

CITY OF PORTLAND

**LEGISLATIVE PACKAGE:
PRIORITIES AND INITIATIVES**



**2009
SESSION**

PLANNING

DESIGN REVIEW

Objective: Introduce legislation to expand the authority to review building designs for medium to large residential housing projects and mixed-use developments in order to ensure that these developments fit within the character of the community. Streamline this authority with current land use reviews in order to minimize any impact on housing affordability.

Issue: It is important to create, throughout the City, well-designed, safe neighborhoods where people want to live. Residents in all parts of the City deserve equal treatment when it comes to creating quality places to live. Design review for medium and high density housing is an important planning tool that will help ensure community livability even as areas of the City develop and grow.

The City and the region are growing and will require major public investments. However, this growth is uneven; for example, people living in the City's fastest growing neighborhoods in East Portland face major challenges building quality places to live. Major public investments (e.g. Light Rail Transit) in East Portland will be made to accommodate high density housing, and this growth requires a level of oversight upon which current and future residents can rely. Neighborhoods that develop with concentrations of poorly designed higher density apartments will cost more public funds to redevelop later and will demand greater public safety services. Nationally, HUD's HOPE VI program is an example of public reinvestment costing millions to correct the outcomes of poorly designed housing projects. Good design, however, preserves a building's value through lower life-cycle costs, lower maintenance costs, and lower tenant turnover. Building design can also take into account crime prevention features. It is unfair that low and moderate income neighborhoods cannot enjoy the same expert design oversight as higher income neighborhoods in historic districts and the central city.

In 1997, state land use law changes limited Portland's design review authority for any development that included housing. This change tilted the playing field and gave developers the choice of whether to voluntarily go through design review or build by a set number of standards that fail to take in account the characteristics of the specific site and the surrounding community. As a result, Portland's design review authority is restricted except in three areas of the city: the Central City, the Gateway Plan District (a 2040 regional center), and historic districts. Portland seeks to restore its previous authority and even the playing field for places like East Portland.

BUILDING CODES

PROTECT THE ABILITY OF LOCAL GOVERNMENTS TO ADOPT LOCAL CODE AMENDMENTS

Objective: Oppose efforts to eliminate ORS 455.040, which allows local governments to make amendments to the state building code.

Issue: The State of Oregon, under the provisions of ORS 455.040, currently allows for a local jurisdiction to create a local amendment to the State minimum maximum building code. This section encourages local jurisdictions to address unique issues without imposing the local requirements or allowances on all jurisdictions in the State.

The law requires that the Building Code Administrator approve the proposal before it can be enacted as an enforceable amendment. This section is rarely used – the City of Portland holds one of the five local amendments that have been approved to date. Without this option, there is no mechanism that allows local jurisdictions to address issues that only affect their unique circumstances.

The amount of scrutiny that a proposed local amendment faces is significant. First, the City Council must approve the proposed language. Second, the Building Codes Division (“BCD”) board considers the language and provides a recommendation to the Administrator for approval, approval with amendment, or denial. Third, if the BCD does not deny the amendment, the Administrator must independently evaluate the proposal. Finally, if the Administrator requires changes to the proposal the City Council must pass the reconstituted proposal. In this process are no less than three opportunities for public to testify with two of those opportunities being formal public hearings.