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191663

Ordinance

Amend Property Owner Responsibility for Streets Code to update street maintenance terminology (amend Code Chapter 17.42)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Local improvement districts have been used to improve streets since Ordinance No. 362 was approved by Council on September 20, 1866 forming the first LID in Portland. The current Local Improvement District (LID) procedure was established by the passage of Ordinance No. 177124 on December 11, 2002. As of February 2, 2024 there are ten (10) LIDs pending completion of construction with total project funding of \$79,785,000 including LID funding of \$65,002,000. Since the adoption of Ordinance No. 177124 the LID Program has also administered 49 completed LIDs with total project funding of \$145,252,000 including LID funding of \$85,672,000 as identified in Exhibit A.
2. Per Article XI, Section 11b of the Oregon Constitution, LIDs may be used to fund capital improvement projects, but are not used to fund maintenance. ORS 310.140 further defines both capital improvement projects and maintenance. Most capital improvement projects are subject to competitive bidding in lieu of being constructed by the City per the requirements of ORS 279C.305
3. Ordinance No. 177124 also provided an alternative to LIDs by providing more flexibility for property owner maintenance of streets not accepted for maintenance by the City. Property owners are no longer limited to using hand tools and may also maintain existing asphalt surfaces on streets not accepted for maintenance by the City, subject to certain other restrictions as set forth in Code Chapter 17.42, which are not changed by this Ordinance.
4. Code Chapter 17.42 as established by Ordinance No. 177124 includes three (3) references to "unimproved streets," which was asset

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Transportation](#)

Contact

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

March 20, 2024

Changes City Code


management terminology no longer used by the Portland Bureau of Transportation (PBOT). PBOT instead began classifying streets within three (3) categories of paved with curbs, paved without curbs and unpaved as of December 1, 2011. These street categories exclude impassable rights-of-way.


5. As capital improvement projects and public works permitting (PWP) projects have been completed over time, the proportion of streets which are paved with curbs has increased over time, from 1,585.5 centerline miles or 78.5% of all City streets as of June 27, 2008 to 1,593.8 centerline miles or 80.0% of all City streets as of June 30, 2023. Most but not all streets which are paved with curbs have been accepted for maintenance by the City. LIDs are the primary tool by which to increase the Citywide proportion of streets which are paved with curbs when property owners elect not to use the PWP process.
6. As capital improvement projects and public works permitting (PWP) projects have been completed over time, the proportion of streets which are paved without curbs has similarly decreased over time, from 371.4 centerline miles or 18.4% of all City streets as of June 27, 2008 to 344.5 centerline miles or 17.3% of all City streets as of June 30, 2023. Streets which are paved without curbs and have not been accepted for maintenance by the City are generally eligible for a paving overlay without a permit subject to certain other restrictions as set forth in Code Chapter 17.42, which are not changed by this Ordinance.
7. As capital improvement projects and public works permitting (PWP) projects have been completed over time, the proportion of unpaved streets has similarly decreased over time, from 61.8 centerline miles or 3.1% of all City streets as of June 27, 2008 to 54.6 centerline miles or 2.7% of all City streets as of June 30, 2023. No unpaved streets have been accepted for maintenance by the City, and these streets are not eligible for a paving overlay without a permit as set forth in Code Chapter 17.42.
8. Removing current references to “unimproved streets” per Finding No. 3 of this Ordinance will provide greater clarity to property owners wishing to maintain streets without a permit. Any maintenance activities on streets already accepted for maintenance by the City will continue to require a permit from the City and will not be changed by this Ordinance.

NOW, THEREFORE, the Council directs:

- A. Amend Code Chapter 17.42 as shown in Exhibit B.

Documents and Exhibits

 [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2024/03-pcc-17.42-for-property-owner-maintenance-asset-management-terminology-code-change-2024-03-13-rev0-002.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2024/03-pcc-17.42-for-property-owner-maintenance-asset-management-terminology-code-change-2024-03-13-rev0-002.pdf) 170.89 KB

 [Exhibit B \(https://www.portland.gov/sites/default/files/council-documents/2024/04-exhibit-b-pcc-17.42-for-property-owner-maintenance-asset-management-terminology-code-change-2024-03-13-rev1.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2024/04-exhibit-b-pcc-17.42-for-property-owner-maintenance-asset-management-terminology-code-change-2024-03-13-rev1.pdf) 65.32 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
March 20, 2024

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

- Removes obsolete asset management terminology from Property Owner Maintenance Code 17.42 to improve clarity for property owners wishing to maintain streets not accepted for City maintenance without a permit.
- There are no substantive changes to the rules regarding property owner maintenance, nor does this Ordinance increase or change any obligations of Maintenance Operations with respect to streets already accepted for maintenance.

Financial and Budgetary Impacts

None

Community Impacts and Community Involvement

- None. This is a technical change and reflects changes to asset management terminology that were adopted in December 2011.

100% Renewable Goal

N/A

Agenda Items

220 Consent Agenda in [March 13, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/3/13)
(<https://www.portland.gov/council/agenda/2024/3/13>)

Passed to second reading

Passed to second reading March 20, 2024 at 9:30 a.m.

245 Consent Agenda in [March 20, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/3/20)
(<https://www.portland.gov/council/agenda/2024/3/20>)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea