

Written Testimony - Agenda Item 442/422

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
1 422	Anonymous	Oppose	This is going to be a clusterfuck and make things worse. The Bureau of Development Services has cases open that it hasn't acted on in years and you guys are going to put all permitting at BDS? Are you kidding me?	No	05/17/24 1:09 PM
2 422	Lana Danaher, retired City (BES) employee	Oppose		Yes	05/19/24 9:21 PM
3 422	Dan Vizzini	Oppose	<p>I respectfully submit the attached testimony in opposition to CC#422 on behalf of myself and my fellow colleagues, all former employees of the Bureau of Environmental Services with decades of direct experience public utility administration, development review and permitting, and engagement in policy development at the City of Portland.</p> <p>In short, we oppose the creation of the PPD and the transfer of development review and permitting personnel from the public works bureaus as a costly and counter-productive exercise that will fail to achieve desired system improvements weaken the City's essential public service responsibilities of protecting and preserving public health, safety and livability.</p> <p>We applaud the finding and directive that recognize the need for the directors and chief engineers of the public works bureaus to "retain their applicable signatory approval authority for deviations from or waivers of City standards and designs." However, the directives that sever the direct relationship between these decision-makers and their staffs is ill-advised, unnecessary and will accelerate the loss of experienced and dedicated employees at this critical time.</p> <p>We recommend that Council sustain and strengthen existing inter-agency cooperation and collaboration by investing in the comprehensive set of system, process and human resource improvements that are already well underway, especially a process of continuous improvement to align and streamline development-related public policies and regulations.</p>	Yes	05/20/24 7:12 AM
4 422	Sue Williams	Oppose	I submit my opposition to Council Calendar No. 422 and ask for your further consideration of revisions and actions outlined in the attachment to written testimony for this item submitted by my former colleague, Dan Vizzini. My career with the City of Portland Bureau of Environmental Services (BES) Engineering Department spanned almost three decades, the last 2.5 years as the manager of the BES Systems Development Division, where land use and development review and permitting staff were assigned. I've spent countless hours working on policy and process improvements to meet the demands of development while preserving public health, safety and livability as it relates to the BES mission. I believe there will always be conflicts which should be resolved through collaboration, communication and respectful working relationships. While I agree there is still work to be done, I have never agreed that it should be accomplished by reorganizing staff into one development bureau with a mission of serving the development community. The reasons are adequately outlined in the above referenced written testimony. Please consider a more thorough review of the consequences of the proposed Ordinance before passage. Thank you	No	05/20/24 10:28 AM

TO: Mayor Wheeler and City Commissioners:

FROM: Lana Danaher

DATE: May 20, 2024

SUBJECT: Opposition to Council Calendar No. 422 - Amend Code to create Portland Permitting & Development and amend Administration of Public Works Permitting Code to transfer certain public infrastructure permitting duties (replace Code Chapter 3.30 and amend Code Chapter 17.06) (Ordinance)

I do not support this ordinance transferring Public Works infrastructure duties to the new Permitting Bureau. If this ordinance were addressing the need for a more responsive and efficient process, or a better funding mechanism, or enhancing staff training, or improving technologies associated with permitting It would have my support. However, moving PW review staff away from the Public Works Bureaus responsible for the streets, sewers, waterlines and other public assets they will be reviewing for does not improve the process or promote efficiency.

This ordinance as written reflects the tension that is felt by the staff, the community and the development community. In the findings the ordinance calls for an atmosphere that puts the "permit applicant at the centre" and yet elsewhere the ordinance acknowledges that the Chief engineers and infrastructure bureaus retain authority over the decisions about the infrastructure as is obviously necessary. By loosening the ties between the PW review staff and those accountable for the infrastructure you further complicate the balancing of that tension. Often staff need to work with the PW bureaus to find creative solutions when technical and design challenges are causing delays. I can provide examples if needed. Bureau of Development Service was created to be responsible for the development review process. A s is needed and customary that process has been reevaluated and improved over the past 24 years. I support your intent to do that again. I was involved with several of those improvement efforts in my years as Systems Development Division Manager for BES and recognize that it's time for another refresh. The resources that will be spent on moving people could be better spent on finding technology improvements, staff development, and identifying a more responsive funding mechanism for plan review.

Is this ordinance intended to streamline process or make it easier for some developers to get waivers from Public Works requirements? There is and always will be a tension between the requirements placed on development which are many and difficult and the Developers' need to keep costs down and the timeline short. Rather than separate the process from the PW bureaus, lets focus on finding ways to make their ability to collaborate and work together stronger and work on enhancing the way they work together.

Improvements and changes need to be done in an ongoing way and while improvements to development review should not languish, given the urgency of our housing crises and other needs, nor should it be done in such haste that we create more problems than are solved. This ordinance is being adopted before questions about how to implement it have been answered. I urge you to postpone this ordinance until a plan that more directly addresses efficiency and effectiveness can be developed.

TO: Mayor Wheeler and City Commissioners

FROM: Lana Danaher, Sue Williams, Bill Ryan and Dan Vizzini

DATE: May 20, 2024

SUBJECT: Opposition to Council Calendar No. 422 - Amend Code to create Portland Permitting & Development and amend Administration of Public Works Permitting Code to transfer certain public infrastructure permitting duties (replace Code Chapter 3.30 and amend Code Chapter 17.06) (Ordinance)

We respectfully submit this testimony in opposition to the proposed ordinance (CC# 422). Our opposition is informed by decades of accumulated experience in public utility administration, development review and permitting, and engagement in policy development at the City of Portland, and is based on the following objections:

### Objections

1. We object to the rush to adoption of the proposed ordinance. It is not at all clear that the preparatory tasks set forth in Resolution 37628 have been fully accomplished and incorporated into the drafting of the proposed ordinance. The proposed ordinance appears to have been rushed to a public hearing without prior review and comment by advisory bodies including the Budget Advisory Committees of the impacted bureaus, and the Public Utility Board. And it doesn't appear that the Council conducted a formal work session on the proposed ordinance. The Council should not rush to implement far reaching, complex and costly changes without a thorough process of public review and deliberations.
2. If you insist on rushing ahead with the proposed ordinance, then we urge you to reject it for the following reasons:
  - a. The ordinance commits scarce public resources to the unnecessary creation of a new organization to replace the existing Bureau of Development Services. These resources could be more effectively invested in staff development, process improvements, and information technologies.
  - b. The ordinance appropriately recognizes the need for the directors and chief engineers of the public works bureaus to "retain their applicable signatory approval authority for deviations from or waivers of City standards and designs." However, the ordinance transfers the development review and permitting staffs from the public works bureaus to the new permitting authority. The transfer of these staff members severs the direct professional and managerial relationship between public works decision-makers and their trained and experienced professional personnel. As a result, an additional process of review and exceptions will need to be created for decisions that are currently and frequently made by first line review staff who have direct access to the expertise of the senior level engineers in the public works bureaus.
  - c. The transfer of public works personnel will have the devastating effect of accelerating the loss of experienced and productive members of the development review and permitting system. The loss of these professionals will increase the workforce crisis that currently plagues the city and threatens attainment of the very service

improvements contemplated by the ordinance. Hiring, training new staff and keeping them current on the status of public works standards and processes will create added challenges, and require additional cross bureau coordination.

### Recommendations

We strongly recommend that you set aside the proposed ordinance and draft a new one that preserves and protects the primacy of the public service mission of development review and permitting **“to protect and improve the livability of the City, and to ensure the safety of buildings, homes, and public facilities.”** Recognize the immutable fact the public good does not equal the sum of private goods, and the public interest represents much more than the sum of private and special interests. The reforms you pursue must be rooted in long-standing community values that serve current and future generations of Portlanders.

If you must act now, then amend the ordinance as follows:

1. Eliminate all directives related to the creation of a new permitting authority, including the proposed code amendments.
2. Retain the following finding and directive that preserve the primary development review and permitting responsibilities of the public works bureaus:
  - a. FINDING (should be a directive however): The Bureaus of Environmental Services, Parks, Transportation, and the Portland Water Bureau will each remain individually responsible for the coordinated development of programs, policies and standards with respect to their bureaus’ mission and duties; ensure ongoing compliance with applicable statutes, codes and rules; and conduct the planning, design and development of capital projects, while also retaining oversight for the long-term ownership and maintenance of the City’s critical public infrastructure systems and assets.
  - b. DIRECTIVE: The Directors and Chief Engineers of the Bureaus of Environmental Services, Transportation, and the Portland Water Bureau and the City Forester will retain their applicable signatory approval authority for deviations from or waivers of City standards and designs. The Directors, Chief Engineers, and City Forester may delegate approval authority for specific deviations or waivers to Portland Permitting & Development as allowed by the Charter and state and federal law.
3. Aggressively pursue the comprehensive set of system, process and human resource improvements that are already well underway.
4. Establish an inter-agency process of continuous improvement to align and streamline development-related public policies and regulations.

We applaud efforts by the Council and city administration to improve the efficiency and effectiveness of the development review and permitting. Much good has been done and much more can be done through your sustained support and oversight, and recognition that inter-agency cooperation and collaboration are essential to long-term success.

Thank you for your consideration.

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
422	Sun Noble	Oppose	I oppose the creation of the Portland Development and Permitting Bureau and the transfer of the permitting staff from the public works bureaus. I am a former BES employee in the PW permitting group for almost 30 years. I saw a lot of changes in the permitting processes in my time at the City. One of the changes that had a negative impact was moving the permitting bureau to a separate location from the other bureaus. Isolating the permitting functions from the PW bureaus is not the answer. There is a concern of the impact on the public infrastructure when it is permitted outside of the public works bureaus and it is also very difficult for staff to review the PW plans. It's more than just meeting the design standards but requires more complex engineering. The properties available for development are on difficult sites and requires engineering outside of the standards. For staff to be efficient in reviewing the plans, they need to be involved in the PW bureaus and work with them in reviewing the more complex engineering. This cannot be done in isolation. The City need to ensure that the public infrastructure is constructed to not cause issues in the future. I believe one way to help the staff to review the plans in a timely manner can be achieved by the PW bureaus having better master plans of the infrastructure in the undeveloped areas. Please do not isolate the PW staff from their bureaus by transferring them to the new PDD. Thank you.	No	05/21/24 8:22 AM
442	Sightline Institute, The Street Trust	Support with changes	(attached PDF)	Yes	05/24/24 2:35 PM
442	Dan Vizzini	Oppose	<p>Ideally, City Council should reject the proposed ordinance as a wasteful and counterproductive distraction from the real work currently underway to reform and improve Portland's development review and permitting system.</p> <p>If the majority of the City Council remains hell-bent on this reckless course, then I respectfully request the an amendment to the ordinance to include a sunset clause requiring reauthorization of the staff reorganization no later than June 30, 2030. In addition, the amendment should include provisions for two performance audits of public works permitting functions; one covering the 5-year ending on June 30, 2024, and a second audit covering the 5-year period ending on June 30, 2029.</p> <p>Thank you for considering these proposed amendments.</p>	No	05/28/24 7:55 PM



March 30, 2023

City of Portland Mayor Ted Wheeler  
Commissioner Rene Gonzalez  
Commissioner Mingus Mapps  
Commissioner Carmen Rubio  
Commissioner Dan Ryan

Cc: Donnie Oliviera, Interim Deputy City Administrator for Community and Economic Development

Re: AGENDA ITEM 442 Amend Code to create Portland Permitting & Development and amend Administration of Public Works Permitting Code to transfer certain public infrastructure permitting duties (replace Code Chapter 3.30 and amend Code Chapter 17.06) (Ordinance)

Dear Mayor and Commissioners,

As advocacy groups promoting enhanced investments in affordable housing, transportation, and community livability, we are grateful for your commitment to creating a singular development authority intended to streamline the City's permitting process for more efficient project delivery.

However, we want to flag a shared concern in this code change under consideration. As written, the proposed change does not specifically outline an appeals process. It mainly focuses on the establishment and operational aspects of the Portland Permitting & Development entity, as well as the roles and responsibilities transferred from other bureaus. It's our understanding that an appeals board is going to be established to address permitting concerns of applicants, but not the concerns of the public, or even engineers and designers in city bureaus.

It is important that the interests of both permit applicants and the public are fairly represented throughout the permitting process without undermining the intention of streamlining the development permitting process. If we are going to preclude appeals by advocates and/or city bureaus to this end, then it is essential that we elaborate through this code change that said appeals board (or whatever appeals entity or

process is established) must strictly adhere to existing City guidelines, standards, and codes, and that those established standards are strong, clear, accessible, and not open to broad interpretation, discussion, or variation.

No code or standard can anticipate every possible detail. But a successful and popular transition to this new system will require codes and standards that are easy for a builder to understand and follow while also firmly representing the public's interest in the safe and pleasant use of adjacent public space. Therefore, those codes and standards should also be composed with broad community feedback. If the appeal process is no longer available as a backstop for the public interest, the policymaking process must preemptively reflect that interest instead.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Andersen".

Michael Andersen  
Cities + Towns Director, Sightline Institute

A handwritten signature in black ink, appearing to read "Sarah Iannarone".

Sarah Iannarone  
Executive Director, The Street Trust

Portland City Council Meeting  
Wednesday, May 22, 2024 - 2:00 p.m.  
Verbal Testimony

	Agenda Item	Name
1	422	Rachel Whiteside
2	422	Jon Isaacs
3	422	Robin Castro
4	422	Wayne Close