

**Memorandum of Understanding**  
**Between**  
**Bureau of Development Services**  
**And**  
**Portland Bureau of Environmental Services**  
**For the**  
**Transfer of Stormwater Permit Review and Inspection Responsibilities**

This Memorandum of Understanding (“MOU or agreement”) is entered into by and between the **Bureau of Development Services** (“BDS”) and the **Bureau of Environmental Services** (“BES”) and shall be effective on April 1, 2010.

**RECITALS**

1. The Bureau of Development Services (BDS) leads the City bureaus in administration of land use review and development review processes for the City. 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.
2. The Bureau of Environmental Services (BES) provides sanitary and stormwater management services for the City of Portland. 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.
3. 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.
4. 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.
5. 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.

6. Both parties desire to enter into an agreement that will detail the duties each of the bureaus will provide for stormwater facility plan review and inspection.
7. City Council will be asked to endorse this agreement during a presentation made on February 17, 2010.

Now therefore, the parties agree as follows:

## **AGREEMENT**

### **I. SCOPE OF WORK**

#### **A. BDS Staff Duties**

BDS shall continue to provide the following duties that support stormwater management facility plan review and inspection:

1. Information referral on stormwater management facility development related questions. The BDS main information hotline and web access portals shall continue to evaluate which questions need BES response and which cases would need BES stormwater review when an application is filed.
2. Intake of all requests for review and inspections (IVR requests) related to both land use and private property development permit cases. This shall include providing intake at the City's permit center, general data entry for private property development into the permitting database, routing of appropriate plan sheets and other document control services. This also includes intake of building code or plumbing code appeals or Title 33 Adjustment Review applications.
3. Collection of all private property permit and review related fees, bonds and other financial instruments from developers and other applicants.
4. Geotechnical and landslide hazard studies review and inspection issues related to slope stability and erosion control needs. Staff shall identify when infiltration is not recommended on the site due to landslide or erosion related concerns.
5. Floodplain encroachment requests and associated development modifications.
6. Decommissioning requests for cesspools and other onsite sewage disposal facilities.
7. Building and structural related review and inspection duties for ecoroofs, planter boxes, and structure related encroachments into drainageways.
8. All plumbing pipe and fixture materials reviews and inspections for systems located outside of stormwater management facilities. This shall include any above ground or underground piping between a building structure and a stormwater facility and any piping from the back end of a facility to an

approved disposal location. Stormwater facility under drain, outlet and overflow pipes within the facility shall not be included in BDS inspections.

9. Inspection of structural integrity, site stability and plumbing issues around stormwater or grey water detention tanks above and below ground.
10. Permit close out and issuance of final occupancy permits. BDS shall not issue final occupancy permits until such time as BES has completed stormwater management facility inspection and all correction notice items have been resolved.
11. Processing of plumbing code appeals.
12. Training for all new staff in use of TRACS and other permitting support systems.

#### **B. BES Staff Duties**

BES shall continue to provide staff sufficient to perform existing duties and perform the new duties within agreed upon turnaround times in support of stormwater management facility plan review and inspection detailed in this section:

1. Evaluation and review of documentation regarding infiltration ability on a parcel proposed for development. This review shall at a minimum address infiltration capacity, depth to groundwater and potential conflicts with designated wellhead protection areas. Reviews shall occur both in the land use and development permit stages. Duties shall include customer assistance in the Development Services Center (DSC), review of infiltration tests, well logs, geologic or other records that describe the ability of any parcel to accept and safely infiltrate stormwater flows that will be created by the proposed development.
2. Provide adequate staff at 1900 building to address customer service levels in the DSC, plan review, land use responses, and provide direct access between inspectors and plan reviewers.
3. Review of proposed stormwater management areas during land use reviews to assure legal route of access, adequate sizing, setback and placement of proposed types of public and private stormwater facilities (current task).
4. Review and inspection of all surface conveyance features (ditches, culverts or other piping not regulated by Plumbing Code) being proposed to route runoff either across properties or into surface stormwater management facilities. BES shall continue establishment, review and inspection of impacts to existing drainageways. New duties will include review and inspection of all outfalls or conveyance feature armoring or soil stabilization methods to prevent erosion related to runoff entering, routing through and exiting the stormwater facility.
5. Review of all stormwater disposal systems and areas to assure legal route of access, adequacy of size, proper setback and ability to function appropriately.

- This shall include review and inspection of surface and subsurface infiltration systems and infiltrative capacity through and under porous pavement systems.
6. Review, inspection and enforcement for adherence to stormwater management hierarchy, water quality, and flow control and disposal standards in the *City's Stormwater Management Manual (SWMM)* and *Sewer and Drainage Design Manual*. BES shall also review for adherence to the pollution prevention, planting and maintenance plan standards as required by the SWMM (review is current task, construction inspection is new). This shall include review of detention system sizing for compliance with *SWMM* standards and their offsite discharge connections.
  7. Identification of necessary retrofits to existing site development to limit impact to *SWMM* proposed facilities of offsite discharge locations, including adjacent properties.
  8. Establishment and review of private easements for conveyance of sewage and stormwater across multiple properties to achieve connection to approval disposal points. This review shall include identifying when plumbing code appeals (for reduced easement widths, etc) may be required.
  9. Review and inspection of underground stormwater disposal facilities to assure appropriate sizing and installation. These duties shall also include review of decommissioning requests for underground stormwater disposal facilities.
  10. Review and comment on zoning and plumbing code appeal applications for stormwater facility setbacks and easements.
  11. Hiring of additional reviewers and inspectors needed to implement this shift in duties. BES shall be responsible for evaluating the appropriate class specification for the work, hiring, and management of new staff. BES shall be solely responsible for provision of desk, cars and other resources needed for this new staff.
  12. Identifying and implementing new business practices that are required to make this shift in duties responsible and integrated into BDS current customer service processes and turn around timelines for review and inspection functions. Duties shall include establishing minimum submittal standards for intake, staff training, changes to electronic permitting systems, outreach to other BDS groups, and public notification and messaging about the shift in duties.

**II. FUNDING:** The new review and inspection efforts described under the BES staff duties section above, shall be at least partially compensated through collection of the existing BDS created Onsite Stormwater Management Review fees.

- A. Fee Collection.** BDS shall continue to assess and collect fees for stormwater management plan review and inspection. These fees shall be placed into an account for transfer to BES.

**B. Funds Transfer.** Collected funds shall be transferred daily from BDS to BES accounts.

**C. Summary Reports.** BDS shall provide quarterly summary reports to BES on the number and revenue collected for stormwater permit reviews and inspections. An annual end of year report shall be provided within the first quarter of the following fiscal year.

### III. COORDINATION.

**A. Bureau Contacts.** The following staff shall be the responsible contacts for each bureau with regards to implementing this agreement:

Ross Caron or designee  
BDS Inspection Manager  
1900 SW 4<sup>th</sup> Avenue, Room 5000  
Portland, OR 97201

Lana Danaher or designee  
BES Development Review Manager  
1900 SW 4<sup>th</sup> Avenue, Room 5000  
Portland, OR 97201

**B. Routine Reviews.** The bureau contacts will confer quarterly to review implementation issues resulting from the shift of duties, if any. If either bureau desires to replace a bureau contact they shall notify the other bureau in writing.

### IV. TERMINATION

Both bureaus shall make their best efforts to provide at least two years written notice prior to terminating this MOU.

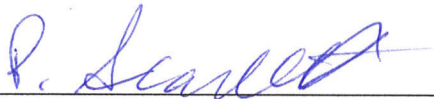
### V. AMENDMENTS

Except as otherwise provided for in this agreement, either bureau may amend this agreement only in writing signed by the designated bureau contacts.

**A. Changes to the Scope of Work.** Changes may be made upon written agreement by the bureau contacts. Changes will not take effect or be binding on either bureau until agreed to in writing.

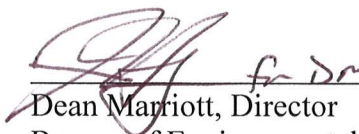
IN WITNESS WHEREOF, the City of Portland, through the Bureau of Development Services and the Bureau of Environmental Services has executed this Agreement as of the Effective Date.

Bureau of Development Services



Paul L. Scarlett, Director  
Bureau of Development Services

Bureau of Environmental Services



Dean Marriott, Director  
Bureau of Environmental Services