3	24.8	83	6	135
<b>Total</b>	<b>112</b>		<b>625</b>	<b>177</b>		<b>876</b>	<b>353</b>		<b>1,677</b>	<b>641</b>	<b>3,178</b>

Figure 6: Source: HNA Buildable Lands Inventory; calculations by ECONorthwest. Note: DU is dwelling unit.

The demographics of Clackamas County are anticipated to change with the Millennials and Baby Boomers increasing the demand for smaller units that are often found in small-lot, single-family detached housing, and multifamily housing (HNA). To address a range of incomes, and changing demographics, a variety of housing types and densities will be required for the population as it grows and demands smaller, denser development (Figure 7).

Plan Designation	Capacity (Dwelling Units)	Demand (Dwelling Units)	Comparison (Capacity minus Demand)	Land Deficit Gross Acres
Low Density	2,747	2,902	(155)	(35)
Medium Density	88	1,430	(1,342)	(124)
Medium-High Density	208	1,471	(1,263)	(78)
High Density	135	2,372	(2,237)	(86)
<b>Total</b>	<b>3,178</b>	<b>8,175</b>	<b>(4,997)</b>	<b>(323)</b>

Figure 7: Comparison of capacity of existing residential land with demand for new dwelling units, Urban Unincorporated Clackamas County, 2019 to 2039. Source: HNA 2019.

ECONorthwest, with support from the Housing Affordability and Homelessness Task Force, also prepared a report titled "Exploring the Factors that Drive Displacement Risk in Unincorporated Clackamas County: With a Special Look at Manufactured Housing Communities". The report identified 6,000 manufactured dwelling park spaces in the county that serve the very low to medium income populations. As the market demand for land increases, there will be greater pressure for these manufactured dwelling parks to be redeveloped, which would lead to the displacement of park homeowners and renters (ECO 2019<sup>10</sup>). The study recommends the county consider rezoning land to preserve manufactured dwelling parks and reduce the risk of displacement for these residents.

<sup>9</sup> Clackamas County Housing Needs Analysis. 2019 <https://www.clackamas.us/homelessness/taskforce.html>

<sup>10</sup> ECONorthwest 2019. Exploring the Factors that Drive Displacement Risk in Unincorporated Clackamas County: With a Special Look at Manufactured Housing Communities.

## REGULATORY CONTEXT

Clackamas County works within a complex regulatory environment that includes legal mandates adopted at the federal, state and regional (Metro) levels. In relation to housing issues, construction of new housing, and potential changes to the Zoning and Development Ordinance (ZDO) to facilitate more affordable housing development, county decision-makers will need to evaluate how potential actions fit into the regulatory environment to ensure that any approved amendments comply with all applicable rules.

- *State and local jurisdictions* can employ strategies to address the need for additional housing as long as they meet the requirements of the Fair Housing Act, which prohibits land use and zoning laws, policies and practices from discriminating on the basis of race, color, religion, sex, disability, family status or national origin<sup>11,12</sup>.
- *Oregon's Statewide Land Use Planning Goal 10*, adopted in 1974, requires local jurisdictions to inventory buildable lands and provide for "the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density"<sup>13</sup>.
- *The Clackamas County Comprehensive Plan* provides the framework for land use regulations by identifying the overarching goals and policies that guide the development of, and amendments to, the Zoning and Development Ordinance (ZDO). The Comprehensive Plan is comprised of chapters that focus on specific topics, such as transportation and housing.

The county will need to update Comprehensive Plan Chapter 6, Housing, which establishes the goals and policies that guide the associated zoning regulations intended to implement the county's vision for housing.

## ANALYSIS

The Planning & Zoning Division's Long-Range Planning Work Program is implemented using existing departmental staff and budget. Therefore, there is a finite amount of time and resources available to allocate to the DTD Housing Strategies project. Staff analyzed each housing strategy identified for possible inclusion in the project to begin to prioritize and determine if the strategy should:

- move forward immediately,
- wait for a later phase of this project, or
- not move forward for consideration within this project at all.

<sup>11</sup> The Fair Housing Act is codified at 42 U.S.C §§ 3601-9

<sup>12</sup> 2016 Joint Statement Of The Department Of Housing And Urban Development And The Department Of Justice State And Local Land Use Laws And Practices And The Application Of The Fair Housing Act.

<sup>13</sup> Oregon's Statewide Planning Goal 10: Housing. <https://www.oregon.gov/lcd/OP/Documents/goal10.pdf>



As part of the overall analysis, staff considered the regulatory framework, the amount of staff time that would be required by the strategy, and the appropriate level of public outreach needed for the strategy. The analysis included a rapid equity assessment (Appendix B) of whether the strategy would:

- increase places for new housing units,
- improve access to housing (including whether the housing was available at affordable rates and close to transit or employment centers),
- increase long-term stability of current residents (individual housing units that remained in their original location and at their original affordability) and
- reduce displacement pressures (that cause residents to move out of their current neighborhood due to increase in cost, redevelopment, or closure of site, with an area wide implication).

This high-level analysis will need to be further evaluated and fine-tuned as the strategies move through the review and code amendment process.

Finally, consideration was given to the fact that, in addition to the DTD Housing Strategies project, the Planning & Zoning Division is working on two grant-funded projects -- the Park Avenue Community Project and the 82<sup>nd</sup> Avenue Corridor Project -- that allow existing staff to work with consultants to delve into development or redevelopment issues in these targeted locations. These projects have the potential to serve as pilot programs to determine if certain housing strategies may be suitable to meet housing needs in other areas of the county.

Following are specific analyses and recommendations for each of the potential housing strategies listed in Table 1.

**R-1. Modify the zoning code to have clear and objective criteria for all housing (per SB 1051[2017])**

*Analysis:* Based on recent land use cases at the Land Use Board of Appeals (LUBA) and on Senate Bill 1051 (2017), the county and all jurisdictions in the state are required to have a “clear and objective” path for all types of housing development. Because of these decisions, an audit of the county’s standards for development of individual housing units, and for residential land divisions, needs to occur to ensure this “clear and objective” path is available. It is important to note that a path involving “discretionary” criteria for housing may be included in the code, but only as an option for developers if they choose not to utilize the “clear and objective” path. Staff recognizes that this audit will lead to required changes in Comprehensive Plan policies and ZDO requirements, and will require a substantial amount of staff time. The most efficient use of staff time to accomplish this required task would be to work in conjunction with implementation of the changes required to the Comprehensive Plan and ZDO by HB 2001 (discussed in R-2).

*Staff recommendation:* Include in Phase II of the DTD Housing Strategies project.

**R-2. Allow duplexes, triplexes, quadplexes, cluster cottages and townhouses in urban single-family zones (per HB 2001[2019])**

*Analysis:* House Bill 2001 (2019), also called the “middle housing bill”, requires the county to allow a duplex on every urban lot zoned to allow for a detached single-family dwelling and to allow triplexes, quadplexes, cottage clusters and townhouses in urban “areas” zoned to allow for single-

family dwellings. It is clear from this legislation that amendments to the ZDO will be required to allow for duplexes as a primary use in urban single-family residential zones, rather than through the current conditional use process that is limited to lots of a certain size. What is unclear is the meaning of “areas” as applied to the other identified middle housing types and what changes will be required to provide for those “areas” in the ZDO. Currently the state Department of Land Conservation and Development is engaged in rulemaking to address the “areas” question and clarify other aspects of the legislation, and will develop a model code to address HB 2001. That work is expected to be completed by the end of 2020, which will give the county plenty of time to address the requirements of HB 2001 before the June 2022 deadline.

*Staff recommendation:* Include in Phase II of the DTD Housing Strategies Project, after rulemaking and model code work are completed at the state level.

#### O-1. Identify appropriate areas and processes to allow “shelter off the streets”

*Analysis:* “Shelter off the streets” refers to car, tent, RV or other temporary (short-term) camping situations, as well as more permanent structures in which beds or small living spaces (like the Clackamas County Veteran’s Village “pods”) are made available for those experiencing houselessness. This item (O-1) discusses temporary, or short-term, shelter of the streets situations; strategy O-3 considers the more permanent transitional shelter communities.

Providing safe, off-the-streets shelter for those with no home was identified as a Tier One recommendation by the Task Force. H3S and the Point in Time Count identified 2,369 people waiting for placement in a total of 569 program beds, more than half of which (323 units of permanent supportive housing) rarely open up according to H3S. Therefore, to provide some stability for the houseless, the Task Force recommended identifying areas for tent cities and camping communities with hygiene and trash services; identifying space for legal RV camping with waste disposal services, including potentially on publicly-owned land; investigating the use of vacant buildings and underutilized sites, and identifying willing private property owners.

The current ZDO can allow “shelter off the streets” as a government use subject to a conditional use procedure, with a public hearing and ample public notice. Privately owned campgrounds can also be permitted in the Rural Residential and a few other zoning districts through the conditional use procedure. Based on recent experience going through a temporary permit process for a small (three-car) camping site in the county, it is apparent that discretionary land use approval processes are not well-suited to serve the immediate need that occurs when people or households find themselves unsheltered.

Based on the preliminary equity assessment, this strategy is anticipated to provide only a few new housing units, but it would likely improve stability and access to housing. The people served by “shelter off the streets” have already been displaced due to affordability, access or other reasons, so a reduction of displacement pressures is not anticipated through this strategy. The emergency declaration used by the Board of County Commissioners, and programs provided through H3S, may be best suited for the immediate nature of the need for “shelter off the streets” whereas more permanent shelters, such as those in the Veteran’s Village, could be addressed through regulations related to transitional shelter communities (see Housing Strategy O-3).

*Staff recommendation:* Do not amend the ZDO to provide additional pathways for the more temporary types of shelter off the streets. Instead, rely on the emergency declaration where warranted and maintain existing land use options for government uses and campgrounds that could be pursued to site shelter off the streets.

## O-2. Review potential to add housing to schools, places of worship and church-owned property

*Analysis:* The county's ZDO currently allows housing development on school-owned properties and places of worship as long as the overall density of the site is consistent with the underlying zoning district. The Task Force recommended expanding these options by providing a clear process through a conditional use permit procedure, but the recommendation didn't provide clear direction for how much and specifically what types of housing should be considered. This recommendation was considered a Tier Two priority by the Task Force. Another concern with the Task Force recommendation is that a conditional use process is not clear and objective and would, therefore, be impermissible under SB 1051 (2017).

Based on the preliminary equity assessment, adding housing to schools or places of worship is anticipated to provide a moderate number of new housing units, and would likely provide moderate access to housing. However, it is difficult to understand how this strategy would impact housing equity because this type of housing does not currently exist. Most school and church sites are fully developed with parking, athletic fields etc., and would have to displace these facilities to add housing. More time would allow staff to properly engage agency and community partners to ensure the project meets community needs.

*Staff recommendation:* Evaluate in Phase III of the DTD Housing Strategies project

## O-3. Consider permanent regulations to allow transitional shelter communities

*Analysis:* Transitional shelter communities provide safe and sanitary shelter for residents to use while they become self-sufficient and prepare to move into stable, long-term housing. Currently the ZDO does not directly address this type of shelter/housing. However, similar to strategy O-1, transitional shelter communities could be developed as a government use through a conditional use process. Developing this type of housing in an area that allows multifamily development, subject to the underlying zoning density and a design review process, is unlikely due to market pressures for existing multifamily residential districts.

In 2017, the Board of Commissioners approved a temporary amendment to the ZDO to specifically allow for transitional shelter communities in industrial zones on government-owned properties. These regulations, previously included in ZDO Section 842, expired August 28, 2019, and resulted in the development of only one such community – the Clackamas County Veterans Village. The Long-Range Planning Work Program includes considering ZDO amendments to include transitional shelter community regulations, similar to what previously existed. The Task Force also recommended, in relation to "shelter off the streets" (see O-1), that additional provisions be included in the ZDO to specifically allow for the development of transitional shelters.

Transitional shelter communities are not multifamily housing and should have different standards, as these types of communities could address an immediate need while providing a longer-term solution for many people as they attempt to transition out of houselessness.

Based on the preliminary equity assessment, this strategy is anticipated to provide only a few new housing units, but would likely provide substantial stability and access to housing. Access and stability for those in the community would be positively affected through programs offered by H3S or non-profit partners. The people served by the transitional shelter communities have already been displaced due to affordability, access or other reasons, so a reduction of displacement pressures is not anticipated through this strategy. However, there appears to be an immediate need for transitional housing, this was a Tier One recommendation by the Task Force and there has already been a lot of work done around this issue.

*Staff recommendation:* Include in Phase I of the DTD Housing Strategies project.

O-4. Consider providing a tiered density bonus for inclusion of affordable housing and creating a transferrable development rights bonus system

**a. Density bonus:**

*Analysis:* The county's current ZDO provides a small density bonus for developing affordable housing units in most urban residential zones. This bonus is rarely, if ever, used. The Task Force recommended providing a realistic financial incentive, through a tiered density bonus system, for developing affordable housing units in all residential and commercial zones that allow residential units, and included this recommendation in Tier One.

Based on the preliminary equity assessment, this strategy would provide a moderate amount of places for development of new housing units. Since the goal is to increase the bonus to improve its efficacy, it would be used more often. The impact on displacement is unknown. The people served by a density bonus for new developments would be moving from other locations so there could be a limited reduction to displacement. However, this strategy would provide more affordable units in locations that are currently experiencing displacement because of rising housing costs, and could open up units for the lowest income households, which would reduce competition for available housing for low- to moderate-income households. Therefore, while the density bonus may not reduce displacement of current residents, it would likely reduce long-term displacement and improve overall stability for communities of concern. There is an immediate need for affordable housing, equity related to housing is positively impacted by this strategy and the Task Force identified this as a Tier One recommendation.

*Staff recommendation:* Include in Phase I of the DTD Housing Strategies project.

**b. Transferrable development rights:**

*Analysis:* Transfer of development rights (TDR) is a voluntary, market-driven growth management tool that permits higher density development in zoning districts designated as receiving areas in exchange for land or resource preservation through requiring less dense

development in zoning districts designated as sending areas<sup>14</sup>. Under TDR, a city or county establishes baseline development rights for both sending and receiving areas. To exceed these baseline development limits, owners in receiving areas must purchase unused development rights from owners in sending areas. The need for, and practicality of, creating a transferrable development rights bonus system will be informed by amendments made through other housing strategies, including potentially increasing density for multifamily developments in commercial zoning districts, potentially creating a scaled bonus density program for affordable housing and implementing HB 2001. Once those strategies are implemented, the need for a transferrable development rights bonus system can be adequately assessed to determine if there are appropriate zones to include in the program.

*Staff recommendation:* Evaluate in Phase III of the DTD Housing Strategies project.

#### O-5. Consider increasing or removing maximum density requirements for multifamily developments in commercial zoning districts

*Analysis:* In most commercial zoning districts that allow multifamily housing, the county's ZDO limits density to 25 units per acre. The Task Force recommended increasing or removing the maximum allowable housing density in commercial zones to be comparable to the allowed density of commercial development, implying that there would be a benefit to allow the size or intensity of the development to be the same regardless of whether it is multifamily housing, mixed-use, office buildings or other commercial use.

Based on recent developer inquiries and the fact that the HNA found an extremely limited supply of multifamily zoned land available in the urban unincorporated area, it is anticipated that increasing density could substantially increase the number of new multifamily housing developments in commercial zoning districts. Increasing the number of housing units close to commercial areas and employment centers would substantially improve access to housing by increasing availability and proximity to services. Increasing density would have a moderate affect on stability and displacement; any effect would be largely dependent on whether new affordable or market-rate units were built.

The Planning & Zoning Division has two grant-funded projects underway – Park Avenue Community Project and 82<sup>nd</sup> Avenue Corridor Project – that include consideration of providing additional housing opportunities in or near commercial areas. These projects provide a good opportunity to leverage the available grant funding to consider this strategy within the project areas, and ultimately to consider if the findings and recommendations for those project areas are applicable countywide.

*Staff recommendation:* Include in Phase I of the DTD Housing Strategies Project, with the understanding that it will first be considered only in the specific areas of the county impacted by the two grant-funded projects and then possibly applied elsewhere.

<sup>14</sup> American Planning Association 2018. PAS QuickNotes No. 74.

O-6. Consider creating a hierarchy of minimum parking standards based on proximity to transit and/or dwelling unit affordability

*Analysis:* Constructing required parking can be a significant cost for multifamily housing developments, thereby driving up the cost of rent. The county's ZDO has one parking standard (number of spaces required per dwelling unit) for all multifamily developments, regardless of location or rent levels/affordability, and very limited potential to obtain a variance. As a Tier One priority, the Task Force recommended changing parking standards to allow fewer parking spaces per unit when the development is near a high-capacity transit station or when the development is serving households with extremely low income, as long as the available data on tenant car ownership support such a reduction.

Based on the preliminary equity assessment, modifying parking standards may provide a substantial number of new housing opportunities and improve access to housing by allowing smaller lots close to transit, or those developed with affordable units, to have higher density, and by allowing other sites to maximize density with surface parking rather than having to build expensive structured parking. This strategy may have a moderate impact on stability of current residents and a moderate impact on reducing displacement; any effect would be largely dependent on whether new affordable or market-rate units were built.

The two previously mentioned grant-funded planning projects provide a good opportunity to leverage the grant funding already available to consider this strategy within those project areas, and ultimately consider if the findings and recommendations for those project areas are applicable countywide.

*Staff recommendation:* Include in Phase I of the DTD Housing Strategies Project, with the understanding that it will first be considered only in the specific areas of the county impacted by the two grant-funded projects and then possibly applied elsewhere.

O-7. Consider rezoning land to preserve manufactured dwelling parks

*Analysis:* The ECONorthwest report (ECO 2019<sup>15</sup>) identified 6,000 spaces in manufactured dwelling parks in the county that serve very low to medium income households. In an effort to disincentivize the conversion of manufactured dwelling parks to other uses, in 2007 the state law changed to require a relocation plan and the payment of a rental agreement termination fee for each tenant. At the time, jurisdictions had a window of time in which to adopt the fees in state law or adopt higher fees for the payment to each tenant. Clackamas County adopted the higher fees, which are reflected in Section 825 of the ZDO. Staff is aware of only two park conversions since then that may have triggered the relocation plan and payments. The Long-Range Planning Work Program calls for the housing strategies to include the consideration of restricting manufactured dwelling parks from being redeveloped with a different use. Rezoning land with a manufactured dwelling park overlay, similar to what has been done for some parks in Portland, is one potential regulatory tool to consider. This strategy is anticipated to require a significant amount of staff time to conduct research, review Portland's experience with code development and implementation, and

<sup>15</sup> ECONorthwest 2019. Exploring the Factors that Drive Displacement Risk in Unincorporated Clackamas County: With a Special Look at Manufactured Housing Communities.

engage the public and manufactured dwelling park owners in order to develop appropriate regulations.

Based on the preliminary equity assessment, preserving existing manufactured dwelling parks would not increase the number of housing units or improve access to housing. However, there would be greater stability and a reduced potential for displacement for current residents in these parks. Although staff understands and agrees that manufactured dwelling parks are a valuable source of naturally-occurring affordable housing, time is needed to assess the impacts and successes of Portland's manufactured dwelling park codes, and to really understand how much redevelopment pressure there is in the county given the lack of redevelopment activity since the financial disincentive was adopted.

*Staff recommendation:* Consider in Phase III of the DTD Housing Strategies Project.

#### O-8. Explore opportunities for permitting additional housing types, such as micro-units, co-housing, live/work units, and mixed use development

*Definitions:*

- Micro-units could be micro-apartments that are self-contained with a kitchen, bathroom, sleeping and other necessities in a unit of 200 to 400 square feet (Buildium 2019<sup>16</sup>), or they could be single-room occupancy with a shared kitchen in a detached dwelling.
- Live/work units offer a single unit (e.g., studio, loft or one bedroom) consisting of both a commercial/office and a residential component occupied by the same resident (Sunnyvale Municipal Code<sup>17</sup>).
- Co-housing, which is less well-defined, could include anything from detached single-family homes to several small multifamily units clustered around shared space and common facilities such as a community kitchen and dining area.
- Mixed-use combines a mix of uses located within a single building, such as retail on the first floor and residential or office uses on the upper floors (ZDO Section 202).

*Analysis:* Increasing the opportunities for these types of units was included as a Tier Two recommendation by the Task Force.

In order to understand how these and possibly other less conventional housing types are addressed – or not addressed – in the ZDO, we would need to create a clear definition of each. Depending on the definition, many of these unit types would likely be allowed currently in commercial or multifamily zones, but consideration could be given for allowing smaller units at a higher density than larger, more traditional units.

Based on the preliminary equity assessment, we expect that this strategy would create a limited number of places for new housing units and could moderately improve access to housing by increasing the proximity of housing to commercial and employment centers (if additional housing types were allowed in commercial zones). Increasing housing opportunity at a potentially lower price point could help reduce general displacement from the neighborhood/area. However, the

<sup>16</sup> Buildium, <https://www.buildium.com/blog/micro-apartments-1/> accessed 12/12/2019.

<sup>17</sup> Sunnyvale Municipal Code: [https://qcode.us/codes/sunnyvale/view.php?topic=19-3-19\\_26-19\\_26\\_230](https://qcode.us/codes/sunnyvale/view.php?topic=19-3-19_26-19_26_230), accessed 12/12/2019.

development will be market driven and the price for renting, or owning, the developed units may not be affordable to those making less than the median area income and may ultimately increase property values in the neighborhood, thus leading to displacement. Therefore, impact related to displacement is unknown. This strategy would likely require a substantial amount of staff time and outreach to understand what the desired outcome is and to create the initial scope of work. More time is needed to allow staff to properly engage agency and community partners to ensure the strategy and the less conventional housing types will meet the needs of the community.

*Staff recommendation:* Include in Phase III of the DTD Housing Strategies project.

#### O-9. Clarify Comprehensive Plan policies for rezoning in low density residential districts

*Analysis:* This strategy would include Comprehensive Plan text amendments to clarify zone change policies and potentially restrict zone changes in urban low density residential areas. It was included as H-1C in the Long-Range Planning Work Program in part due to a request from the community and in part due to a 2015 decision from the Land Use Board of Appeals (LUBA) that effectively changed the way the low density residential zone change policies are evaluated when considering an application for a zone change from one urban single-family residential zone to another (e.g., R-10 to R-8.5). Based on that LUBA decision, it became apparent to staff that the relevant Comprehensive Plan policies need to be evaluated and potentially changed to provide more clarity and ensure they are consistent with other low density residential goals and policies. In addition, there was a request from the community to consider policies that would increase the difficulty of or prohibit rezoning low density residential properties to allow for higher density. The community may perceive that this issue has new urgency following implementation of HB 2001 because a duplex will be allowed on any urban single-family zoned lot, regardless of lot size or zoned density.

Based on the preliminary equity assessment, this strategy would provide a limited amount of places for development of new housing units. There is also limited impact on access, stability and displacement. This strategy will require a substantial amount of staff time and public outreach. The most efficient use of staff time to accomplish this task would be to do this work in conjunction with the required changes to the Comprehensive Plan and ZDO as discussed in R-1 and R-2, above.

*Staff recommendation:* Include in Phase II and complete in conjunction with R-1 and R-2.

#### O-10. Restrict Temporary Dwellings for Care

*Analysis:* During the 2019-21 Long Range Planning Work program development, the Eagle Creek Barton CPO requested that the following two amendments to the ZDO be considered:

- Section 1201; allowing additional housing for Temporary Care for only property owners or heritage landowners.
- Remove Temporary care dwellings before title change or sale.

Temporary dwellings for care are manufactured dwellings or recreational vehicles to be occupied by a person receiving care from, or providing care to, an occupant of the permanent dwelling on the same lot. Placing a temporary dwelling for care requires a Type II land use application permit, which is not transferable when the property is sold or conveyed to another party. However, a new care recipient may seek approval of a new temporary permit, which, if granted, allows the temporary dwelling to remain on the property. The temporary dwelling for care must be removed from the



property when the need for care ceases or the permit expires. The county may lack the authority to hold up the sale of property until a temporary dwelling is removed, as proposed by the CPO. Comprehensive Plan policy 6.A.7 states: "Encourage a wide range of housing alternatives for the elderly or handicapped". A temporary dwelling for care is one tool used to implement this policy. Restricting who can apply for this permit may be inconsistent with this policy and the purpose of the DTD Housing Strategies project to identify *more* opportunities for housing. This strategy would be expected to reduce the number of housing units, reduce access to and stability of housing, and increase the potential for the displacement of elderly and disabled residents.  
*Staff recommendation:* Do not include in the DTD Housing Strategies project.

**RECOMMENDATIONS**

1. Order for Review and Action. Considering the above analysis and the overview of that analysis in Appendix B, staff recommends the following order for review and action related to the DTD Housing Strategies.

<b>Recommended Order of Review and Action for DTD Housing Strategies</b>		
Phase I	O-3	Consider permanent regulations to allow transitional shelter communities
	O-4 (a)	Consider providing a tiered density bonus for inclusion of affordable housing
	O-5	Consider increasing or removing maximum density requirements for multifamily developments in commercial zoning districts
	O-6	Consider creating a hierarchy of minimum parking standards based on proximity to transit and/or dwelling unit affordability
Phase II	R-1	Modify the ZDO to have clear and objective criteria for all housing (per SB 1051[2017])
	O-9	Clarify Comprehensive Plan policies for rezoning in low density residential districts
	R-2	Allow duplexes, triplexes, quadplexes, cluster cottages and townhouses in urban single-family zones (per HB 2001[2019])
Phase III	O-2	Review potential to add housing to schools, places of worship and church-owned property
	O-4 (b)	Consider creating a transferrable development rights bonus system
	O-7	Consider rezoning land to preserve manufactured dwelling parks
	O-8	Explore opportunities for permitting additional housing types, such as micro-units, co-housing, live/work units, and mixed use development
Do not include	O-1	Identify appropriate areas and processes to allow "shelter off the streets"
	O-10	Restrict Temporary Dwellings for Care

2. Work Plan Approach

- A. Lead with an equity lens, as recommended by the Housing Affordability and Homelessness Task Force, by providing for meaningful opportunities for engagement and involvement of historically marginalized communities. Various methods of engagement will be used during the project, and a full public engagement plan will be developed as the project gets underway. It will be important to receive input and guidance from the diverse communities in the county to understand the effects of land use regulations related to equity. In addition, equity metrics developed through engagement with historically marginalized communities can measure project success. As the final recommendations are developed, they should be reviewed through the lens of housing access, housing stability and potential displacement of historically marginalized communities.
- B. Begin the DTD Housing Strategies project by updating the Comprehensive Plan housing goals to reflect the findings of the HNA and state requirements. During the course of the project, the housing chapter will be updated to reflect new data and address current and future housing needs through 2039. The HNA will be used as the foundation for updates to the sections on issues, conclusions and goals. In addition, it will be essential to develop recommended changes to the ZDO to ensure housing developments have a clear and objective regulatory pathway.

	Winter/Spring 2020	Summer/Fall 2020	Winter /Spring 2021	Summer/Fall 2021
Public Engagement				
Phase I – DTD Strategy review and recommendation				
Phase II – DTD Strategy review and recommendation				
Phase III – Reassess approach for Phase III DTD Strategies				

Housing Continuum and Various Potential Actions			
Clackamas County Data	Extremely Low (30% Area Median Income)	Very Low (50 % Area Median Income)	Low (80% Area Median Incon)
Income <sup>1</sup>	15%	13%	19%
Current Percent of Households in Each Income Category <sup>2</sup>	\$26,350.00	\$43,950	\$70,300.00
Household Income (Family of 4) <sup>1</sup>	\$18,450.00	\$30,800	\$49,250
Single Individual Annual Income 2019 <sup>1</sup>	Adult on Disability Insurance	Preschool Teacher (\$30,970)	Postal Carrier (\$50,940)
Example Person <sup>3</sup>			\$1,441 for 2 bedroom
Fair Market Rate for Housing in 2019 <sup>4</sup>	\$600 per month	\$1,018 per month	\$1,625 per m
Affordable Housing Costs <sup>5</sup>	less than \$123,000	\$123,000-\$144,000	\$228,000-\$260,000
Home Sales Price that is affordable <sup>5</sup>			
<b>Housing Needs</b>			
Deficit of Units within Each Income Category for the Unincorporated Urban Area in 2018 <sup>6</sup>	3,851	826	0
Metro Housing Bond Goal for Clackamas County (812 total units) <sup>7</sup>	333	398	81
<b>Housing Programs Provided by HHS, Development Agency, or Private, Non-profit Partners</b>			
Emergency Shelter			
Homeless Shelter			
Domestic Violence Housing / Shelter			
Transitional Housing (rest stops/ Shelter Pods/tiny homes)			
Rapid Re-housing			
Short-term Housing			
Housing with Support Services On-site			
Permanent Supportive Housing			
Public Housing			
Subsidies (rental assistance or vouchers)			
Housing Rehab/Urgent Repair programs			
1st Time Home Buyer			
Land Trust Housing			
<b>Topics Considered for Inclusion in DTD Housing Strategies Project</b>			
<b>Required:</b>			
R1: Modify policies and code to have clear and objective criteria <sup>8</sup>			
R2: Make duplexes, triplexes, cluster cottages and quadplexes outright use in single family zones <sup>9</sup>			
<b>Optional:</b>			
O1: Identify appropriate areas and processes to allow "shelter off the streets" <sup>10</sup>			
O2: Review potential to add housing to schools, places of worship and church owned property <sup>10</sup>			
O3: Consider permanent regulations for transitional shelter communities <sup>11</sup>			
O4: Provide a tiered density bonus for inclusion of affordable housing and create a transferrable development rights bonus system <sup>10</sup>			
O5: Increase maximum density for multi-family development in commercial zoning districts <sup>10</sup>			
O6: Create a hierarchy of parking standards based on proximity to transit and/or unit affordability <sup>10</sup>			
O7: Rezone land to preserve manufactured home parks <sup>11</sup>			
O8: Explore opportunities for permitting additional housing types, such as micro-units, co-housing, live/work units, and mixed use development <sup>10</sup>			

DTD Housing Strategies for Initial Review	ZDO Considerations and Potential Challenges	Level of Staff Effort*	Increases places for new housing units	Improves access to housing	Improves housing stability for communities of concern	Limits potential for displacement of communities of concern
R-1 Modify zoning code to have clear and objective criteria for all housing (per SB 1051[2017])	Housing development is subject to the requirements of the Residential Zoning Districts, the General Provisions, the Development Standards and the Administrative procedures but is also subject to Commercial Zoning Requirements if within a mixed-use development, and Special Districts if near special areas identified as requiring protection. Therefore, the clear and objective pathway for housing development affects multiple sections of the Zoning & Development Ordinance (ZDO). ZDO Section 1307 identifies the procedures for land use applications and those applications with clear and objective standards are reviewed as a Type I land use decision. The Design Review process in ZDO Section 1102 covers all development in commercial and multifamily zones.	High	Moderately	Moderately	Limited	Limited
R-2 Allow duplexes, triplexes, quadplexes, cluster cottages and townhouses in urban single-family zones (per HB 2001[2019])	The legislation that mandated this strategy waived the need for a Traffic Impact Analysis. However, the capacity of the transportation system; the park's system; and water and sewer services may be considered in determining where triplexes, townhouses, cluster cottages and quadplexes are most appropriate.	Medium	Substantially	Moderately	Moderately	Substantially
O-1 Identify appropriate areas and processes to allow 'shelter off the streets'	The time required for land use permitting processes reduces the ability for immediate responses. Therefore, this strategy may be more appropriate on a case-by-case basis with an emergency declaration.	High	Limited	Moderately	Moderately	Limited
O-2 Review potential to add housing to schools, places of worship and church-owned property	Current ZDO allows housing development as long as the overall density of the site is consistent with the underlying zoning district.	High	Limited	Moderately	Limited	Limited
O-3 Consider permanent regulations to allow transitional shelter communities	Section 842 of the ZDO (2019) previously covered Transitional Shelter Communities. Tigard has code that could serve as a template too.	Medium	Limited	Substantially	Substantially	Limited
O-4 (a) Consider providing a tiered density bonus for inclusion of affordable housing	Section 1012.05 of the current ZDO allows a 5-8% increase in base density for one dwelling unit per affordable dwelling unit (Table 1012-1). Determining what bonus would create a financial incentive may be subjective.	Medium	Moderately	Moderately	Moderately	Moderately
O-4 (b) Consider creating a transferrable development rights bonus system	A transfer of development rights would have unknown impact to communities of concern and until changes to density have been made to address HB 2001, it is unclear of which zoning districts would give up development rights and which zoning districts would be able to have higher density with those transferred development rights.	High	Moderately	Moderately	Moderately	Moderately
O-5 Consider increasing or removing maximum density requirements for multifamily developments in commercial zoning districts	Several Sections of the ZDO regulate density in commercial areas. Density regulations in commercial zones vary between not allowing multifamily development, to having a minimum of 30 units per acre. Other zoning districts have density maximums of 18 units per acre, or 25 units per acre.	High	Substantially	Substantially	Moderately	Moderately
O-6 Consider creating a hierarchy of minimum parking standards based on proximity to transit and/or dwelling unit affordability	ZDO Section 1015 regulates parking. Single-family units require 1-2 spaces per unit, depending on zoning district. Multifamily units require 1.25 to 1.75 spaces per unit. There are no parking maximums. There is currently no variation available for affordability or proximity to transit.	High	Substantially	Moderately	Limited	Limited
O-7 Consider rezoning land to preserve manufactured dwelling parks	ZDO Section 825 regulates Manufactured Dwelling Parks and requires payment to tenants if the rental agreement is broken due to closing the park (in line with ORS 90.650). Staff would like to consider options after reviewing data on the impact of the payment requirement and neighboring examples where manufactured home park overlay districts were created.	High	Limited	Limited	Substantially	Substantially


ATTACHMENT A

DTD Housing Strategies for Initial Review	ZDO Considerations and Potential Challenges	Level of Staff Effort*	Increases places for new housing units	Improves access to housing	Improves housing stability for communities of concern	Limits potential for displacement of communities of concern
O-8	Explore opportunities for permitting additional housing types, such as micro-units, co-housing, live/work units, and mixed use development These additional housing types are currently subject to several Sections of the ZDO and whether they are currently allowed may depend on their definition.	Low if primarily addressed through other strategies / High if all types need to be considered	Limited	Moderately	Limited	Limited
O-9	Clarify Comprehensive Plan policies for rezoning in low density residential districts This strategy needs to be evaluated in light of recent court cases. The specifics will be impacted by HB 2001 and the updates to the Comprehensive Plan housing goals and policies.	High	Limited	Limited	Limited	Limited
O-10	Restrict Temporary Dwellings for Care Temporary Dwellings for Care are subject to ZDO Section 1204. Restricting this ability would likely adversely impact the elderly and disabled more than other populations due to the requirement that the permit applications include a statement from a healthcare provider that care is required due to age or medical conditions.	Low	Limited	Limited	Limited	Limited

\* Staff effort includes code writing and public engagement

Meaning:
Access: housing units available at affordable rates and close to transit or employment centers.
Displacement: causes residents to move out of their current neighborhood due to increase in cost, redevelopment, or closure of site, with an area wide implication.
Places: land zoned appropriately for development, or redevelopment.
Stability: individual housing units that remained in their original location and at their original affordability.

**ZDO-277:  
HOUSING STRATEGIES  
ISSUES PAPER: #2020-1**



Board of County Commissioners' Policy Session  
February 11, 2020

## OVERVIEW

- ❖ **Presentation and discussion of Issues Paper**
- ❖ **Input into:**
  - A. Whether the correct strategies are included; and
  - B. Whether the recommended order/work program makes sense



ZDO-277 [2]  
**ATTACHMENT B**

**ZDO-277: Housing Strategies Project  
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# ISSUE

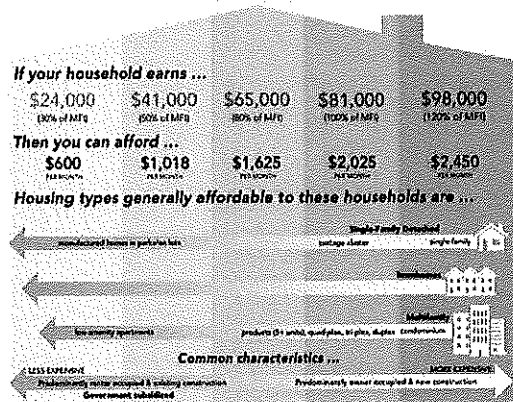
❖ **Housing in Clackamas County has become less affordable**

❖ **Additional capacity for up to 5,000 housing units is needed in urban area**

**Housing units that:**

- Are Affordable
- Can be Accessed
- Are Available
- Are Diverse

**Exhibit 63. Types of Financially Attainable Housing by Median Family Income (MFI) for Clackamas County (\$81,400), 2018**  
 Source: U.S. Department of Housing and Urban Development, Clackamas County, 2018. Note: Clackamas County is part of the Portland MSA. HUD reports median household incomes for the Portland MSA for Clackamas County.



ZDO-277 [3]

# HOUSING STRATEGIES

**Strategies identified through:**

1. State mandates
  - HB 2001 (2019)
  - SB 1051 (2017)
2. Housing Affordability and Homelessness Task Force recommendations
3. 2019-2021 Long-Range Planning Work Program



ZDO-277 [4]

## ATTACHMENT B

ZDO-277: Housing Strategies Project

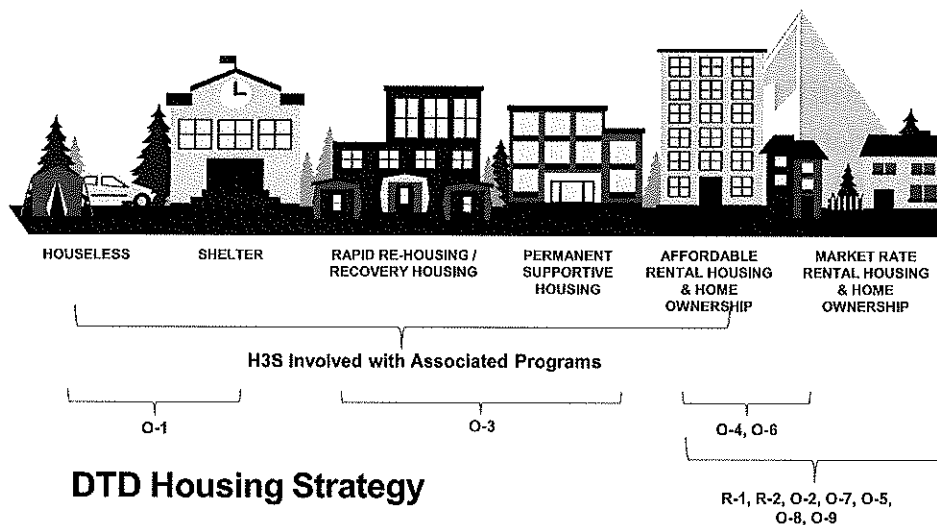
BCC Policy Session 2/11/2020

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# HOUSING STRATEGIES

Table 1: DTD Housing Strategies for Initial Review	
Items listed with an "R" are required by state legislation	
Items listed with an "O" are optional.	
R-1	Modify the zoning code to have clear and objective criteria for all housing (per SB 1051[2017])
R-2	Allow duplexes, triplexes, quadplexes, cluster cottages and townhouses in urban single-family zones (per HB 2001[2019])
O-1	Identify appropriate areas and processes to allow "shelter off the streets"
O-2	Review potential to add housing to schools, places of worship and church-owned property
O-3	Consider permanent regulations to allow transitional shelter communities
O-4	(a) Consider providing a tiered density bonus for inclusion of affordable housing, and (b) Consider creating a transferrable development rights bonus system
O-5	Consider increasing or removing maximum density requirements for multifamily developments in commercial zoning districts
O-6	Consider creating a hierarchy of minimum parking standards based on proximity to transit and/or dwelling unit affordability
O-7	Consider rezoning land to preserve manufactured dwelling parks
O-8	Explore opportunities for permitting additional housing types, such as micro-units, co-housing, live/work units, and mixed use development
O-9	Clarify Comprehensive Plan policies for rezoning in low density residential districts
O-10	Restrict Temporary Dwellings for Care

## Housing Continuum



## DTD Housing Strategy



ZDO-277 [6]  
**ATTACHMENT B**

**ZDO-277: Housing Strategies Project**  
**BCC Policy Session 2/11/2020**

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# PRELIMINARY ANALYSIS

## Considered:

- **Regulatory Framework**
- **Available resources including staff time and budget**
- **Needs identified in the Housing Needs Assessment**
  - Does the strategy increase places for new housing units?
- **Equity including:**
  - Does the strategy improve access to housing?
  - Does the strategy improve housing stability?
  - Does the strategy limit potential for displacement?
- **Legislative mandates**



ZDO-277 [7]

# PROPOSED PHASING

	Winter/Spring 2020	Summer/Fall 2020	Winter /Spring 2021	Summer/Fall 2021
Public Engagement				
Phase I – DTD Strategy review and recommendation				
Phase II – DTD Strategy review and recommendation				
Phase III – Reassess approach for Phase III DTD Strategies				



ZDO-277 [8]

## ATTACHMENT B

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# PHASE I



## O-3. Consider permanent regulations to allow transitional shelter communities

Current Status	Recommendation
<ul style="list-style-type: none"> <li>Conditional Use procedure available for government uses</li> <li>Temporary rules allowing for shelter on government-owned, industrial lands expired 8/2019 ("Vet's Village")</li> </ul>	<ul style="list-style-type: none"> <li>Include in Phase I of the DTD Housing Strategies project</li> </ul>

## O-4(a). Consider providing a tiered density bonus for inclusion of affordable housing

Current Status	Recommendation
<ul style="list-style-type: none"> <li>A 5-8% increase in base density available; one dwelling unit per affordable dwelling unit</li> </ul>	<ul style="list-style-type: none"> <li>Immediate need for affordable housing</li> <li>Include in Phase I</li> </ul>



ZDO-277 [9]

# PHASE I

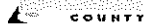


## O-6. Consider creating a hierarchy of minimum parking standards based on proximity to transit and/or dwelling unit affordability

Current Status	Recommendation
<ul style="list-style-type: none"> <li>MF housing allowed in most urban commercial zones</li> <li>Some commercial zones (C-3; CC; OC; &amp; RTL) limit density to 25 units per acre</li> </ul>	<ul style="list-style-type: none"> <li>Leverage existing grant funding (Park Ave. &amp; 82<sup>nd</sup> Corridor projects), then possibly apply county-wide</li> <li>Include in Phase I</li> </ul>

## O-5. Consider increasing or removing maximum density requirements for multifamily developments in commercial zoning districts

Current Status	Recommendation
<ul style="list-style-type: none"> <li>ZDO has one parking standard regardless of location and affordability level</li> </ul>	<ul style="list-style-type: none"> <li>Leverage existing grant funding</li> <li>Include in Phase I</li> </ul>



ZDO-277 [10]

### ATTACHMENT B

ZDO-277: Housing Strategies Project  
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## PHASE II



**R-1. Modify policies and code to have clear and objective criteria. SB 1051 (2017)**

**R-2. Make duplexes, triplexes, cluster cottages and quadplexes outright use in urban single-family zones. HB 2001 (2019)**

**O-9. Clarify Comprehensive Plan policies for rezoning in low density residential districts**

Current Status	Recommendation
<ul style="list-style-type: none"> <li>Chapters 4 &amp; 6 of the Comprehensive Plan include policies related to zoning in residential districts</li> <li>ZDO will need to be updated to respond to mandates in HB 2001 ("middle housing")</li> </ul>	<ul style="list-style-type: none"> <li>Rulemaking and model code from State for HB 2001, to be complete late 2020</li> <li>County deadline to comply with HB 2001 – June 30, 2022</li> <li>Complete these strategies together and include in Phase II</li> </ul>



ZDO-277 [11]

## PHASE III



**O-2. Review potential to add housing to schools, places of worship and church-owned property**

Current Status	Recommendation
<ul style="list-style-type: none"> <li>Housing can be added to schools and places of worship if underlying zoning code requirements/densities are met</li> </ul>	<ul style="list-style-type: none"> <li>More time needed to engage agency/community partners to understand desired outcomes &amp; options</li> <li>Evaluate in Phase III</li> </ul>

**O-4(b) Consider creating a transferrable development rights (TDR) bonus system**

Current Status	Recommendation
<ul style="list-style-type: none"> <li>ZDO does not have TDR system</li> </ul>	<ul style="list-style-type: none"> <li>Evaluate need and feasibility after other changes are made to ZDO to address other strategies</li> <li>Include in Phase III</li> </ul>



ZDO-277 [12]

### ATTACHMENT B

ZDO-277: Housing Strategies Project

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## PHASE III



### 07. Consider rezoning land to preserve manufactured dwelling parks

Current Status	Recommendation
<ul style="list-style-type: none"> <li>ZDO and state law require fee paid to each tenant park closes to be redeveloped</li> </ul>	<ul style="list-style-type: none"> <li>More time needed for engagement &amp; to understand how regulations are working in other jurisdictions</li> <li>Consider in Phase III</li> </ul>

### 08. Explore opportunities for permitting additional housing types, such as micro-units, co-housing, live/work units, and mixed use development

Current Status	Recommendation
<ul style="list-style-type: none"> <li>Unknown how these less-conventional housing types are (or are not) addressed in ZDO, first need to develop clear definitions</li> </ul>	<ul style="list-style-type: none"> <li>More time needed for engagement &amp; to understand which of these types may need to still be addressed after other changes to ZDO</li> <li>Include in Phase III</li> </ul>



ZDO-277 [13]

## DO NOT INCLUDE



### 01. Identify appropriate areas and processes to allow “shelter off the streets”

Current Status	Recommendation
<ul style="list-style-type: none"> <li>Conditional Use procedure available for campgrounds and government uses, some zones</li> <li>Emergency declaration used for temporary shelters</li> </ul>	<ul style="list-style-type: none"> <li>Rely on current procedures to provide more temporary types of shelters</li> </ul>

### 010. Restrict Temporary Dwellings for Care

Current Status	Recommendation
<ul style="list-style-type: none"> <li>Request from community to consider limiting who/which properties could qualify for this use</li> <li>ZDO allows in all zoning districts, but temp. dwelling must be removed when no longer needed or if the property is conveyed</li> </ul>	<ul style="list-style-type: none"> <li>Not consistent with goals of project</li> <li>Do not include in the Housing Strategies project</li> </ul>



ZDO-277 [14]

## ATTACHMENT B

### ZDO-277: Housing Strategies Project

### BCC Policy Session 2/11/2020

Recommended Order of Review and Action for DTD Housing Strategies		
Phase I	O-3	Consider permanent regulations to allow transitional shelter communities
	O-4 (a)	Consider providing a tiered density bonus for inclusion of affordable housing
	O-5	Consider increasing or removing maximum density requirements for multifamily developments in commercial zoning districts
	O-6	Consider creating a hierarchy of parking standards based on proximity to transit and/or dwelling unit affordability
Phase II	R-1	Modify the zoning code to have clear and objective criteria for all housing (per SB 1051(2017))
	O-9	Clarify Comprehensive Plan policies for rezoning in low density residential districts
	R-2	Allow duplexes, triplexes, quadplexes, cluster cottages, and townhouses in urban single-family zones (per HB 2001(2019))
Phase III	O-2	Review potential to add housing to schools, places of worship and church owned property
	O-4 (b)	Consider creating a transferrable development rights bonus system
	O-7	Consider rezoning land to preserve manufactured dwelling parks
	O-8	Explore opportunities for permitting additional housing types, such as micro-units, co-housing, live/work units, and mixed use development
Do not include	O-1	Identify appropriate areas and processes to allow "shelter off the streets"
	O-10	Restrict Temporary Dwellings for Care

15]

## RECOMMENDED WORK PLAN APPROACH

1. Lead with an equity lens
2. Update Comprehensive Plan
3. Leverage existing projects
4. Extend project timeline into 2021

	Winter/Spring 2020	Summer/Fall 2020	Winter /Spring 2021	Summer/Fall 2021
Public Engagement				
Phase I – DTD Strategy review and recommendation				
Phase II – DTD Strategy review and recommendation				
Phase III – Reassess approach for Phase III DTD Strategies				

**ATTACHMENT B**  
**ZDO-277: Housing Strategies Project**  
**BCC Policy Session 2/11/2020**

## BCC FEEDBACK

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Does the Staff recommendation presented in Issue Paper #2020-1 include the correct strategies, in the correct order, to move the project forward?



ZDO-277 [17]

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THANK YOU!

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**ATTACHMENT B**  
**ZDO-277: Housing Strategies Project**  
**BCC Policy Session 2/11/2020**

**Page 9 of 9**

# C-Engrossed House Bill 4001

Ordered by the House March 3  
Including House Amendments dated February 14 and February 24 and  
March 3

Sponsored by Representative KOTEK; Representatives FAHEY, HELT, KENY-GUYER, MARSH, MEEK, MITCHELL, NOBLE, SANCHEZ, SCHOUTEN, SMITH WARNER, WILDE, WILLIAMS (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Defines "emergency shelter." Requires local governments to allow siting of qualifying emergency shelters by qualifying entities notwithstanding land use laws and regulations. Sunsets requirement July 1, 2021.

Expands description of transitional housing accommodations to include motor-vehicle camping. Removes three-vehicle limit on motor-vehicle camping on religious institution property.

Expands uses of Emergency Housing Account to include developing technical assistance regarding emergency shelters or transitional housing accommodations.

Appropriates moneys to Housing and Community Services Department for deposit into **Emergency Housing Account** to fund grants and technical assistance for organizations to develop or operate low-barrier emergency shelters, develop supportive facilities or provide rapid rehousing services and support.

Appropriates moneys to Oregon Department of Administrative Services to distribute to Cities of Bend, **Eugene**, Salem and Medford and to Yamhill [*and Lane Counties*] **County** to develop navigation centers that must be operating on or before November 30, 2020.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to housing; creating new provisions; amending ORS 203.082, 446.265 and 458.650; and de-  
3 claring an emergency.

4 Whereas high rents, high home prices and a lack of available housing are causing housing in-  
5 stability and homelessness to increase rapidly; and

6 Whereas higher rates of unsheltered homelessness on the west coast of the United States can  
7 be attributed to lack of shelter capacity, rising costs of rental housing, stagnant incomes for low-  
8 wage workers and a decline in federal support for affordable housing; and

9 Whereas more than 64 percent of people experiencing homelessness in Oregon are unsheltered;  
10 and

11 Whereas Oregon has the highest rate of unsheltered family homelessness in the nation; and

12 Whereas shelter beds alleviate the acute trauma of unsheltered homelessness; and

13 Whereas urgent and emergency measures are warranted to address this crisis; now, therefore,

14 **Be It Enacted by the People of the State of Oregon:**

15 **SECTION 1. Sections 2 and 3 of this 2020 Act and ORS 446.265 are added to and made a**  
16 **part of ORS chapter 197.**

17 **SECTION 2. (1) As used in this section and section 3 of this 2020 Act, "emergency**  
18 **shelter" means a building that provides shelter on a temporary basis for individuals and**  
19 **families who lack permanent housing.**

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in boldfaced type.

1       (2) A building used as an emergency shelter under an approval granted under section 3  
2 of this 2020 Act:

3       (a) May resume its use as an emergency shelter after an interruption or abandonment  
4 of that use for two years or less, notwithstanding ORS 215.130 (7).

5       (b) May not be used for any purpose other than as an emergency shelter except upon  
6 application for a permit demonstrating that the construction of the building and its use could  
7 be approved under current land use laws and local land use regulations.

8       **SECTION 3.** (1) A local government shall approve an application for the development or  
9 use of land for an emergency shelter on any property, notwithstanding ORS chapter 195, 197,  
10 197A, 215 or 227 or any statewide plan, rule of the Land Conservation and Development  
11 Commission or local land use regulation, zoning ordinance, regional framework plan, func-  
12 tional plan or comprehensive plan, if the emergency shelter:

13       (a) Includes sleeping and restroom facilities for clients;

14       (b) Will comply with applicable building codes;

15       (c) Is located inside an urban growth boundary or in an area zoned for rural residential  
16 use as defined in ORS 215.501;

17       (d) Will not result in the development of a new building that is sited within an area des-  
18 igned under a statewide planning goal relating to natural disasters and hazards, including  
19 flood plains or mapped environmental health hazards, unless the development complies with  
20 regulations directly related to the hazard;

21       (e) Has adequate transportation access to commercial and medical services; and

22       (f) Will not pose any unreasonable risk to public health or safety.

23       (2) An emergency shelter allowed under this section must be operated by:

24       (a) A local government as defined in ORS 174.116;

25       (b) An organization with at least two years' experience operating an emergency shelter  
26 using best practices that is:

27       (A) A local housing authority as defined in ORS 456.375;

28       (B) A religious corporation as defined in ORS 65.001; or

29       (C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose in-  
30 cludes the support of homeless individuals, that has been recognized as exempt from income  
31 tax under section 501(a) of the Internal Revenue Code on or before January 1, 2017; or

32       (c) A nonprofit corporation partnering with any other entity described in this subsection.

33       (3) An emergency shelter approved under this section:

34       (a) May provide on-site for its clients and at no cost to the clients:

35       (A) Showering or bathing;

36       (B) Storage for personal property;

37       (C) Laundry facilities;

38       (D) Service of food prepared on-site or off-site;

39       (E) Recreation areas for children and pets;

40       (F) Case management services for housing, financial, vocational, educational or physical  
41 or behavioral health care services; or

42       (G) Any other services incidental to shelter.

43       (b) May include youth shelters, winter or warming shelters, day shelters and family vi-  
44 olence shelter homes as defined in ORS 409.290.

45       (4) The approval of an emergency shelter under this section is not a land use decision



1 and is subject to review only under ORS 34.010 to 34.100.

2 **SECTION 4.** Section 3 of this 2020 Act is repealed on July 1, 2021.

3 **SECTION 5.** ORS 446.265 is amended to read:

4 446.265. (1) Inside an urban growth boundary, a local government may authorize the establish-  
5 ment of transitional housing accommodations used as individual living units by one or more indi-  
6 viduals. Use of transitional housing accommodations is limited to *[persons]* **individuals** who lack  
7 permanent or safe shelter and who cannot be placed in other low income housing. A local govern-  
8 ment may limit the maximum amount of time that an individual or a family may use the accommo-  
9 dations.

10 (2) Transitional housing accommodations are intended to be used by individuals or families on  
11 a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts,  
12 cabins, fabric structures, tents and similar accommodations, **as well as areas in parking lots or**  
13 **facilities for individuals or families to reside overnight in a motor vehicle, without regard to**  
14 **whether the motor vehicle was designed for use as temporary living quarters.** The transitional  
15 housing accommodations may provide parking facilities, walkways and access to water, toilet,  
16 shower, laundry, cooking, telephone or other services either through separate or shared facilities.  
17 The Oregon Health Authority may develop public health best practices for shared health and sani-  
18 tation facilities for transitional housing accommodations.

19 (3) Transitional housing accommodations are not subject to ORS chapter 90.

20 (4) As used in this section, "yurt" means a round, domed tent of canvas or other weather re-  
21 sistant material, having a rigid framework, wooden floor, one or more windows or skylights and that  
22 may have plumbing, electrical service or heat.

23 **SECTION 6.** ORS 203.082 is amended to read:

24 203.082. (1) Any political subdivision in this state may allow churches, synagogues and similar  
25 religious institutions to offer overnight camping space on institution property to homeless *[persons]*  
26 **individuals** living in vehicles.

27 *[(2) In addition to any conditions or limitations imposed by a political subdivision, a religious in-*  
28 *stitution located within the political subdivision and offering camping space described under subsection*  
29 *(1) of this section must:]*

30 *[(a) Limit camping space at the institution site to three or fewer vehicles at the same time; and]*

31 **(2) A political subdivision may impose reasonable conditions upon offering camping space**  
32 **under this section, including establishing a maximum number of vehicles allowed.**

33 *[(b)]* **(3) A religious institution offering camping space under this section shall also provide**  
34 campers with access to sanitary facilities, including *[but not limited to]* toilet, *[hand washing]*  
35 **handwashing** and trash disposal facilities.

36 **SECTION 7.** ORS 458.650 is amended to read:

37 458.650. (1) The Emergency Housing Account *[shall be]* **is** administered by the Housing and  
38 Community Services Department to assist homeless *[persons]* **individuals** and those *[persons]* **indi-**  
39 **viduals** who are at risk of becoming homeless. An amount equal to 25 percent of moneys deposited  
40 in the account pursuant to ORS 294.187 is dedicated for expenditure for assistance to veterans who  
41 are homeless or at risk of becoming homeless. For purposes of this section, "account" means the  
42 Emergency Housing Account.

43 (2) The Oregon Housing Stability Council, with the advice of the Community Action Partnership  
44 of Oregon, shall develop policy for awarding grants to organizations that shall use the funds:

45 (a) To provide to low and very low income *[persons]* **individuals**, including but not limited to,

1 [persons] **individuals** more than 65 years of age, persons with disabilities, farmworkers and Native  
2 Americans:

3 (A) Emergency shelters and attendant services;

4 (B) Transitional housing services designed to assist [persons] **individuals** to make the transition  
5 from homelessness to permanent housing and economic independence;

6 (C) Supportive housing services to enable [persons] **individuals** to continue living in their own  
7 homes or to provide in-home services for such [persons] **individuals** for whom suitable programs do  
8 not exist in their geographic area;

9 (D) Programs that provide emergency payment of home payments, rents or utilities; or

10 (E) Some or all of the needs described in subparagraphs (A) to (D) of this paragraph.

11 (b) To align with federal strategies and resources that are available to prevent and end  
12 homelessness.

13 (3)(a) The council shall require as a condition of awarding a grant that the organization dem-  
14 onstrate to the satisfaction of the council that the organization has the capacity to deliver any  
15 service proposed by the organization.

16 (b) Any funds granted under this section [shall] **may** not be used to replace existing funds.  
17 Funds granted under this section may be used to supplement existing funds. An organization may  
18 use funds to support existing programs or to establish new programs.

19 (c) The council, by policy, shall give preference in granting funds to those organizations that  
20 receive grants from the Housing Development Grant Program established under ORS 458.625.

21 (4) The department may expend funds from the account for:

22 (a) **The** administration of the account as provided for in the legislatively approved budget, as  
23 that term is defined in ORS 291.002, for the department.

24 (b) **The development of technical assistance and training resources for organizations de-**  
25 **veloping and operating emergency shelters as defined in section 2 of this 2020 Act and tran-**  
26 **sitional housing accommodations as described in ORS 446.265.**

27 **SECTION 8.** Section 9 of this 2020 Act is added to and made a part of ORS 458.600 to  
28 458.665.

29 **SECTION 9.** (1) As used in this section, “low-barrier emergency shelter” means an  
30 emergency shelter, as defined in section 2 of this 2020 Act, that follows established best  
31 practices to deliver shelter services that minimize barriers and increase access to individuals  
32 and families experiencing homelessness.

33 (2) **The Housing and Community Services Department shall award grants and provide**  
34 **technical assistance to organizations to fund:**

35 (a) **The construction, purchase or lease of facilities to be used as low-barrier emergency**  
36 **shelters;**

37 (b) **The operation, use or staffing of low-barrier emergency shelters, including the costs**  
38 **to provide clients with access to the shelters;**

39 (c) **The development or use of amenities or facilities that provide no-cost services to in-**  
40 **dividuals and families who are homeless, including restroom and hygiene facilities, laundry**  
41 **facilities, dining facilities, storage for personal property, meeting or gathering spaces and**  
42 **facilities providing case management services; or**

43 (d) **Rapid rehousing services and supports for individuals and families.**

44 (3) **In awarding grants and providing technical assistance under this section, the depart-**  
45 **ment shall:**

- 1 (a) Ensure that funds are distributed among different regions of the state; and
- 2 (b) Prioritize funding areas of highest need as identified in the August 2019 Oregon
- 3 Statewide Shelter Study.

4 (4) Grants under this section must be awarded:

- 5 (a) Through a competitive process that emphasizes collaborative proposals; or
- 6 (b) To one or more community action agencies.

7 **SECTION 10.** (1) As used in this section, “navigation center” means a low-barrier emer-  
8 gency shelter, as defined in section 9 of this 2020 Act, that is open seven days per week and  
9 connects individuals and families with health services, permanent housing and public bene-  
10 fits.

11 (2) The Oregon Department of Administrative Services shall award grants to local gov-  
12 ernments to:

- 13 (a) Plan the location, development or operations of a navigation center;
- 14 (b) Construct, purchase or lease a building for use as a navigation center;
- 15 (c) Operate a navigation center that has been constructed, purchased or leased under
- 16 paragraph (b) of this section; or
- 17 (d) Contract for the performance of activities in this subsection.

18 (3) The department shall require that each local government receiving a grant under this  
19 section agree to return all moneys granted unless the local government has developed a  
20 navigation center that is operating on or before November 30, 2020.

21 **SECTION 11.** Notwithstanding ORS 458.650 (2) and (3), the Housing and Community Ser-  
22 vices Department may expend funds from the Emergency Housing Account to award grants  
23 and provide technical assistance under section 9 of this 2020 Act.

24 **SECTION 12.** Sections 9, 10 and 11 of this 2020 Act are repealed on January 2, 2022.

25 **SECTION 13.** In addition to and not in lieu of any other appropriation, there is appro-  
26 priated to the Housing and Community Services Department, for the biennium ending June  
27 30, 2021, out of the General Fund, for deposit into the Emergency Housing Account estab-  
28 lished under ORS 458.620, the following amounts:

- 29 (1) \$26,500,000 for grants under section 9 of this 2020 Act; and
- 30 (2) \$2,000,000 for technical assistance under ORS 458.650 (4)(b) and section 9 of this 2020
- 31 Act.

32 **SECTION 14.** Notwithstanding any other law limiting expenditures, the amount estab-  
33 lished by section 2, chapter 642, Oregon Laws 2019, for the biennium ending June 30, 2021,  
34 as the maximum limit for payment of expenses for operations from fees, moneys or other  
35 revenues, including Miscellaneous Receipts and federal funds from the United States De-  
36 partment of Housing and Urban Development for contract services, but excluding lottery  
37 funds and federal funds not described in section 2, chapter 642, Oregon Laws 2019, collected  
38 or received by the Housing and Community Services Department, is increased by \$28,500,000  
39 for grants and technical assistance under ORS 458.650 (4)(b) and section 9 of this 2020 Act.

40 **SECTION 15.** In addition to and not in lieu of any other appropriation, there is appro-  
41 priated to the Oregon Department of Administrative Services, for the biennium ending June  
42 30, 2021, out of the General Fund, the following amounts:

- 43 (1) \$1,500,000 to Yamhill County for a navigation center within the urban growth bound-  
44 ary of the City of McMinnville, pursuant to section 10 of this 2020 Act;
- 45 (2) \$2,500,000 to the City of Bend for a navigation center pursuant to section 10 of this

1 **2020 Act;**

2 (3) \$2,500,000 to the City of Medford for a navigation center pursuant to section 10 of this  
3 **2020 Act;**

4 (4) \$5,000,000 to the City of Salem for a navigation center pursuant to section 10 of this  
5 **2020 Act; and**

6 (5) \$5,000,000 to the City of Eugene for a navigation center pursuant to section 10 of this  
7 **2020 Act.**

8 **SECTION 16. This 2020 Act being necessary for the immediate preservation of the public**  
9 **peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect**  
10 **on its passage.**

11