

**PORTLAND CITY COUNCIL AGENDA**  
**City Hall - 1221 SW Fourth Avenue**  
**WEDNESDAY, 9:30 AM, APRIL 28, 2021**

**Disposition:**

**City Hall is closed to the public due to the COVID-19 Pandemic.**

Under Portland City Code and state law, the City Council is holding this meeting electronically. All members of council are attending remotely by video and teleconference, and the City has made several avenues available for the public to listen to the audio broadcast of this meeting. The meeting is available to the public on the City's YouTube Channel, eGov PDX, [www.portlandoregon.gov/video](http://www.portlandoregon.gov/video) and Channel 30. The public can also provide written testimony to Council by emailing the Council Clerk at [cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov).

The Council is taking these steps as a result of the COVID-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications. Thank you all for your patience, flexibility and understanding as we manage through this difficult situation to do the City's business.

**Provide Public Testimony:** City Council will hear public testimony on resolutions and ordinances (first readings only). Testimony is not taken on communications, reports, second readings, proclamations or presentations in accordance with Code 3.02.040 F. and G. Public testimony will be heard by electronic communication (internet connection or telephone). Please identify the agenda item(s) you want to testify on, and then visit the Council Clerk's agenda webpage to register, [www.portlandoregon.gov/auditor/councilagenda](http://www.portlandoregon.gov/auditor/councilagenda). Provide your name, agenda item number(s), zip code, phone number and email address. Individuals have three minutes to testify unless otherwise stated at the meeting.

**The deadline to sign up for the April 28, 2021 Council meetings is April 27, 2021 at 4:00 p.m.**

Email the Council Clerk at [councilclerk@portlandoregon.gov](mailto:councilclerk@portlandoregon.gov) with any questions.

**TIMES CERTAIN**

**278**      **TIME CERTAIN: 9:45 AM** – Accept the Quarterly Technology Oversight Committee Report from the Chief Administrative Officer (Report introduced by Mayor Wheeler) 30 minutes requested

No fiscal impact.

<p><b>279</b>      <b>TIME CERTAIN: 10:15 AM</b> – Metro Regional Priorities (Presentation introduced by Mayor Wheeler) 40 minutes requested</p>	<p>No direct fiscal impact anticipated. Metro Council President will provide presentation to City Council of Metro regional priorities.</p>
<p style="text-align: center;"><b>CONSENT AGENDA – NO DISCUSSION</b></p>	
<p style="text-align: center;"><b>Mayor Ted Wheeler</b></p>	
<p style="text-align: center;"><b>Bureau of Emergency Management</b></p>	
<p><b>*280</b>      Authorize application to the Department of Homeland Security Urban Areas Security Initiative grant program for a grant up to \$3,800,000 to enhance emergency preparedness through planning, training, and equipping of emergency responders in the Portland Urban Area (Ordinance)</p>	<p>This action authorizes PBEM to submit a application for the FY 2021-22 UASI Grant. If awarded, grant resources will be reflected in the Grants Fund. Any awarded funds would be incorporated into the FY 2021-22 budget, increasing PBEM’s budget by \$3,800,000 and offset with related expenses. There are no maintenance of effort or matching requirements with the acceptance of this grant, and no additional FTE are required to implement the grant. Grant resources will be used for planning, training, and equipping of emergency responders.</p>
<p style="text-align: center;"><b>Office of Management and Finance</b></p>	

**APRIL 28-29, 2021**

**281** Update salary grade for City Forester classification (Second Reading Agenda 261)

This ordinance raises the maximum annual salary of the City Forester by \$10,608 to \$168,834. There is no immediate fiscal impact as the single position is currently occupied. Any changes to the incumbent's salary would be built into the bureau's personnel services portion of their General Fund operating budget.

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**Commissioner Jo Ann Hardesty**

**Bureau of Transportation**

**\*282** Accept a grant for \$47,600 from Travel Oregon, authorize Intergovernmental Agreement for development and implementation of a temporary wayfinding and placemaking campaign for 20 Bureau of Transportation Healthy Business Plazas, and appropriate \$45,700 in the FY 2020-21 budget (Ordinance)

No local match funds are required for this grant. Funding covers PBOT staff time, overhead costs and materials associated with implementing and administering the grant. PBOT's FY 20-21 Revised Budget is amended to receive this grant.

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<b>Fire &amp; Rescue</b>		
<b>*283</b>	<p>Authorize Intergovernmental Agreement with Multnomah County Health Department and Portland Fire &amp; Rescue to conduct COVID-19 Testing and Vaccinations (Ordinance)</p>	<p>The authorization of the IGA will formalize PF&amp;R support of COVID-19 vaccination and testing activities undertaken from January 2021 through January 2022. Under this IGA, the County will reimburse PF&amp;R for staff time and materials up to \$800,000. Reimbursement is expected to span fiscal years, and a portion of anticipated reimbursements have already been incorporated in the Fire Bureau’s FY 2020-21 revised budget.</p>
<b>Office of Community and Civic Life</b>		
<b>*284</b>	<p>Authorize grant agreements with five organizations for the Constructing Civic Dialogues Grant Program at the Office of Community &amp; Civic Life not to exceed \$248,319 (Ordinance)</p>	<p>This ordinance authorizes the Civic Life director to execute FY 2021-22 grant agreements with five community organizations in a total amount not to exceed \$248,319 for the Civic Dialogues program. These resources are included in Civic Life’s requested FY 2021-22 budget, and will be available for this purpose pending adoption of the budget as currently requested.</p>
<b>REGULAR AGENDA</b>		

<p style="text-align: center;"><b>Mayor Ted Wheeler</b> <b>Office of Management and Finance</b></p> <p><b>285</b>      Accept bid of MJ Hughes Construction, Inc. for the Balch Creek Trash Rack Retrofit Project for \$3,670,321 (Procurement Report - ITB No. 00001602) 15 minutes requested</p>	<p>The engineer's moderate confidence level estimate for this project was \$3,500,000. Based on the proposal received, BES anticipates the construction contract cost to not exceed \$3,670,321 which is 5% over the engineer's estimate. Funds are available in BES's FY 2020-21 budget in the Sewer System Operating Fund.</p>
<p style="text-align: center;"><b>Commissioner Dan Ryan</b> <b>Housing Bureau</b></p>	

<p><b>286</b>      Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Analog PDX located at 1871 N Flint Ave (Second Reading Agenda 266)</p>	<p>This action would result in estimated foregone property tax revenues to the City totaling \$583,678 over ten years for 13 units affordable at or below 60% MFI. Total cost to all jurisdictions forgoing revenue is estimated at \$1,768,721 . The estimated value of the tax exemption for the first year is \$176,872 (all jurisdictions), which equals approximately \$35,374 per affordable unit per year of affordability. The City will still benefit from property taxes collected on the improved value of the land during the exemption period. The City will pay Multnomah County the \$9,000 application activation fee if the application moves forward.</p>
<p style="text-align: center;"><b>Commissioner Jo Ann Hardesty</b> <b>Bureau of Transportation</b></p> <p><b>287</b>      Assess benefited properties for street, sidewalk, and stormwater improvements in the NE 27th Ave &amp; Holland St Local Improvement District (Hearing; Ordinance; C-10059) 15 minutes requested</p>	<p>The overall LID amount including street vacation costs is in the amount of \$561,933 which is 15.5% below the estimate of \$665,172 after LID formation when the EWA was executed.</p>

<p><b>288</b> Vacate portions of NE 27th Ave and NE Holland St south of NE Columbia Blvd subject to certain conditions and reservations (Hearing; Ordinance; VAC-10131) 20 minutes requested</p>	<p>The process for vacating streets is a cost recovery program, typically paid for by the Petitioner, and does not have a net impact on PBOT's budget This street vacation is estimated (with moderate confidence) to be approximately \$35,000. This legislation does not affect staffing levels nor will result in a new or modified financial obligation or benefit now or in the future.</p>
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<p><b>Commissioner Carmen Rubio</b></p> <p><b>Parks &amp; Recreation</b></p>		
<p><b>*289</b></p>	<p>Declare the Gateway Green Park “Sliver Parcel” property surplus real property and authorize the Bureau of Parks and Recreation to dispose of the property by transferring it to TriMet for its Redline Max Line project (Ordinance)</p>	<p>There is no budgetary impact from the disposition of this asset. The bureau will not generate any revenue or expenses from this action.</p>
<p><b><u>WEDNESDAY, 2:00 PM, APRIL 28, 2021</u></b></p>		
<p><b>*290</b></p>	<p><b>TIME CERTAIN: 2:00 PM</b> – Amend Title 33 Planning and Zoning to facilitate the provision of shelter and housing options for Portlanders in need (Previous agenda 250; Ordinance introduced by Mayor Wheeler and Commissioners Rubio and Ryan; amend Code Title 33) 45 minutes requested for items 290-291</p>	<p>See below.</p>
<p><b>*291</b></p>	<p>Amend City Code Health and Sanitation, Emergency Code, Public Improvements, Water, Property Maintenance Regulations and Affordable Housing to facilitate the provision of shelter and housing options for Portlanders in need (Previous agenda 251; Ordinance introduced by Mayor Wheeler and Commissioners Rubio and Ryan; amend Code Titles 8, 15, 17, 21, 29, and 30)</p>	<p>See below.</p>
<p><b>292</b></p>	<p><b>TIME CERTAIN: 2:45 PM</b> – Appeal of Renee Mercado against the noise variance granted to Café Nell to add two speakers located at the corner of NW 20th and Kearney (Report introduced by Auditor Hull Caballero) 90 minutes requested</p>	<p>This is a quasi-judicial item. Hearing the appeal to the noise variance granted to Café Nell is not anticipated to have any fiscal impact.</p>
<p><b><u>THURSDAY, 2:00 PM, APRIL 29, 2021</u></b></p>		

<p><b>293</b>      <b>TIME CERTAIN: 2:00 PM</b> – Accept the Portland Design Commission 2019-2020 State of the City Design Report (Report introduced by Commissioner Ryan) 1 hour requested</p>	<p>There is no direct fiscal impact to accept this required annual report on the actions and accomplishments of the Portland Design Commission.</p>
<p><b>294</b>      <b>TIME CERTAIN: 3:00 PM</b> – Accept the Portland Historic Landmarks Commission 2020 State of the City Preservation Report (Report introduced by Commissioner Ryan) 1 hour requested</p>	<p>There is no direct fiscal impact to accept this required annual report on the actions and accomplishments of the Portland Historic Landmarks Commission.</p>

**\*290** Amend Title 33 Planning and Zoning to facilitate the provision of shelter and housing options for Portlanders in need

**CBO Analysis**

This Ordinance amends Portland's Planning and Zoning Code (Title 33) in order to expand shelter and housing options throughout the city. The four most significant code changes are:

- Providing more flexibility for shelter siting,
- Establishing outdoor shelters as a new community service use,
- Liberalizing the group living allowances, and
- Allowing permanent occupancy of recreational vehicles and tiny house on wheels.

There are several other smaller code changes discussed in Exhibit B. These changes do not have a direct financial impact on the City's resources. Although this Ordinance reduces the level of regulation that applies to some types of housing and shelter, it does not create new regulations that would require any new Bureau of Development Services (BDS) or Portland Housing Bureau programs. However, any changes in zoning may impact property values and have eventual impacts on property tax revenue, but this impact is currently unknown.

Since the intent of these changes is to enable an increase in the development of shelters and affordable housing units in Portland, these zoning codes changes could result in an increase in future commitments from the City for development and/or operational costs for shelters and affordable housing developments. However, this potential increase is also currently unknown. This action removes regulatory barriers but does not commit resources for the additional facilities. Other potential future indirect financial impacts to the City and other stakeholders include:

- **Conditional Use review:** This Ordinance reduces the number of shelters that would require Conditional Use review, which the current zoning code requires for opening a shelter. Application fees for the review range from \$6,000 to \$26,000 and are paid to BDS to facilitate cost recovery of the program. The change will result in less workload and revenues to BDS, and also will result in savings to the Joint City-County Office of Homeless Services and other entities involved in opening new shelters.
- **Reduction in unsanctioned camping impacts:** the project aims to reduce the number of people camping in unsanctioned locations in the public right of way and other public spaces by making it easier to open sanctioned managed facilities. In the long term, the bureau expects this will help reduce City expenses related to responding to unsanctioned camping impacts, such as those currently funded by PBOT, Parks, and BES, among others.
- **Group Living Classifications:** The project reclassifies Group Living from a Conditional Use to a use that is allowed by right in more zones. Single Room Occupancy (SRO) housing is one type of Group Living use that is sometimes included in affordable housing projects. By removing the Conditional Use requirements, the project will reduce the cost to obtain permits for certain affordable housing projects that incorporate SRO configurations.
- **Household and Group Living Development Fees:** By changing the code definitions of Household and Group Living, the project could impact how some development projects are classified, which could have impacts on fees that apply to those projects, or how Systems Development Charges (SDCs) are assessed. These changes will primarily impact apartment units and houses with a large number of bedrooms. These impacts are expected to be minor because there are a limited number of projects that are configured this way.
- **BDS Staff capacity and Land Use Services Fees:** Changes to the Zoning Code in this ordinance will require BDS to make a small onetime investment in staff time in 2021 to update informational handouts and other public information. This may include new summaries of regulations impacting RV/Tiny House on Wheels, Group Living uses, and Community Service uses. There may be a small decrease in the amount of land use review fees collected by BDS, and a small decrease in the Land Use Services Division workload. However, the bureau expects the effect to be minimal as the number of Conditional Use Reviews for Group Living and shelters has only averaged one or two applications per year.

**\*291** Amend City Code Health and Sanitation, Emergency Code, Public Improvements, Water, Property Maintenance Regulations and Affordable Housing to facilitate the provision of shelter and housing options for Portlanders in need

### **CBO Analysis**

This Ordinance is related to Item #290, which adopts the recommended Shelter to Housing Continuum changes to Title 33 – Planning and Zoning. This companion secondary ordinance adopts the supporting changes to Portland City Code Titles 8, 15, 17, 21, 29, and 30. Most of the changes made with this second ordinance are technical in nature – primarily to align terminology definitions across various City titles. The largest substantive changes in this second ordinance are the authorizing language in Title 29 related to the occupancy of RVs and tiny houses on wheels, and changes to several City titles to clarify that the City’s System Development Charge (SDC) exemption for shelters will also apply to the new Outdoor Shelter category. The ordinance also clarifies that the bureaus will not charge SDCs for the utility hookups serving individual occupied RVs or tiny houses on wheels.

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There are no significant financial or budgetary impacts expected from aligning these definitions; however, the project will require BDS to make a small one-time investment in staff time in 2021 to update informational handouts and other public information describing the Title 29 regulations about RVs and tiny house on wheels. By changing these regulations, the ordinance will also have minor impacts on BDS's code enforcement staff priorities. The Title 29 changes may also create some additional plumbing and electrical permit applications for the required utility connections. By clarifying that the City's SDC exemption for shelters will also apply to the new Outdoor Shelter category, this ordinance could have minor impacts on SDC revenue. This impact is expected to be minimal because this is a new land use category that had not previously been routinely permitted before.