

ORDINANCE No. 189614

Update City Code to revise the definitions of decision or determination and administrative act for purposes of administrative appeals (Ordinance; amend Code Subsections 3.130.010 A. and 22.10.010 B.)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2015, through Ordinance No. 187151, the City Council amended the City Code to eliminate barriers to accessing administrative appeals, including by limiting the fees that can be charged to initiate an appeal and establishing requirements for providing notice of appeal rights.
2. That ordinance added a new Chapter 3.130 to the Code, which covers administrative appeals. Code Subsection 3.130.010 A. defines an “Administrative Act,” for purposes of Chapter 3.130, to exclude actions “applying” Title 33 (Portland Zoning Code).
3. Ordinance No. 187151 also added language to Code Subsection 22.10.010 B., which states that bureau decisions and determinations appealed to the Hearings Office under Chapter 22.10 “do not include any action, decision, determination, or order applying Title 33 or Chapter 16.30.”
4. Ordinance No. 187151 excluded actions applying Title 33 from Chapters 3.130 and 22.10 because the review of City land use and zoning decisions is largely governed by state law—and is addressed through comprehensive requirements set forth in Title 33. However, certain administrative acts that apply standards described in Title 33 can be appealed to the Hearings Office pursuant to Chapter 22.10. The Code should be amended to ensure that the requirements set forth in Chapters 3.130 and 22.10 apply to such appeals.

NOW, THEREFORE, the Council directs:

- a. Code Subsection 3.130.010 A. is amended as follows:

3.130.010 Definitions.

- A.** “Administrative Act” means a final action, decision, determination, or order of Council, a bureau, department, or office. Administrative acts do not include legislative acts of Council, any City employment action, decision, determination, or order, or any action, decision, determination, or order applying that is subject to the review procedures set forth in Title 33 of the Code.

b. Code Subsection 22.10.010 B. is amended as follows:

22.10.010 Definitions.

- B.** "Decision or determination" means and includes any decision, determination, order, or other action of any City bureau. Decisions or determinations do not include any action, decision, determination, or order applying that is subject to the review procedures set forth in Title 33 or Chapter 16.30 of the Code.

Passed by the Council: JUL 24 2019

City Auditor Mary Hull Caballero
Prepared by: Jennifer Amcott
Date Prepared: June 26, 2019

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

Agenda No.
ORDINANCE NO. 189614
Title

Update City Code to revise the definitions of decision or determination and administrative act for purposes of administrative appeals (Ordinance; amend Code Subsections 3.130.010 A. and 22.10.010 B.)

<p>INTRODUCED BY Commissioner/Auditor: Mary Hull Caballero <i>Mary Hull Caballero</i> COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p> <p>BUREAU APPROVAL Auditor <i>Mary Hull Caballero</i></p> <p>Prepared by: Jennifer Amriott Date Prepared: June 25, 2019</p> <p>Impact Statement 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>City Auditor Office Approval: required for Code Ordinances <i>Tom/KM</i></p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>RM</i></p> <p>Council Meeting Date July 10, 2019</p>	<p>CLERK USE: DATE FILED JUL 01 2019</p> <p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN: JUL 10 2019 PASSED TO SECOND READING JUL 24 2019 9:30 A.M.</p>
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AGENDA

TIME CERTAIN
Start time: _____
Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
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. Hardesty	3. Hardesty	_____	_____
4. Eudaly	4. Eudaly	_____	_____
Wheeler	Wheeler	✓	