

RESOLUTION No. 36764

Adopt the Memorandum of Understanding between Bureau of Development Services and Bureau of Environmental Services for the transfer of plan review and inspection responsibilities related to City requirements for onsite stormwater management facilities on developing properties (Resolution)

WHEREAS, the Bureau of Development Services (BDS) leads the City bureaus in administration of land use review and development review processes for the City as per Chapter 3.30. They educate potential review and permit applicants, in-take initial permit and land use applications, coordinate comments from multiple City bureaus and the public, approve and issue permits and land use decisions, and inspect new improvements and modifications to sites and structures. BDS also leads construction related inspections and any code compliance enforcement efforts linked to violating development reviews and permits on private property; and

WHEREAS, the Bureau of Environmental Services (BES) provides sanitary and stormwater management services for the City of Portland as per Chapter 3.13. BES staff provides landuse and building permit reviews related to adequacy of sewer and drainage service, protection of open drainageway conveyances, and reduction of watershed health impacts. BES provides no construction related inspection of private stormwater management facilities, but is responsible for inspections related to ongoing private stormwater facility maintenance; and

WHEREAS, historically both bureaus have had roles providing onsite stormwater management reviews for private property development. BDS staff was charged with evaluating onsite infiltration capacity, geotechnical concerns with stormwater management features or disposal, and sizing for onsite stormwater disposal systems. BES staff reviews development proposals for compliance with onsite stormwater management facility design and planting standards, sizing for offsite stormwater disposal systems, and recording of operations and maintenance agreements; and

WHEREAS, a shift of BDS responsibilities to BES for many of the duties performed for stormwater facility plan review and inspection will be beneficial to developers and other permit applicants by consolidating virtually all of the onsite stormwater needs with a single bureau. This consolidation will provide enhanced staff and applicant interaction and move stormwater facility review and inspection closer to the City customer service goals; and

WHEREAS, this shift will not result in any increase in fees or review time periods, and should be seamless for review and permit applicants. The current project valuation based rate of the Onsite Stormwater Management Review fee shall stay the same for the time being. Once the duties have transferred, future review may determine the need to modify or enhance the fee or a need for other staff support for stormwater facility review and inspection; and

WHEREAS, both bureaus desire to enter into an agreement that will detail the duties each of the bureaus will provide for stormwater facility plan review and inspection, as outlined in the Memorandum of Understanding (MOU) in Exhibit A; and

WHEREAS consultation with the City Attorneys Office has determined that this shift in duties is adequately addressed in existing authorities in the City Charter and City Code, no new code authorities are being proposed;

NOW, THEREFORE, BE IT RESOLVED, that the City of Portland adopts the MOU for Transfer of Stormwater Permit Review and Inspection Responsibilities attached as Exhibit A; and

BE IT FURTHER RESOLVED, that BDS and BES staff are directed to begin identifying and implementing the business practices needed to facilitate this change; and

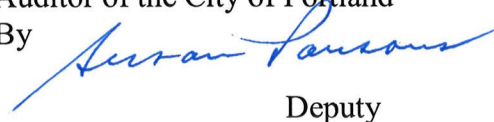
BE IT FURTHER RESOLVED, that BDS staff is directed to continue collection of the Onsite Stormwater Management Review fee and shall transfer these collected fees to BES per the MOU and under the Spring Budget Monitoring Process to reflect these changes; and

BE IT FURTHER RESOLVED, that this transfer shall be effective as of April 1, 2010.

Adopted by the Council, FEB 17 2010
Dan Saltzman
Commissioner of Public Affairs

Dawn Hottenroth
February 1, 2009

LaVonne Griffin-Valade
Auditor of the City of Portland
By



Deputy

Agenda No. **RESOLUTION NO. 36764**

Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor:</p>	<p>CLERK USE: DATE FILED <u>FEB 11 2010</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>DM</i></p> <p>Position 4/Safety - Leonard</p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>LaVonne Griffin-Valade</i></u> Deputy</p> <p>ACTION TAKEN:</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Bureau of Environmental Services Bureau Head: <i>DM</i> Dean Marriott</p>	
<p>Prepared by: Dawn Hottenroth Date Prepared: February 1, 2010</p>	
<p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <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>Council Meeting Date February 17, 2010</p>	
<p>City Attorney Approval</p>	

NR
EM

WOK
w/Toms

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>10 am</u></p> <p>Total amount of time needed: 15 min (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	