

The Oregonian

Portland deprioritizes fining people for sleeping in RVs, tiny homes on private property

*By Molly Harbarger
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Portland code enforcement officers will shuffle to the bottom of the pile complaints about people sleeping illegally in RVs or tiny homes on private property Commissioner Chloe Eudaly announced Sunday.

Her decision not to have the Bureau of Development Services, which she oversees, strictly enforce city code restrictions on the temporary and semi-permanent sleeping quarters is motivated by her concern for city residents who can't afford housing in Portland's tight market, she said.

Right now in Portland, it's illegal to sleep anywhere outside your home. That includes children camping in the backyard for a night. The ordinance is rarely enforced. Enforcement is prompted only by complaints.

Only a few dozen complaints are phoned in each year, said Eudaly's chief of staff Marshall Runkel.

As of this week, however, even those will be made a very low priority. Eudaly's decision to back off enforcing rules against sleeping in vehicles or unpermitted tiny homes on private property was first reported Monday by Willamette Week.

The leniency on RVs that meet basic health and safety standards will continue as long as the City Council's declaration that Portland is in a housing crisis. The council last week extended such an edict through April 2019.

Eudaly plans to introduce an ordinance that would make permanent rules around tiny homes that complies with Oregon law. For the time being, the bureau will allow up to three tiny homes on business or church property and one tiny home or RV on residential property.

"Housing is a basic need and a human right," Eudaly said. "We have failed to keep up with demand for affordable housing for decade."

Eudaly announced the change at a gathering at the Leaven Community Center, a spiritual social-justice organization.

"We're hearing stories again and again from people who were in tiny houses and were either worried or had been forced out because of compliance," Runkel said.

The tiny homes and RVs must still meet basic safety and sanitation guidelines, which the Bureau of Development Services is finalizing, he said. Those will align with the city's crusade against decrepit RVs with non-functional electric or wastewater systems.

About 300 illegally parked RVs have been towed off city streets and public property since November, when a new program that stepped up enforcement began. That program will continue, Runkel said.

"Anything that would be a danger to the occupants of an RV or the residents of the property or to neighbors, we need to preserve our ability to get those things off the street," Runkel said.

A property owner who hosts a tiny house or RV also must consent to people living there.

If a code enforcement officer finds a tiny home or RV out of compliance, the property owner can still be fined for allowing someone to sleep there, Runkel said.

The Portland Tribune

Map shows potential property conflicts

By Jim Redden

October 17, 2017

City Council to review some but not all of Central City sites owned by members of all advisory committees

City planners have prepared a map showing where members of a citizen committee, who helped draft an update to the Central City plan, own properties.

Commissioner Amanda Fritz requested the map in response to a ruling from the City Ombudsman that the members should have declared their potential conflicts of interest. The ruling was issued after the ombudsman received an anonymous complaint that state law required such disclosures. Most members subsequently identified their properties after being asked by the staff of the Bureau of Planning and Sustainability after the council had adopted the plan, which was incorporated into the update of the Central City Plan the City Council is currently considering.

Fritz says the ruling casts a "major question mark" over the update — officially known as Central City 2035 or CC2035 for short — that the council should discuss.

"I'm not as concerned with knowing who owns what properties as I am with why any changes were proposed and whether they're the right ones. After seeing the map, I have some questions about some of them that I intend to ask," says Fritz.

The council will be presented with an updated version of the map when it continues its consideration of the update on Wednesday. The original version shows the location of 11 underdeveloped properties owned by committee members or their businesses where maximum allowable height increases are recommended. They are all located in West Quadrant area west of the Willamette River.

Six of the properties are surface parking lots owned by variations of the Downtown Development Group, which was represented on the committee by co-president Greg Goodman. The largest is the equivalent of four blocks at the west end of the Morrison Bridge owned by a Melvin Mark Companies-affiliated group. Company president Dan Petrusich served on the committee, although he represented the Portland Business Alliance.

The committee members did not vote on individual properties, however. Instead, staff of the Bureau of Planning and Sustainability (BPS) offered proposals for increasing and decreasing allowable building heights along corridors within the central city. The members reacted by raising green, yellow or red cards to indicate whether they were generally in agreement, disagreement or had no opinion.

After the ombudsman ruling was issued in November 2015, committee member John Petersen wrote the BPS staff to say he disagreed with it and was disappointed none of the members were allowed to defend themselves during the investigation.

"I and all of the other members provided disclosure of our interests and qualifications at least once at the outset of the process as I am certain is reflected in the notes taken by staff. The complainants clearly have no real issue with disclosure or input; rather their issue is that their advocacy did not find its way into the plan to their satisfaction. This is not a sincere effort to get the process right but rather an effort to create appealable error wherever/however possible," wrote Petersen, president and part owner of Melvin Mark Capital Group, a commercial real estate mortgage banking business that does not have any ownership interest in the Melvin Mark Companies.

Ironically, the properties owned by the committee members may not be the most controversial ones. Willamette Week recently reported that an out-of-state company that wasn't represented on the committee wants the council to double the heights in the RiverPlace development at the south end of Tom McCall Waterfront Park so that it can build 2,500 apartments in new high-rise towers. The company, NBP Capital, would demolish an existing, low rise apartment complex — The Douglas — as part of its project.

Other quadrant committees had conflicts

During the council's first hearing on CC2035, some Portlanders said the West Quadrant planning process should start over because of the undisclosed conflicts. However, the central city contains two other quadrants where advisory committee members did not declare conflicts. And no maps have yet been prepared to show the location of their properties.

Fritz says she was not aware of that because no one has yet complained to her about any of the changes in the other two quadrants.

"That's new information to me," Fritz says.

The other quadrants are located east of the river. They are the Southeast Quadrant and the North/Northeast Quadrant. Even a cursory review of members of those two committees show numerous property holdings.

In the Southeast Quadrant, the businesses and organizations included Beam Development, OMSI, Portland Opera, and Portland Community College. In the North/Northeast Quadrant, they included the Lloyd Center, Langley Investments, the Portland Trail Blazers, and Union Pacific.

After the ombudsman's ruling, city planners contacted all West Quadrant Plan committee members and identified the properties they or their businesses owned.

The information was summarized in a report distributed to the Planning and Sustainability Commission and the City Council before they began considering the central city update. It is the basis for the map requested by Fritz.

But that did not happen with the other two advisory committees. Although staff contacted the members, few responded and the effort was dropped because they were not named in the complaint filed with the ombudsman. The ruling clearly applied to them, too, however.

The council adopted all three plans before the ombudsman's ruling was released in November 2015. Versions revised by BPS staff and the Planning and Sustainability Commission are in the CC2035 update being considered by the council.

Council considers new conflict policy

The 11 properties identified on the map requested by Fritz are a small percent of all properties within the central city. Despite that, the city ombudsman's ruling is prompting the council to

adopt the first-ever standardized operating procedures for all appointed boards and commissions. They include a requirement that members publicly declare potential conflicts of interest.

"We make better decisions when we partner with the community, and the city needs to do a better job providing the volunteers who serve on boards and commissions the tools they need to be successful," said Commissioner Nick Fish, who cosponsored the resolution with the procedures with commissioners Chloe Eudaly and Amanda Fritz.

The council first heard the resolution on Oct. 4. At that time, there was broad agreement on most of the proposed procedures, including having a uniform application form for potential members to complete to be considered for appointment.

The council also agreed to delete a proposal to discourage members from talking to the press about the work of their groups, however. Commissioner Nick Fish said it was not the intention of the council to issue gag orders.

The final vote was postponed until Nov. 1 to discuss two issues further, however.

One is whether the terms the members serve should be limited to a certain duration.

The other is, when a member potentially stands to benefit from a group decision, whether that member should also be prohibited from voting on the issue or even participating in the discussion.

Public testimony splits on the questions. Most witnesses favored term limits and a prohibition on voting on issues where conflicts occur. But the Oregon League of Women Voters of Portland opposed both terms limits and the voting prohibition, noting that such decisions are only advisory.

In addition to the disclosure requirement, the proposed procedures before the council include a standard application form for all potential committee members to complete before being appointed and a standard set of bylaws for all committees.

They were drafted with input from various parties, including the City Attorney's Office and the Office of Neighborhood Involvement, which is currently responsible for recruiting members for many advisory committees.

City Hall Watch: Portland submits crypto plan

By Jim Redden

October 17, 2017

Also, applications accepted for displaced families and Traffic fatalities continue to increase

The Portland Water Bureau submitted its plan last Wednesday to the Oregon Health Authority for complying with U.S. EPA rules regarding a potentially deadly organism in the Bull Run Watershed.

The Oct. 9 letter from bureau administrator Michael Stuhr says the City Council unanimously voted Aug. 2 to build a filtration plant for up to \$500 million that will remove any traces of cryptosporidium from the water before it reaches customers.

During the 10 years it will take to build the plant, Stuhr says the water bureau will increase security to keep trespassers out of the watershed, continuing monitoring for crypto (as it is commonly called) and publicizing results, and will conduct field studies to determine its sources.

The OHA is expected to reply by Nov. 22, the day it is revoking the bureau's variance to the EPA rules because of repeated crypto findings this year. City and county health officials say Bull Run water is still safe, however.

Applications accepted for displaced families

The Portland Housing Bureau announced last week that households displaced from North and Northeast Portland by gentrification can now apply for 31 units in Garfield Place, an affordable apartment building under construction by Cascadia Behavioral Health in the Albina neighborhood.

The apartments are reserved as part of the city's N/NE Preference Policy to help displaced households return to their former neighborhoods. The deadline for applying is Nov. 1.

Applications are being accepted online, by mail and in person at seven sites throughout Portland. Assistance is available by phone at 503-823-4147 or by email at PHBwaitlist@portlandoregon.gov.

To learn more, visit: portlandoregon.gov/phb/74540.

Traffic fatalities continue to increase

Late Thursday, a driver became the 36th fatality in Portland this year. By the same time in 2016, 33 people had died in crashes in the city.

The council adopted a Vision Zero policy in mid-2015 to eliminate all fatal and serious injury crashes by 2025. It also has authorized millions of dollars for safety improvements, including projects funded by the temporary 10-cent-a-gallon gas tax approved by voters in May 2016.

Portland to wink at living in RVs, tiny homes

By Jim Redden

October 16, 2017

UPDATE: Tents not allowed as Commissioner Chloe Eudaly suspends city rules, with limits on numbers and locations

Commissioner Chloe Eudaly has announced the city will essentially allow people to live in recreational vehicles, campers and tiny homes on private property but "deprioritizing" complaints against them.

City Code currently prohibits such living arrangements. It is enforced on a complaint basis by the Bureau of Development Services, which Eudaly oversees. On Sunday, Eudaly announced she has directed BDS to immediately "deprioritize" such complaints, unless the living conditions present a health or public safety risk.

"Housing is a basic need and a human right. We have failed to keep up with demand for affordable housing for decades," Eudaly said in her announcement, which was first reported by Willamette Week.

Property owners must provide electricity and sanitary facilities to the RVs, campers and tiny homes, however. She has also limited their numbers, depending on location.

The first announcement released Monday morning said tents would be allowed on residential property, but that was in error.

Here is the fill text of Eudaly's announcement:

"Housing is a basic need and a human right. We have failed to keep up with demand for affordable housing for decades. As the City Commissioner with responsibility for the Bureau of Development Services, which enforces local building codes, I have asked the bureau to deprioritize enforcement against tiny homes and people sleeping in RVs parked on private property effective immediately."

BDS staff will begin work on developing code language to permanently allow tiny homes in conformance with recently passed HB 2737 and will continue to deprioritize enforcement against sleeping RVs on private property throughout the housing emergency.

BDS staff will use the following guidelines to continue to uphold safety and health standards aimed at protecting occupants of tiny homes and RVs as well as residents and neighbors:

Parking lots of non-residential occupied structures (religious institution, place of worship, business, or public entity)

- Property owner may grant permission for up to three vehicles (vehicle, motorhome, camper trailer, etc.) for sleeping

Properties with Single Family Structures or Duplexes

- Property owner and tenant may grant permission for one vehicle for sleeping.
- Vehicles must be located in legal parking areas on the property (Zoning requirements)

General requirements for all overnight sleeping arrangements

Sanitation

- Property owner shall make available sanitary facilities.
- Options include using sanitary facilities within the structure, pumping holding tanks off-site or having vendor pump out holding tank, or permitting and installing a legal sanitary dump station on site.
- Portable toilets (with ongoing service and maintenance) are only allowed at non-residential properties.

Electrical

- Property owner shall make available electrical connections.
- Options include extension cords from an approved outlet in the home or permitting and installing a pedestal for plug in.
- No hard connections are allowed.
- Use of generators is not allowed
- Property owner shall subscribe to and pay for garbage, recycling, and composting service.
- City may enforce Title 29.50.050 if it determines that the camping activity on the property constitutes a nuisance or other threat to the public welfare.