

ORDINANCE No. 185759 As Amended

*Accept the Residential “Up out of the Mud” Street by Street Program Report and direct the Bureau of Transportation and the Bureau of Environmental Services to implement a street improvement program that provides affordable, safe, and context based streets for all modes (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Mayor directed the Bureau of Transportation to develop an affordable, safe, and context sensitive program for the improvement of residential streets.
2. The City’s residential local streets include approximately forty-five (45) centerline miles of unpaved (dirt or gravel) roads and 170 centerline miles of paved streets without curb or sidewalk.
3. Portland’s highest concentrations of unpaved streets are residential streets existing in the Cully, Brentwood-Darlington, Woodstock, Linnton, southwest, and outer-east neighborhoods.
4. The Portland Plan, adopted by Council April 25, 2012, presents a strategic roadmap to help Portland thrive into the future and supports the need for a different approach to residential street standards.
5. The Portland Plan also calls for public agencies to aim to provide basic services equitably throughout the City.
6. Finding affordable solutions for street improvements has been an issue for the City and its citizens for more than 20 years:
 - a. In 1988 a citizen’s task force asked the City to offer more flexible, less costly street standards; and
 - b. On July 31, 1991, City Council passed Resolution 34885 authorizing the Bureau of Transportation to implement Performance Standards for neighborhood streets and adopted “skinny” street standards; and
 - c. On January 20, 1995 City Council passed Resolution 35360 endorsing the Cheap and Skinny Streets Program and directed implementation of a pilot project; and

- d. In 2004, the Bureau of Transportation adopted design standards for public streets and established right of way and street widths for residential streets at 26ft wide roadway and 11ft sidewalk corridors, a “traditional residential street standard.”
7. The policy of the City of Portland remains that streets are constructed and maintained at the expense of abutting property owners until street improvements are constructed to the standards of, and accepted by, the City in accordance with City Code Chapter 17.42, Property Owner Responsibility for Streets, paragraph .010 A. Policy.
8. Cost remains a key impediment for local streets not being improved by the responsible property owners and the cost of building a traditional full street improvement on streets that would qualify for this program may be excessively disproportionate to the need or probable use.
9. By increasing the available design options and reducing the cost of improving unpaved streets, while meeting our minimum need for local and emergency response access, the Bureau of Transportation can reduce the miles of dirt and gravel streets in our City.
10. Based on the desires of the neighborhoods, new design standards are intended to allow for more flexible designs and use of the public right-of-way while providing a safe environment.
11. Narrow residential streets are primarily used by the neighbors that live on such streets and often have low volumes of purely local traffic and qualify under Oregon Revised Statute 811.111 for 15 mile per hour speed limits.
12. ORS 811.111, requires a 15 mph speed limit when driving on an alley or a narrow residential roadway, 18ft wide or less at any point.
13. When appropriately designed a narrow shared roadway allows for all modes, including pedestrians, to safely share the street without delineating a separate space for each.
14. Examples of safe shared roadways are found throughout the world and have helped inform the work of the Bureau of Transportation on the Out of the Mud Initiative.
15. Infill and small land divisions dominate single family development activity and are made more challenging due to development requirements.
16. Infill development is required to make public street improvements which include stormwater management requirements.

17. The City Engineer, based on findings that a standard traditional improvement is not feasible, (due to drainage, topography, lack of infrastructure, or other conditions), may allow a temporary street improvement, not maintained by the City in accordance with City Code Chapter, 17.88.020 Street Access, paragraph .020 For Buildings and Planning Actions.
18. In some locations, particularly southwest Portland, with a standard traditional residential street improvement, the right of way is unable to feasibly accommodate public stormwater management due to lack of infrastructure and alternative solutions like a context based stormwater approach can currently be applied by The Bureau of Environmental Services.
19. In order to encourage the improvement of residential streets the City may consider context based options for street improvements that include the performance method per the Portland 2008 Stormwater Management Manual, (SWMM), where appropriate.
20. The Out of the Mud Street by Street report attached as Exhibit A was informed through community input through many neighborhood meetings and through a community stakeholders group and a cross bureau city technical advisory team including Bureaus of Planning and Sustainability, Environmental Services, Fire and Rescue, and Transportation.
21. A Council work session for this program called "Out of the Mud" was held on August 28, 2012, and a briefing to the Portland Planning & Sustainability Commission on July 24, 2012.

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge and the Auditor authorize the City to adopt the proposed Residential "Up out of the Mud" Street by Street Program Report.
- b. That the Commissioner-in-Charge and the Auditor authorize the City to adopt the proposed Separated Residential Street and Shared Residential Street standards consistent with those included in Exhibit A.
- c. The Bureau of Transportation, with assistance from the Bureau of Environmental Services, develop a policy to guide residential street concept approval consistent with the report's recommendations and that such approval considers:
 - 1) The ability of a street's residential home owners to participation in a decision; and
 - 2) The impact of delay to a proposed development which has been submitted for a building or land use action with the City or through early assistance, and has been notified public street improvements will be required as a condition of development.

- d. The Bureau of Transportation, for streets designed and constructed under the shared or separated residential street design standard, to:
- 1) Include the pavement as an asset under city maintenance in accordance with Chapter 17.42, Property Owner Responsibility for Streets; and
 - 2) Offer financing thru a Local Improvement District (LID) as appropriate, and to the extent an LID is available, allow for deferral program, as available.
- e. The Bureau of Transportation to develop a proposal for a developer in lieu of street improvements fee.

Section 2. The Council declares that an emergency exists to stimulate shared and separated paved streets to improve the life and safety on existing gravel streets and to benefit those that are in process; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

NOV 29 2012

Mayor Sam Adams

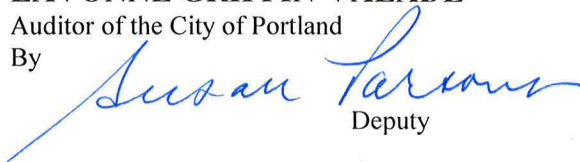
Prepared by: Christine Leon:slg

Date Prepared: November 16, 2012

LAVONNE GRIFFIN-VALADE

Auditor of the City of Portland

By



Deputy

1357

Agenda No.

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Title

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INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. O. Mann on behalf of Mayor Adams</i>	CLERK USE: DATE FILED <u>NOV 20 2012</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>[Signature]</i> Prepared by: Christine Leon:slg Date Prepared: November 16, 2012	ACTION TAKEN:
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date NOVEMBER 29, 2012	
City Attorney Approval City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	

AGENDA	
TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>2:00</u>	1 of 2
Total amount of time needed: 1 ½ HRS (for presentation, testimony and discussion)	
CONSENT <input type="checkbox"/>	
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)	

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	