

# ORDINANCE No. 189071

\*Amend Inclusionary Housing to make technical corrections to the fee-in-lieu payment following the implementation of the 2035 Comprehensive Plan and zoning code and to clarify that the calculation is based on gross residential and residential related square footage (Ordinance; amend Code Section 30.01.120)

The City of Portland ordains:

Section 1. The Council finds:

1. In December 2016, the City Council passed Ordinance 188163, adding the Inclusionary Housing program to the City's portfolio of affordable housing development tools.
2. The purpose of the Inclusionary Housing program is to increase the number and types of units available to households earning 80 percent or less of the median family income in high opportunity areas.
3. Subsection 30.01.120 B.3 directs the Portland Housing Bureau ("PHB") to periodically review the Inclusionary Housing options and incentives to determine if they are consistent with City goals and market conditions.
4. City Council adopted the 2035 Comprehensive Plan on June 15, 2016. The 2035 Comprehensive Plan went in to effect on May 24, 2018 at 1 pm.
5. With the implementation of the 2035 Comprehensive Plan, technical corrections need to be made to the fee-in-lieu schedule, section 30.01.120, to reflect the new zoning code categories for commercial/mixed use zones.
6. The new zoning code in the 2035 Comprehensive Plan includes zones that are not included in the current fee-in-lieu schedule.
7. The current fee-in-lieu payment, section 30.01.120, is based on gross square footage of the development, including residential and non-residential uses.
8. After internal review and tracking current permits, PHB finds that a technical correction to the fee-in-lieu payment is needed for mixed-use developments to clarify that the calculation only applies to the residential and residential related square footage.
9. Subsection 30.01.120 F. also includes a scrivener's error where the word 'they' should be replaced with 'the'.

NOW, THEREFORE, the Council directs:

- a. Subsection 30.01.120 F., Fee-in-lieu, is hereby amended to clarify the policy intent of the Inclusionary Housing fee-in-lieu payment; and to extend the policy in perpetuity as provided in Exhibit A, attached hereto.

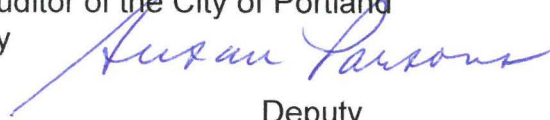
Section 2. The Council declares that an emergency exists due to the fact that Oregon Revised Statute require jurisdictions with a mandatory Inclusionary Housing policy to offer a fee-in-lieu option and with the adoption and implementation of the 2035 Comprehensive Plan the fee-in-lieu schedule must be updated to reflect the incorporated land use and zoning; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: JUL 18 2018

Commissioner Ted Wheeler  
Prepared by: Jessica Conner  
Date Prepared: June 1, 2018

**Mary Hull Caballero**  
Auditor of the City of Portland

By



Deputy

Agenda No. **189071**  
**ORDINANCE NO.**  
 Title

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<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Ted Wheeler</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance &amp; Administration - Wheeler <i>kc</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: Portland Housing Bureau Bureau Head: Shannon Callahan</p> <p>Prepared by: Jessica Conner Date Prepared: June 1, 2018</p> <p>Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>City Auditor Office Approval:</b> required for Code Ordinances <i>Tom</i></p> <p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date <del>6/27/18</del> <i>7/18/18</i></p>	<p>CLERK USE: DATE FILED <u><b>JUL 10 2018</b></u></p> <p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p> <p><b>ACTION TAKEN:</b> <i>JUL 18 2018 Rescheduled to JUL 18 2018 9:30 A.M.</i></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input checked="" type="checkbox"/></p> <p>Total amount of time needed: <b>10 minutes</b> (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<i>[Signature]</i>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	<input checked="" type="checkbox"/>	