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## 191978

Emergency Ordinance

**\*Create the NE 11th Ave and Columbia Blvd Local Improvement District to construct sidewalk, Oregon Humane Society driveway relocation and mast arm traffic signal improvements, and relocate public utilities south of NE Columbia Blvd to enable the elimination of frontage improvement requirements for NE 10th Ave, NE Baldwin St and NE Russet St (C-10075)**

Passed

The City of Portland ordains.

Section 1. The Council finds:

1. The Council adopted Resolution No. 37678 on September 25, 2024, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the NE 11th Avenue & Columbia Blvd. Local Improvement District ("LID").
2. The record related to the adoption of Resolution No. 37678 is incorporated into the record of this Ordinance except that no part of the record of Resolution No. 37678 shall be considered a remonstrance for purposes of Section 17.08.070 of City Code, nor for purposes of Section 9-403 of the City Charter.
3. The Budget & Liens Section mailed notice of the November 20, 2024 LID formation hearing on October 30, 2024 to the owners of the benefited properties within the proposed NE 11th Avenue & Columbia Blvd. LID. The property owners were notified of the time and location of the hearing conducted by Council, the total estimated project costs, the right and manner to object to the formation of the NE 11th Avenue & Columbia Blvd. LID, the deadline and procedure for filing a remonstrance against the formation of the NE 11th Avenue & Columbia Blvd. LID, and the amount of the estimated future assessment on benefited properties as set forth in Exhibit A. The deadline to submit a written remonstrance was at 5:00 PM on November 13, 2024.

Introduced by

[Mayor Ted Wheeler](#)

City department

[Transportation](#)

Contact

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LID Administrator & Project Manager, PBOT

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Requested Agenda Type

Regular

Date and Time Information

**Requested Council Date**

November 20, 2024

**Time Requested**

10 minutes

4. Notices of the LID formation hearing were posted within the NE 11th Avenue & Columbia Blvd. LID on November 5, 2024.
5. The LID Administrator published notice of the November 20, 2024 LID Formation Hearing in the Daily Journal of Commerce on November 4, 2024 and on November 6, 2024.
6. The general character and scope of the improvement is to construct a new traffic signal at the NE 11th & Columbia intersection; build curb and sidewalk and plant street trees along 1050 NE Columbia Blvd. and 1040 NE Baldwin Street, and relocate the driveway serving 1067 NE Columbia Blvd.
7. Widths, alignments and lengths of the project may be modified during the preparation of plans and specifications by the City Engineer.
8. N and NE Columbia Blvd. is on the High Crash Network comprised of 30 streets and intersections with the most serious crashes, representing 8% of Portland streets but accounting for 62% of traffic deaths from 2018 to 2022.
9. Portland Police officers assigned to North Precinct responded to a crash near the intersection of Northeast Columbia Boulevard and Northeast Lombard Court on Friday, October 18, 2024 at 9:59 P.M., which is one-third of a mile east of the NE 11th & Columbia intersection. When officers arrived, they found a crash involving a tractor trailer and a sedan. The driver of the sedan was deceased at the scene. This fatal crash in close proximity to the location of the intersection improvements for this LID underscores the public safety need to install a new traffic signal for vehicles turning onto NE Columbia Blvd., as well as for pedestrians and bicyclists crossing this arterial.
10. NE 10th Avenue from NE Columbia Blvd. to the Union Pacific Railroad tracks south of NE Russet St. is impassable right-of-way approximately 545 centerline feet in length. Abutting properties will benefit from a street vacation through the elimination of frontage improvement and right-of-way dedication requirements.
11. NE 11th Avenue from NE Columbia Blvd. to NE Argyle Drive acquired pursuant to Ordinance No. 137048 approved by Council on August 15, 1973, is approximately 891 centerline feet in length with 778 centerline feet unpaved and 113 centerline feet paved without curbs. Abutting properties will benefit from a street vacation through the elimination of frontage improvement and right-of-way dedication requirements. The center-to-center distance of the NE 11th & Columbia (west) intersection to the NE 11th & Columbia Blvd. (east) offset intersections is 109 centerline feet and would interfere with the safe operation of the new traffic signal if NE 11th Avenue north of NE Columbia Blvd. was not vacated.
12. NE Baldwin Street from NE 10th Avenue to NE 11th Avenue is approximately 315 centerline feet in length and is unpaved. Abutting properties will benefit from a street vacation through the elimination of frontage improvement and right-of-way dedication requirements. The center-to-center distance of the NE 11th & Baldwin intersection to the NE 11th & Columbia Blvd. offset intersection is 95 centerline feet

- and would interfere with the safe operation of the new traffic signal if NE Baldwin Street were not vacated.
13. NE Russet Street from NE 10th Avenue to NE 11th Avenue is approximately 322 centerline feet in length with 67 centerline feet unpaved and 255 paved without curbs. Abutting properties will benefit from a street vacation through the elimination of frontage improvement and right-of-way dedication requirements.
  14. NE Columbia Blvd. sidewalk improvements will be constructed adjacent to the frontage of 1050 NE Columbia Blvd.
  15. NE 11th Avenue sidewalk improvements will be constructed adjacent to the frontages of 1050 NE Columbia Blvd. and 1040 NE Baldwin St.
  16. Driveway relocation improvements will be constructed at 1067 NE Columbia Blvd. to enable the installation of a new mast arm traffic signal to serve the NE 11th Avenue & Columbia Blvd. intersection, to be realigned to the east.
  17. The boundary of the NE 11th Avenue & Columbia Blvd. LID includes the properties as shown on the map in Exhibit B.
  18. The LID Administrator's estimated cost of designing, constructing and financing the improvements is \$5,345,669 as shown in Exhibit C, not including the cost of utility relocation that may be required at utilities' expense and assumes that right-of-way adjacent to the NE 11th Avenue & Columbia Blvd. intersection will be donated to the City of Portland at no cost. The LID Administrator's estimate is based on the Engineer's Estimate of April 23, 2024, as shown in Exhibit D. The LID Administrator's level of confidence in the cost estimate for this project as of the filing date of this Ordinance is "Low" per Exhibit A of Resolution No. 36430 adopted by Council on July 26, 2006, given that project specifications are preliminary.
  19. The estimated amount of the future assessment for the NE 11th Avenue & Columbia Blvd. LID is \$4,726,846 as reflected in Exhibits A, C and E. Additional funding will be provided by the Portland Water Bureau in the amounts of \$185,636 in direct funding and \$270,185 of in-kind funding. The Portland Bureau of Transportation is funding project development costs of \$123,002. Additional funding will be provided by the Bureau of Environmental Services in the amount of \$40,000 as confirmed on September 27, 2024.
  20. The LID Administrator has analyzed the financial feasibility of the NE 11th Avenue & Columbia Blvd. LID and finds that the collective bonding capacity of benefiting properties will be sufficient to minimize the City's financial risk, with the collective valuation of properties at 8.9 times the amount proposed to be assessed, and no single property to be assessed valued at less than 2.5 times the amount proposed to be assessed. The development potential of properties south of NE Columbia Blvd. to be assessed will be significantly enhanced by the street vacations referenced in Finding No. 10, Finding No. 12 and Finding No. 13 of this Ordinance.
  21. The remonstrance level is evaluated in Exhibit E. Council retains jurisdiction over the formation of the NE 11th Avenue & Columbia

- Blvd. LID because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.
22. The parcels of land within the NE 11th Avenue & Columbia Blvd. LID will receive special benefit from the project in the amounts set forth in Exhibits A and E.
  23. The Council has considered the remonstrances made by the owner of properties to be benefited by the NE 11th Avenue & Columbia Blvd. LID project, and adopts the summary of remonstrances and findings as set forth in Exhibit F.
  24. Passage of this Ordinance will constitute an assurance of performance as allowed by Section 17.24.055 B.5 of City Code.
  25. Assessments for LIDs are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
  26. Pursuant to City Code, assessments for the NE 11th Avenue & Columbia Blvd. LID will be imposed by a separate and subsequent ordinance.

NOW, THEREFORE, the Council directs:

- A. The NE 11th Avenue & Columbia Blvd. LID is hereby created as shown in Exhibit C and the NE 11th Avenue & Columbia Blvd. LID includes the properties to be benefited in the amounts identified in Exhibits A and E.
- B. Assurance of performance for nonexempt properties identified in Exhibit A is provided upon Council passage of this Ordinance per Section 17.24.055 of City Code.
- C. The properties' owners' estimated share of costs is as shown in Exhibit A and E. Costs for any necessary utility relocation shall be allocated per Subsection 17.16.100 of City Code as well as per the Final Procedures for Allocation of Utility Relocation Costs adopted on June 5, 2002.
- D. Section 17.08.110.B.4 of City Code is waived; the Portland Bureau of Transportation is funding project development costs in lieu of overhead costs.
- E. The City Engineer shall prepare plans and specifications for the improvement.
- F. Properties shall be assessed on a zoned square footage basis.
- G. Procurement Services shall advertise for bids, prepare a contract, and award the contract through a competitive bid process. The improvements may be constructed in whole or in part by the City of Portland, or the City of Portland may seek bids for any portion of the NE 11th Avenue & Columbia Blvd. LID project. The manner in which the improvements are constructed will be at the sole discretion of the City Engineer.

- H. The Debt Management Division shall obtain interim financing to pay for NE 11th Avenue & Columbia Blvd. LID project costs prior to bonding.
- I. PBOT is authorized to make expenditures for this project per Finding No. 18 and per Exhibit C, and the Debt Management Division is authorized to reimburse such expenditures from the LID Fund.
- J. The LID Administrator is authorized to negotiate Extra Work Agreements with any owner of property or properties for work not included in Findings 14 through 16, or other work, without a hearing notwithstanding Section 17.08.080 of City Code provided that:
  - 1. The City Engineer has determined the additional work to be technically feasible; and
  - 2. An Extra Work Agreement for property or properties abutting the additional improvement(s) have been approved as to form by the City Attorney.
- K. The Portland Bureau of Transportation to prepare a proposal for a street vacation of NE 10th Avenue from NE Columbia Blvd. to the Union Pacific Railroad tracks south of NE Russet Street for Planning Commission and City Council approval.
- L. The Portland Bureau of Transportation to prepare a proposal for a street vacation of NE Baldwin Street from NE 10th Avenue to NE 11th Avenue for Planning Commission and City Council approval.
- M. The Portland Bureau of Transportation to prepare a proposal for a street vacation of NE Russet Street from NE 10th Avenue to NE 11th Avenue for Planning Commission and City Council approval.
- N. The Portland Bureau of Transportation to prepare a proposal for a street vacation of NE 11th Avenue from NE Columbia Blvd. to NE Argyle Drive upon the written request of the Oregon Humane Society to the Director of the Portland Bureau of Transportation for Planning Commission and City Council approval.
- O. The Portland Bureau of Transportation and the Portland Water Bureau to execute a Memorandum of Understanding for the abandonment of water mains from NE 10th Avenue, NE Baldwin Street and NE Russet Street and relocating water services to NE Columbia Blvd. and to NE 11th Avenue with appropriate pavement restoration.
- P. The requirement for a hearing per Code Section 17.08.080 is waived to the extent of any increase in interest costs incurred prior to bonding.
- Q. The requirement for a hearing per Code Section 17.08.080 is waived in the event that a major cost increase occurs as the result of

contaminated media removal expense.

- R. The requirement for a hearing per Code Section 17.08.080 is waived in the event in the event that the project incurs expense for payment of acquisition of property rights in lieu of a donation to the City without compensation.
- S. In the event of any conflict between Binding City Policy ENB-6.02 and Code Chapter 17.08, Code Chapter 17.08 shall prevail.
- T. In the event of any conflict between Binding City Policy ENB-6.02 and this Ordinance, this Ordinance shall prevail.
- U. If any finding or directive within this Ordinance conflicts with Resolution No. 37678, the finding or directive within this Ordinance shall prevail.

Section 2. The Council declares that an emergency exists because a delay in beginning design and construction of this project risks personal injury to Oregon Humane Society (OHS) employees, volunteers and visitors as exemplified by the Council testimony by OHS employee Natasha Flatt in favor of Resolution No. 37678 on September 25, 2024; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

## Exhibits and Attachments

 [Exhibit A](#) 611.14 KB

 [Exhibit B](#) 1.14 MB

 [Exhibit C](#) 48.24 KB

 [Exhibit D](#) 696.75 KB

 [Exhibit E](#) 634.54 KB

 [Exhibit F](#) 659.69 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  
November 20, 2024

Auditor of the City of Portland  
Simone Rede



## Impact Statement

### Purpose of Proposed Legislation and Background Information

- This legislation forms the NE 11th Avenue & Columbia Blvd. LID as a prerequisite to beginning survey and design.
- Council approved initiation of LID formation proceedings on September 25th with the passage of Resolution #37678; per discussion by Commissioner Mapps, the LID Administrator included a directive in this Ordinance authorizing PBOT staff to begin additional street vacation work on NE 11th Avenue north of NE Columbia Blvd. upon the written request of the Oregon Humane Society after LID formation.
- In response to the Council testimony of crash victim Natasha Flatt on September 25th, the Ordinance authorizes a sole source procurement for Kittelson & Associates to continue their design from the project development concept level to final plans.
- Final Council approval of the LID is requested on November 20, 2024 as an emergency ordinance.
- This project will realign the NE 11th & Columbia intersection and install a new traffic signal, and will relocate an existing Oregon Humane Society driveway to make safety improvements on NE Columbia Blvd., which is a high crash corridor.
- The project will also relocate public utilities from NE 10th Avenue, NE Baldwin Street and NE Russet Street to enable a future street vacation and elimination of frontage improvement requirements.
- Formation of this LID will fulfill an obligation of Oregon Humane Society to relocate their driveway, which was a deferred requirement when their veterinary hospital was built.
- Formation of this LID will also enable Raimore Construction to build a new headquarters over existing rights-of-way; their current facilities are inadequate for their rapidly expanding volume of construction contracts and this LID is a key means of ensuring equitable contracting not just for the City, but also other local jurisdictions to which Raimore submits bids.

### Financial and Budgetary Impacts

- Total project cost is \$5,305,669 at the Ordinance phase, increased from \$5,182,667 at the Resolution phase, reflecting the inclusion of \$123,002 in project development engineering costs paid by PBOT

HVUT2 funding.

- The LID amount is \$4,726,846.30 with Oregon Humane Society and Raimore paying per square footage assessment rates ranging from \$10.48 to \$19.65. Other properties in the LID pay per square footage assessment rates ranging from \$0.01 to \$5.61.
- PWB is contributing \$455,821 in ratepayer funds, which will avoid the need to replace existing 2-inch galvanized water mains.
- There is no funding requested as a result of this legislation. Once the LID is formed, funding will be incorporated into the FY 2023-24 Capital Improvement Plan Requested Budget.

## Economic and Real Estate Development Impacts

Raimore Construction is a rapidly-growing minority-owned construction firm which is in need of constructing a new campus, which cannot be built at this location without the formation of this LID, which will support the growth of BIPOC jobs at Raimore.

While Oregon Humane Society has completed the construction of their veterinary hospital, this LID will fulfill a deferred requirement to relocate their existing west driveway, with this LID eliminating an economic waste of resources for this driveway to be relocated twice.

This LID also supports the potential expansion of Tec Equipment to the south side of their Portland campus and will enable unnecessary rights-of-way to become valuable industrial land for potential redevelopment by Tec Equipment.

Two property owner meetings were held in January and March of this year to shape and develop the LID proposal. Additional refinements were made since the initial Council hearing in September, concluding a successful eight-month property owner engagement process.

Feedback was received from Oregon Humane Society at the September 25th Council hearing that the street vacation should be expanded from south of NE Columbia Blvd. to also include NE 11th Avenue north of NE Columbia Blvd., which this Ordinance now directs PBOT staff to begin work upon written request from the Oregon Humane Society to do so.

The area south of NE Columbia Blvd. is zoned industrial, but current rights-of-way reflect historic platting of a residential subdivision. Industrial development is severely hampered absent the LID and the planned street vacations.

Given the severe shortage of shovel ready industrial land in Portland, this LID will allow a BIPOC construction firm to cost-effectively expand in Portland on land they already own instead of having to look to other areas outside the Urban Growth Boundary.



The NE 11th & Columbia LID is entirely in an industrially-zoned area with no residential development potential, so there is no effect on housing production.

Community Impacts and Community Involvement

- This LID will build a traffic signal included in the Columbia – Lombard Mobility Corridor Plan adopted by Council on July 21, 2021.
- The new traffic signal also supports TriMet’s new bus line #49, which adds new service to North and Northeast Portland to provide access to living wage jobs in the Columbia Corridor. A high proportion of employees and visitors to Oregon Humane Society walk or use transit, and the NE 11th & Columbia intersection is expected to generate the most ridership of any location on the new bus line #49 between the future termini at St. Johns and Parkrose.
- New sidewalk will be built along the Raimore Construction frontage, which will still leave sidewalk gaps that will be filled as nearby properties not participating in this LID redevelop in the future.

100% Renewable Goal

N/A

Document History

Agenda	Council action
<a href="#">November 20, 2024</a> Regular Agenda City Council	Passed  <b>Aye (5):</b> Mingus Mapps, Carmen Rubio, Dan Ryan, Rene Gonzalez, Ted Wheeler