

ORDINANCE No. 183483

Provide for the Administration of Public Works Permits (Ordinance; add Code Chapter 17.06)

The City of Portland Ordains:

Section 1. The Council Finds:

1. On April 16, 2009, Council accepted Report No. S-438 and adopted directives for 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.
2. 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.
3. On July 9, 2009, Council accepted Report No. 986 and adopted recommended improvements to public works permitting processes that included a new Public Works Bureaus Appeals Process, developed with input from and supported by the DRAC.
4. On September 23, 2009, Council accepted Report No. 1349 and adopted recommended improvements to public works permitting processes that included a two-step process for project appeals: Level 1 Public Works Administrative Appeal Panel and Level 2 Public Works Appeals Board.
5. Report No. 1349 recommended the Level 1 Public Works Administrative Appeal Panel (PWAAP) include the three Development Division Managers in the Bureaus of Transportation, Environmental Services, and Water and one representative from the DRAC and one from the Citywide Land Use Group.
6. The Citywide Land Use Group is an informal organization of all Portland Neighborhood Association Land Use Committee Chairs, members, and staff as well as members of other relevant Neighborhood Association committees, development and building professionals, neighborhood small business advocates, and organizations impacted by development.
7. The informality of the Citywide Land Use Group prevents direct representation on the City PWAAP, therefore; an affiliate of this group shall fulfill the intent of this position on the PWAAP.
8. Consistent with the report's recommendation, the Council desires that the PWAAP include one representative from the City at large who has a strong interest in neighborhood land use and development activities. The Mayor may solicit nominations from the Chairs of the City's Neighborhood Association Land Use Committees or, if an association has no land use chair, the Neighborhood Chair. The Mayor shall appoint a qualified member and alternate for each member.

9. The report recommended the Level 2 Public Works Appeals Board (PWAB) include the City/Chief Engineer from Bureau of Transportation and Chief Engineers from Bureaus of Environmental Services and Water comprise the Board and conduct these appeals as hearings.
10. Representation from the Bureaus of Fire, Parks and Recreation Forestry Division or Development Services may be called upon by the Public Works Permit Engineering Manager at any time to provide staff support related to appeals to be acted upon by the PWAAP or PWBA.
11. Interagency Agreements between the Bureaus of Transportation, Environmental Services, and Water will guide the management of Public Works Permitting.
12. The Director of the Bureau of Transportation or his or her designee as the Public Works Permit Engineering Manager, under the direction of the three Development Division Managers for the Bureaus of Transportation, Environmental Services and Water, and in consultation with the City Engineer and Chief Engineers of the Bureaus of Environmental Services and Water, is authorized to establish rules and procedures as deemed necessary to achieve the Public Works Appeal Program.
13. Exhibit B of this Ordinance contains administrative rule TRN 1.09 Design Standards for Public Streets which governs the design of public streets with booklet Creating Public Streets and Pedestrian Connections through the Land Use and Building Permit Process (Feb 2004).
14. Exhibit C of this Ordinance contains administrative rule TRN 9.01 Administrative Appeals Process to govern the Portland Bureau of Transportation development related administrative appeals process.


NOW, THEREFORE, the Council directs:

- a. Portland City Code Chapter 17.06 is added as set forth in Exhibit A.
- b. The Director of the Bureau of Transportation or his or her designee is authorized to modify existing administrative rules, and implement additional administrative rules as deemed necessary to achieve the Public Works Appeal Program as set forth substantially in conformance with Exhibit B of this Ordinance.
- c. The Director of the Bureau of Transportation or their designee is authorized to repeal administrative rule TRN 9.01 Administrative Appeals Process as set forth in Exhibit C.
- d. This Ordinance is binding City policy.

Passed by the Council: **JAN 20 2010**

Randy Leonard
Commissioner of Public Safety
Prepared by: Christine Leon/lt
Date Prepared: January 13, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By 
Deputy

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INTRODUCED BY Commissioner/Auditor: Commissioner Randy Leonard	CLERK USE: DATE FILED <u>JAN 08 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard <i>Randy Leonard</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>LaVonne Griffin-Valade</i></u> Deputy
BUREAU APPROVAL Bureau: Bureau of Development Services <i>P. Scarlett</i> Paul L. Scarlett, Director	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	ACTION TAKEN: JAN 13 2010 PASSED TO SECOND READING JAN 20 2010 9:30 A.M.
Portland Policy Document If "Yes" requires City Policy paragraph, state in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<div style="background-color: yellow; padding: 5px; display: inline-block;">PPD</div>
Council Meeting Date January 13, 2010	
City Attorney Approval <i>[Signature]</i>	

AGENDA
TIME CERTAIN X Start time: 2:00
Total amount of time needed: 30 minutes (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR X Total amount of time needed: 30 minutes (for presentation, testimony and discussion)

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	_____	