

RESOLUTION NO.

Extend the final inspection deadline for qualifying for a system development charge (SDC) exemption for certain accessory dwelling units from June 30, 2020 to September 30, 2020 and establish options if that deadline is missed (Resolution)

WHEREAS, on April 13, 2016, the City Council adopted Resolution No. 37201 that, among other actions, extended the existing suspension of system development charges (SDCs) for Parks and Recreation, Environmental Services, Transportation, and Water for the construction of accessory dwelling units or the conversion of structures to accessory dwelling units for building permit applications with an intake date through July 31, 2018, provided the accessory dwelling unit (ADU) was constructed and received final inspection and certificate of occupancy by June 30, 2020.

WHEREAS, on March 8, 2020, the Oregon Governor declared an emergency under ORS 401.165 *et seq.* due to the public health threat posed by the novel infectious coronavirus (COVID-19).

WHEREAS, on March 12, 2020, Mayor Wheeler declared a local state of emergency to slow the spread of COVID-19. The declaration included restrictions on gatherings, a requirement to postpone or cancel all non-essential work gatherings and face-to-face meetings, and guidelines for promoting teleworking by all non-essential City of Portland employees. That emergency declaration is still in effect.

WHEREAS, as of March 17, 2020, the City determined that only employees designated as critical for day-to-day operations would be able to access most City of Portland buildings for the duration of Mayor Wheeler's emergency declaration.

WHEREAS, on March 23, 2020, the Governor of Oregon issued Executive Order 20-12 related to COVID-19 that set out restrictions on businesses and social gatherings in order to protect the public health.

WHEREAS, on March 27, 2020, BDS temporarily limited residential inspections while getting the tools, processes, and protocols in place to continue to provide inspections services; temporarily postponed non-critical inspections that require entry into occupied homes in an effort to protect BDS staff and customers; continued inspections on new construction only if the structure is vacated during the inspection; allowed inspections of remodels/additions where access into the occupied structure is not required (provided the structure is vacated during the inspection); and added the option for residential inspections in occupied homes where the customer is able to provide inspection access using FaceTime or Skype.

WHEREAS, as of March 30, 2020, BDS records indicated that there were 223 outstanding ADU Permits that could potentially not receive their final inspection by the June 30, 2020 deadline, and therefore not qualify for receiving the SDC exemption. Of

those permits, 13 were in “Under Review” status (meaning BDS staff was in the process of reviewing the permit applications to determine if changes or additional information were required); 5 were in “Approved to Issue” status (meaning BDS staff had reviewed and approved the permits, but permit fees had not been paid); 8 were in “Issued” status (meaning the projects could begin, but no inspections had been requested); 143 were in “Under Inspection” status (meaning the construction had begun and was in the process of being inspected but had not been finalized); and 54 were in “Expired” status (meaning the time limit for getting an issued permit or finalized permit had expired, and the permit was no longer active).

NOW, THEREFORE, BE IT RESOLVED that the deadline to get a final inspection approved is extended from June 30, 2020 to September 30, 2020 in order to qualify for an SDC exemption, and this extension applies to permits for accessory dwelling units that had an intake date of July 31, 2018 or earlier; and

BE IT FURTHER RESOLVED that, if the above deadline is missed, the permit applicant will be required to either pay the SDCs on the project prior to calling for their final inspection, or the applicant shall submit a recorded covenant on a form provided by the City that prohibits the use of the ADU or any other structure on the property as an accessory short-term rental, as that term is defined in Chapter 33.207 of the Portland City Code, for a period of 10 years from the date of permit final inspection. The covenant must be reviewed and approved by the City no later than September 30, 2020, and the recorded copy of the covenant must be received by the City no later than October 31, 2020.

BE IT FURTHER RESOLVED, that this resolution is binding City policy.

Adopted by the Council:
Mayor Wheeler

Mary Hull Caballero
Auditor of the City of Portland

Prepared by: Nancy B. Thorington, BDS
June 3, 2020

By: _____
Deputy