



Sam
Adams
Mayor

Susan D.
Keil
Director

183483

DATE: January 4, 2010

TO: Commissioner Randy Leonard

FROM: Andy Peterson, BDS
Christine Leon, PBOT
Lana Danaher, BES
Cindy Dietz, PWB
Jim Schwager, PFB
David McAllister, City Forester

RE: **Public Works Permitting Appeals Ordinance – Staff Supplemental Report**

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- 1. Ordinance Title:**
Provide for the Administration of Public Works Permits (Ordinance; add Code Chapter 17.06)
 - 2. Contact Name, Department, & Phone Number:**
Andy Peterson, BDS, 503.823.7883 (w)
Christine Leon, PBOT, 503.823.7441(w) or 503.823.8204 (c)
Cindy Dietz, PWB, 503.823.7421
 - 3. Requested Council Date:**
January 13, 2010, 2:00 TC

Consent Agenda Item: _____ **or** **Regular Agenda Item:** X

Explain why this does or does not require a presentation or Council discussion:

Part of Public Works Development Permitting Reform (aka Colocation) considerations. Includes proposed Code changes (new section 17.06) and changes to existing Administrative Rules regarding developer's ability to appeal specific public works requirements.

EMERGENCY ITEM (answer below): _____ **or** **NON-EMERGENCY ITEM:** X

If emergency, why does this need to take effect immediately:

4. History of Agenda Item/Background:

On April 16, 2009, Council directed the public works bureaus and the Bureau of Development Services to plan and implement a comprehensive set of improvements to Portland's development review and permitting services. Council directed an Interagency Team to work with the Development Review Advisory Committee (DRAC) to establish formal appeals processes for Bureaus of Transportation, Environmental Services, Water, and Parks consistent with the existing appeals processes provided by the Bureau of Development Services.

5. Purpose of Agenda Item:

Creates New Code and changes to current Administrative Rules regarding developer's appeal of certain public works permit requirements. Included are:

- New Code Section 17.06
- Changes to Administrative Rule TRN 1.09
- Repeals Administrative Rule TRN 9.01

6. Legal Issues:

None anticipated. The appeals of this ORD do not include land use appeals or SDC-related appeals.

7. What Individuals or Groups Are or Would Be Opposed to This Ordinance? Supportive?

None anticipated to be opposed. In support includes: DRAC, Citywide Land Use Group, Pedestrian Advisory Committee. The concept of a 2-step appeal Panel-Board was conceptually approved by Council in the Report dated September 23, 2009.

8. How Does This Relate to Current City Policies?

This appeals program is fashioned after BDS's appeals process and consistent with developer's current abilities to appeal certain public works requirements. This reform folds Transportation, Water and Environmental Services processes into one administered by the Public Works Section. It provides for participation at both the Panel and Board level for Forestry or Fire when such matters arise in a public works permit appeal.

9. Community Participation:

DRAC, Citywide Land Use, Portland Pedestrian Advisory Committee.

10. Other Government Participation:

Portland Bureaus of Transportation, Water, Environmental Services, Development Services, Parks (Forestry Division), and Fire & Rescue.

11. Financial Impact:

How much money is involved?

There are no financial impacts associated with the proposed appeals structure for public works permits. Developers submitting for an appeal will pay an appeals fee. Existing administrative functions are not expected to change. However, the public works and development bureaus will incur additional costs beginning in FY 2009-2010 to implement Council-directed improvements including permitting collocation, new business practices, appeals procedures, information system improvements, staff training and public outreach.

Where are these funds coming from?

For appeals review and administration: the appeal fee.