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191582

Ordinance

Amend City Code to update certain boards of appeal terms, reduce the number of alternate members, and make other process changes (amend Code Titles 24, 25, 26, and 27)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Development Services (BDS) promotes safety, livability, and economic vitality through efficient and collaborative application of building and development codes.
2. BDS administers the following Portland City Code (PCC) titles: Title 24, Building Regulations; Title 25, Plumbing Regulations; Title 26, Electrical Regulations; and Title 27, Heating and Ventilating Regulations.
3. BDS has four external Boards of Appeal (Building Code Board of Appeal; Plumbing Code Board of Appeal; Electrical Code Board of Appeal; and Mechanical Code Board of Appeal that consist of community members with expertise in the relevant code who hear appeals of decisions rendered by the Administrative Appeal Board.
4. The four external Boards of Appeal are comprised of citizen volunteers (architects, engineers, community members, etc.) and often goes years without hearing an appeal.
5. This ordinance amends the administrative appeals boards for Titles 24, 25, 26, and 27 to allow appeals board members to roll into a third term if their board has not convened in the board member's first two terms. Board members can opt out of a third term if they choose. This change will use community resources more strategically, as it will lessen the time spent recruiting new board members and will create more tenure on the appeal boards.
6. This ordinance amends Title 24 to allow the River Community Advisory Committee to appoint a subject matter expert to advise on floating structures.
7. This ordinance amends Title 24 to direct Alternative Technology Advisory Committee duties to the relevant boards for the: Mechanical, Electrical, Plumbing, or Building Code. The Alternative Technology Advisory Committee has not met in several years, and these appeals can be

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Development Services](#)

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

January 10, 2024

Changes City Code










directed to the above boards to consult on new or innovative sustainable technologies and products.

8. This ordinance amends the administrative appeal boards for Titles 25, 26, and 27 to have one alternate member rather than three alternate members.
9. This ordinance amends Titles 24, 25, 26, and 27 to clarify that the appeal package may not be altered from the administrative hearing.
10. This ordinance adds sections: 25.03.015, 26.03.055, and 27.02.025 to add a Severability Clause
11. This ordinance revises the building code years to reflect the current adopted codes per the State of Oregon adopted codes and standards.

NOW, THEREFORE, the Council directs:

- A. Amend Portland City Code Titles 24, 25, 26, and 27 as shown in Exhibits A, B, C, D, E, F, G, and H.

Documents and Exhibits

 Exhibit A (https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-a_2.pdf)	90.38 KB
 Exhibit B (https://www.portland.gov/sites/default/files/council-documents/2023/appeal-boards-updates-title-24-25-26-and-27-exhibit-b-chapter-25.01-12.20.23.pdf)	53.85 KB
 Exhibit C (https://www.portland.gov/sites/default/files/council-documents/2023/appeal-boards-updates-title-24-25-26-and-27-exhibit-c-chapter-25.03-12.20.23.pdf)	51.19 KB
 Exhibit D (https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-d_0.pdf)	61.85 KB
 Exhibit E (https://www.portland.gov/sites/default/files/council-documents/2023/appeal-boards-updates-title-24-25-26-and-27-exhibit-e-chapter-26.01-12.20.23.pdf)	52.91 KB
 Exhibit F (https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-f.pdf)	64 KB
 Exhibit G (https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-g.pdf)	63.42 KB
 Exhibit H (https://www.portland.gov/sites/default/files/council-documents/2023/appeal-boards-updates-title-24-25-26-and-27-exhibit-h-section-24.25.030-12.20.23.pdf)	50.13 KB
 Memo to Council (https://www.portland.gov/sites/default/files/council-documents/2023/appeal-boards-updates-title-24-25-26-and-27-memo-to-council-12.20.23.pdf)	192.19 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
January 10, 2024

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

The external Boards of Appeal: Building Code Board of Appeal, Plumbing Code Board of Appeal, Electrical Code Board of Appeal, and Mechanical Code Board of Appeal are comprised of citizen volunteers (architects, engineers, community members, etc.) and often go years without hearing an appeal. There is a need to add wording to clarify if the board hasn't met during the board member's term, then the board member automatically rolls into an additional term. The wording will also allow folks to opt-out, it is at the individual board members' discretion if they want to serve an extra term.

This Ordinance will:

Amend Titles 24, 25, 26 and 27 to:

- Allow board members to serve a third term if a board meeting hasn't been convened during their first two terms
- Update Code years to reflect the most current adopted codes

Amend Titles 25, 26, and 27 to:

- Clarify that appeals packages may not be altered from the administrative hearing
- Reduce the number of appeals board alternates from three to one

Amend Title 24 to:

- Remove the alternative technology advisory committee and direct alternative technology appeals to the relevant appeals board
- Allow the River Advisory Committee to appoint a subject matter expert to advise on floating structures

Financial and Budgetary Impacts

This ordinance has no budgetary impacts and would not impact staffing levels. Any changes in work resulting from this ordinance is expected to be performed using existing resources.

Community Impacts and Community Involvement

This change will use community resources more strategically, as it will lessen time spent recruiting new board members and will create more tenure on the appeals boards.

Given the minor scope of this change, no community engagement was performed as part of this change.

Budget Office Financial Impact Analysis

No fiscal impact.

Agenda Items

1079 Regular Agenda in [December 20, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/12/20)
(<https://www.portland.gov/council/agenda/2023/12/20>)

Passed to second reading

Passed to second reading January 10, 2024 at 9:30 a.m.

29 Regular Agenda in [January 10-11, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/1/10)
(<https://www.portland.gov/council/agenda/2024/1/10>)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea