

# Chapter 3.30 Portland Permitting & Development

(Chapter replaced by Ordinance \_\_\_\_\_, effective July 1, 2024.)

## 3.30.005 Organization.

Portland Permitting & Development (PP&D) is supervised by its Director. Before January 1, 2025, the Director will report to the Commissioner of Community and Economic Development. On and after January 1, 2025, the Director will report to the City Administrator.

## 3.30.010 Duties and Responsibilities.

Notwithstanding any other provision of this Code, Portland Permitting & Development is responsible for:

- A.** The operation and management of the City's Development Services Center and all personnel assigned directly or through inter-agency agreements;
- B.** The examination and checking of applications, plans, specifications, and supporting documentation required preliminary to the approval of land use actions and permits for development;
- C.** The issuance of approvals and permits required for the construction, installation, repair, or alteration of land, buildings, or equipment;
- D.** The inspection of sites, buildings, or other structures and equipment for compliance with plans and specifications and with applicable Code provisions and laws;
- E.** The administration and enforcement of the following:
  - 1.** Title 4, Original Art Murals;
  - 2.** Title 10, Erosion and Sediment Control Regulations;

3. Portions of Title 11, Trees, as further specified in that title;
  4. The following portions of Title 14, Public Order and Police: Chapter 14B.100, Liquor License Recommendations; Chapter 14B.120, Time, Place and Manner Regulations of Establishments that Sell and Serve Alcoholic Beverages; and Chapter 14B.130, Marijuana Regulatory License Procedure and Requirements;
  5. Title 18, Noise Control;
  6. Title 24, Building Regulations;
  7. Title 25, Plumbing Regulations;
  8. Title 26, Electrical Regulations;
  9. Title 27, Heating and Ventilating Regulations;
  10. Title 28, Floating Structures;
  11. Title 29, Property Maintenance Regulations;
  12. Title 32, Signs and Related Regulations;
  13. Title 33, Planning and Zoning, except as specified in that title;
  14. The special jurisdiction provisions in Section 3.30.050;
  15. State of Oregon regulations regarding manufactured dwellings; and
  16. Other regulations enacted by the State of Oregon and adopted by the Council and assigned to Portland Permitting & Development.
- F.** The coordination of related permits with other bureaus and offices as required to manage the Development Services Center; and
- G.** Other duties as assigned.

### **3.30.020 Public Infrastructure Permitting.**

In addition to the duties and functions set forth in Section 3.30.010, Portland Permitting & Development maintains a special relationship with the Bureaus of Environmental Services, Parks, Transportation, and the Portland Water Bureau related to public infrastructure permitting in conjunction with or in support of development on real property.

Some permits may be required for development proposals within public rights-of-way and public easements as described in this Code. Other City bureaus or non-City agencies may require additional permits. Portland Permitting & Development, in consultation with the City Engineer and the Chief Engineers of the Bureau of Environmental Services and the Portland Water Bureau, will establish and maintain a list of the specific types of permits that it issues.

**A.** In addition to the duties and functions set forth in Section 3.30.010, Portland Permitting & Development is responsible for applying those portions of Titles 17 and 21 that are implicated when a land use review, building permit, or other permit is required for work on real property. Portland Permitting & Development is also responsible for applying the relevant portions of Titles 11, 17, and 21 when a property owner wishes or is required to obtain a permit for work in the adjacent public right-of-way or a public easement. To carry out these functions, Portland Permitting & Development is responsible for:

- 1.** The examination and checking of applications, plans, specifications, and supporting documentation required preliminary to the approval of land use actions and permits for development;
- 2.** Collaborating with other bureaus and offices as necessary to facilitate the review and approval of public infrastructure permit applications in conjunction with or in support of development on real property;
- 3.** Reviewing applications to connect, build, construct, install, repair, modify, or remove public sewer, stormwater, or transportation infrastructure in the public right-of-way or public easements;
- 4.** Issuing required public works permits;

5. Reviewing application requests for the Portland Water Bureau to connect, build, construct, install, repair, modify, or remove water infrastructure;
6. Reviewing development-related applications, issuing permits, and conducting associated inspections to protect elements of the public sewer and drainage system not located in the public right-of-way;
7. Reviewing development-related applications for Street Trees, as that term is defined in Title 11, and conducting associated inspections;
8. Reviewing and providing conditions of approval for land use reviews; and
9. Responding to customer inquiries and early assistance requests.

**B. Administrative Rulemaking.** The Director may adopt and administer administrative rules appropriate to perform the duties set forth in this Section. However, no such administrative rule adopted under this Section may serve to establish, alter, or waive City engineering standards, specifications, or thresholds for when such standards or specifications apply. The Director will adopt administrative rules according to the procedures in Section 3.30.045, with the notice required by that Section also provided to the Bureaus of Environmental Services, Parks, Transportation, and the Portland Water Bureau at least 30 calendar days before adoption.

### **3.30.030 Development Review Advisory Committee.**

**A. Purpose.** The Development Review Advisory Committee is a citizen advisory body representing those with interests in the outcome of policies, budgets, regulations, and procedures that affect development review processes. The purpose of the Committee is to foster a timely, predictable, and accountable development review process that implements the City's goals for land use, transportation, housing, economic development, neighborhood livability, and the environment. The Committee advocates for and supports consistent and fair

application and implementation of regulations. The Committee provides public input for the development review process by:

1. Providing leadership and expertise on issues affecting development;
2. Providing feedback to bureaus, review bodies, the City Administrator, the Mayor, and the Council on the impact of potential regulations and administrative rules on the development review process, taking into consideration the full range of City goals and objectives;
3. Providing recommendations for regulatory, Code, and administrative rule changes affecting the development review process;
4. Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's development goals;
5. Recommending customer service, permitting, process, and compliance improvements to bureaus, review bodies, the City Administrator, the Mayor, and/or the Council;
6. Serving as an advisory board to development review directors and bureaus on development review processes and procedures; and
7. Providing input to ensure budgets of development review agencies are adequate to meet service goals and desired system outcomes.

**B. Membership.** The Committee consists of seventeen members. The members are appointed by the Mayor and confirmed by the Council. The members will be selected to provide representation of those persons concerned about planning, design, and development. The areas of interest of members will include, but not be limited to, development, planning, construction contracting, public works, design professions, neighborhood interests, business interests, historic preservation, environmental organizations, and institutional properties. Members will be appointed so that the Committee consists of one member from organizations representing each of the following groups or, if organizations do not exist, an individual advocate for the representative group will be appointed:

1. Frequent development review customers

2. Citywide neighborhood interests
3. Design professionals
4. Environmental conservation and green building
5. Historic preservation
6. Home builders
7. Home remodelers
8. Land use planning professions
9. Large developers
10. Large construction contractors
11. Low-income housing developers
12. Major facilities landowners
13. Minority construction contractors and development professionals
14. Neighborhood coalition land use committees
15. Small businesses
16. Planning Commission, as designated by the Planning Commission Chair (this person serves as an ex officio member of the Committee)
17. Public works permit customers

**C.** Appointments and terms. Committee members will be appointed for three-year terms. If a position is vacant during a term, it will be filled for the unexpired term. Members of the Committee will not serve more than two complete three-year terms.

**D.** Meetings, officers, and subcommittees.

- 1.** The Committee will meet at least five times yearly and as otherwise necessary to conduct its business. Meetings will be conducted in accordance with adopted rules of procedure. Seven members constitute a quorum. A quorum is necessary to make decisions that represent the position of the Committee and to conduct any other Committee duties. The election of officers will take place at the first meeting of each calendar year.
  - 2.** The officers of the Committee consist of a chairperson and a vice chairperson. The chairperson is responsible for conducting the meetings of the Committee. The vice chairperson will act as chair when the chairperson is not available.
  - 3.** The Committee may divide its members into subcommittees that are authorized to act on behalf of the Committee for an assigned purpose. Subcommittee actions require the affirmative vote of at least three members of the subcommittee.
- E.** Attendance. Members of the Committee are expected to attend each meeting of the Committee. The Mayor may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent of the meetings in any year with a new appointment as set forth in this Section.
- F.** Compensation. Committee members will serve without compensation.

### **3.30.040 Administration and Enforcement.**

In order to carry out the duties as set forth in Section 3.30.010, the Director may:

- A.** Adopt, amend, and repeal administrative rules, policies, procedures, and forms for the enforcement of applicable Code provisions and laws.
- B.** Establish enforcement fees or penalties for non-compliance.
- C.** Establish enforcement priorities based on the following:
  - 1.** The number of budgeted enforcement personnel;

2. Public safety and welfare factors;
3. Priorities established by the Council before January 1, 2025; and
4. Priorities established by the City Administrator on or after January 1, 2025.

**D. Compel compliance by:**

1. Instituting an action before the Code Hearings Officer in the manner provided for by Title 22 of this Code.
2. Causing an appropriate action to be instituted in a court of competent jurisdiction.
3. Issuing a Code violation citation directly to the contractor or person responsible for carrying out the work. Any person receiving a citation for violating Code provisions administered by Portland Permitting & Development will be subject to a fine of up to \$1,000 for each citation issued.

**4. Taking other lawful action.**

**5. Revoking a Type B home occupation permit for failure to comply with the regulations of City Code Chapter 33.203 or revoking a Type A accessory short-term rental permit for failure to comply with the regulations of City Code Chapter 33.207 by using the following procedures:**

**a.** If the Director determines that cause for revocation of a permit exists, the Director must provide written notice thereof to the permittee. The notice must contain a brief description of the facts supporting the revocation, the date the revocation becomes final and a notice of the permittee's right to appeal the revocation.

**b.** The notice must be mailed by certified mail, return receipt requested, and regular mail to the permittee.



**c.** The revocation will become final and effective thirteen calendar days after the notice is mailed unless an appeal is filed.

**d.** Any permittee whose permit has been revoked may appeal the revocation to the Code Hearings Officer pursuant to the provisions of Code Chapter 22.10. The filing of an appeal will stay the effective date of the revocation until the appeal is determined in a final decision by the Code Hearings Officer.

**E.** Impose fees or penalties for non-compliance, issue citations, provide notification, and allow for appeals by:

**1.** Initiating the notification procedures provided in Section 29.60.050.

**2.** Imposing monthly enforcement fees or penalties for each property that meets the following conditions:

**a.** The property is the subject of a notice of violation by Portland Permitting & Development;

**b.** A response period of 30 calendar days has passed since the effective date of the initial notice of violation; and

**c.** The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.

**3.** Doubling the penalties if the violations are not corrected within three months from the initial notice of violation.

**4.** Imposing an additional penalty as set forth in the Enforcement Fee and Penalty Schedule against any property for which a Code enforcement proceeding is initiated before the Code Hearings Officer pursuant to the provisions of Title 22 of this Code.

**5.** All required fees or penalties are listed in the Enforcement Fee and Penalty Schedule adopted by Council. Fees or penalties may be updated annually or on an as-needed basis. The approved Enforcement Fee and

Penalty Schedule is available at the Development Services Center and on Portland Permitting & Development's web site.

- 6.** When a property meets the conditions for charging any fee or penalty for noncompliance, the Director will file a statement with the Revenue Division identifying the property, the amount of the fee or penalty, and the date upon which the charge should be assessed. The Revenue Division must notify the property owner of the amount of the assessed fees and penalties and add a 10 percent Revenue Division charge. The Revenue Division will record the total amount as a lien in the Docket of City Liens. The Revenue Division will maintain the lien record until the lien and all associated interest and costs are paid in full and the Director certifies that all violations listed in the original or subsequent notice of violation have been corrected.
- 7.** Providing for administrative procedures as set forth in Subsections 29.70.010 C. through E.
- 8.** Providing for administrative review and the opportunity for appeal to the Code Hearings Officer as set forth in Section 29.80.020.
- 9.** Allowing exceptions as provided in Section 29.60.100.

### **3.30.045 Administrative Rulemaking Procedures.**

**A.** The Director may adopt and administer administrative rules appropriate to perform the duties set forth in Section 3.30.010. Such administrative rules will be adopted according to the procedures in this Section.

**B.** Permanent rules.

- 1.** Prior to the adoption of a permanent rule, the Director will:
  - a.** Publish a notice in a newspaper of general circulation in Portland. The notice must be published not less than thirty calendar days before adoption of the administrative rule. The notice will include the place and time of a proposed public hearing, a brief description of the subjects covered by the

proposed rule, the final date for acceptance of written comments, the location to submit comments, and the location where copies of the full set of the proposed rules may be obtained. The Director is only required to hold the public hearing if a written request is filed seeking a hearing.

- b.** During the public review process, the Director will hear testimony and receive written comments regarding the proposed rules.
- c.** The Director will review the testimony and comments and may either adopt the proposed rule, modify it, or reject it.
- d.** If the Director makes a substantial modification to the proposed rule, the Director may provide additional time for public review and comment prior to adoption.

**2.** Unless otherwise stated, all rules will be effective upon adoption by the Director.

**C.** Interim rules.

- 1.** The Director may adopt an interim rule without prior notice upon a finding that a failure to act promptly will harm the public interest.
- 2.** Interim rules will be effective for a period of not longer than 180 calendar days.
- 3.** Portland Permitting & Development will post on its website public notice of the interim rule not more than 30 calendar days after adoption. Such notice will identify the location at which copies of the full set of the interim rules may be obtained.

**D.** All final and interim rules will be submitted to the Auditor for filing in the Portland Policy Document repository, described in Code Chapter 1.07.

### **3.30.050 Special Jurisdiction.**

Portland Permitting & Development may enforce Section 14A.20.070; Subsections 16.10.200 L., 16.20.120 H., and 16.20.130 I.; and Sections 16.20.160, 16.20.170, 16.70.450, and 16.70.800. Portland Permitting & Development may issue parking citations and order the towing and storage and/or removal of such vehicles and objects. In addition, violations of Section 16.20.160 are also subject to Portland Permitting & Development enforcement remedies as described in Subsection 3.30.040 C.

### **3.30.060 Nuisance Abatement Contracts.**

When authorized elsewhere in this Code to abate a nuisance, Portland Permitting & Development may either abate a nuisance with City personnel as may be provided by this Code or, when necessary, the Director may contract with eligible contractors for the performance of nuisance abatement services pursuant to the procedures established in Sections 3.30.040 through 3.30.060.

### **3.30.070 Inspections on Property**

**A.** Definitions. The following definitions apply to this Section unless the context requires otherwise:

- 1.** "Building regulations" means any City Code title listed in Section 3.30.010 and any other safety or health statute, ordinance, regulation, rule, standard, or order the Director is authorized to enforce.
- 2.** "Property" means real property and all improvements or structures on that property, from property line to property line.

**B.** Warrants. Whenever an inspection is necessary to enforce any of the provisions authorized by this Title or whenever the Director has reasonable cause to believe that there exists in any building or upon any property any condition that makes such property substandard as defined in any building regulations, the Director may request any Circuit Court judge to issue an inspection warrant for the inspection or investigation of any building or upon any property as required or authorized by City Code or statute. An inspection warrant is an order authorizing a safety or health inspection or investigation to be conducted at a designated building or property.

**C. Grounds for issuance of inspection warrants; affidavit.**

**1. Affidavit.** An inspection warrant will be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance, or regulation requiring or authorizing the inspection or investigation, the building or property to be inspected or investigated, and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit must contain either a statement that entry has been sought and refused or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.

**2. Cause.** Cause is deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is cause to believe that a condition of nonconformity with any building regulations exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with any building regulations.

**D. Procedure for issuance of inspection warrant.**

**1. Examination.** Before issuing an inspection warrant, the judge may examine the applicant and any other witness under oath and must be satisfied of the existence of grounds for granting such application.

**2. Issuance.** If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge may issue the warrant, which must include the person or persons authorized to execute the warrant, the property to be entered, and the purpose of the inspection or investigation. The warrant must contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot

be effectively executed between those hours, that it be executed at any other time of the day or night.

**E. Execution of inspection warrants.**

- 1. Occupied property.** Except as provided in Subsection 2. of this Section, in executing an inspection warrant, the person authorized to execute the warrant must, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.
- 2. Unoccupied property.** In executing an inspection warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in Subsection 1. of this Section, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the search warrant must be conspicuously posted on the property.
- 3. Police assistance.** In issuing an inspection warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the building inspector or representative of the bureau inspecting the property in any way necessary to complete the inspection.
- 4. Return.** An inspection warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within five business days from its date of execution, unless such judge before the expiration of such time extends the time for five business days. After the expiration of the time prescribed by this Subsection, the warrant unless executed is void.

### **3.30.080 Stop Work Orders.**

**A.** When necessary to compel compliance with this Title or to address any violations of provisions administered by Portland Permitting & Development, the Director may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the Director issues a stop work order, activity subject to the order may not resume until such time as the Director gives specific approval in writing. The stop work order will be in writing and will include:

1. The date the order is issued;
2. The permit or registration number, where applicable;
3. The site address, legal description, or project location that is subject to the stop work order;
4. A description of violations observed; and
5. The conditions under which the work may resume.

**B.** The stop work order will be posted by the Director at a conspicuous location at the site. In addition, a copy of the order will either be personally delivered or sent to the property owner and any person authorized to act on the owner's behalf, if identified, by regular first-class mail.

**C.** It is unlawful for any person to remove, obscure, mutilate, or otherwise damage a stop work order.

**D.** A stop work order is effective upon posting.

**E.** When an emergency condition exists, the Director may issue a stop work order orally. The Director will then issue a written notice as provided under Subsection A., above, within one working day.

**F.** The Director may issue a stop work order for work commenced without a required permit.

**G.** The Director may impose a penalty as set forth in the adopted Enforcement Fee and Penalty Schedule when a stop work order is issued. The stop work order

penalty may be assessed for each day the violation or condition giving rise to the order continues.

**H.** Review of stop work order by the Director.

- 1.** If a property owner or any person authorized to act on the owner's behalf has received a stop work order as described in this Section and the recipient believes the order has been issued in error, the recipient may request that the order be reviewed by the Director. The recipient must submit a written request to the Director within 15 calendar days of the date of the order. The written request must be submitted together with all evidence that supports the request. Work subject to a stop work order may not be resumed until approved according to Subsection A. of this Section. Following review, the Director will issue a written determination. The Director's determination will be served on the property owner and any person authorized to act on the owner's behalf by regular mail.
- 2.** A property owner or any person authorized to act on the owner's behalf may appeal the Director's written determination to the Code Hearings Officer in accordance with City Code Chapter 22.10.
- 3.** Nothing in this Chapter limits the authority of the Director to initiate a code enforcement proceeding under Title 22.